AN

IMPARTIAL REPORT

OF THE

DEBATES

IN THE

TWO HOUSES OF PARLIAMENT,

DURING THE

SIXTH SESSION OF THE FIFTH PARLIAMENT

OF THE

UNITED KINGDOM OF GREAT BRITAIN AND IRELAND,

APPOINTED TO MEET AT WESTMINSTER,

ON TUESDAY THE 27TH DAY OF JANUARY, 1818,

IN THE

58TH YEAR OF THE REIGN OF HIS MAJESTY KING GEORGE THE THIRD,

INCLUDING

AUTHENTIC COPIES OF ROYAL SPEECHES AND MESSAGES,
ADDRESSES, PETITIONS, REPORTS,

THE

ANNUAL FINANCE ACCOUNTS, AND OTHER IMPORTANT PARLIAMENTARY PAPERS,

TOGETHER WITH

A LIST OF ALL PUBLIC ACTS PASSED DURING THE SESSION,
AN ANALYTICAL TABLE OF CONTENTS, AND COMPLETE ALPHABETICAL
INDEXES.

BY ROBERT HARDING EVANS.

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PREFACE.

In publishing a second volume of Parliamentary Reports, the Editor begs leave to express his gratitude for the very favourable reception which his former undertaking experienced from the Members of both Houses, and from the Public in general. The rapid sale of that volume, and the approbation which several distinguished persons were pleased to express of the plan and arrangement of the work, encouraged the Editor not only to persevere in his labours, but also to endeavour to render them more worthy of patronage and protection. In soliciting attention to the present volume, he ventures to hope that considerable improvements will be found in it. He feels great pleasure in offering his acknowledgments to several Members for the facility of communication which they allowed him during the last Session, and for the trouble which they took in revising the notes of their speeches on some important occasions. Such great advantages cannot fail to render his work more valuable, as they must certainly make it more complete and authentic. At the same time he begs to observe, that he has never availed himself of any assistance, without exercising the utmost impartiality on his part; and, accordingly, no attempt will be found to perfect a speech by extending the line of argument. The success of a work like this must depend on the fidelity with which it is executed. Its authority, and, of course, its utility, must cease, as soon as any subject is placed in a different view from that in which it appeared at the time of discussion.

The Editor regrets that his labours have not been presented to the Public at an earlier period; but, when the extent of the work, the importance of its contents, and his desire to render it as accurate and as full as his exertions would allow, are taken into consideration, he ventures to hope that the delay will be found to have been more advantageous than a more speedy publication of the volume, which he might have accomplished, had he been less careful of the interest of the reader. Far from being satisfied with having attended one or other of the Houses during the whole sitting of Parliament, he has since employed himself in perusing every Bill, Report, Petition, and Paper of any importance, that came before them; and the interval has afforded him the additional advantage of completing the history of the Session, by the introduction of several matters consequent upon its proceedings. He has now given the names of the persons appointed under the several Commissions for inquiring into the state of Charities in England for the Education of the Poor—for ascertaining the Parishes and Places

in which additional Churches are most required—for considering the best means of preventing Forgery on the Bank of England; and, in the shape of Notes, he has added many facts and observations, explanatory of the Debates, and connecting them with previous and subsequent transactions. The Appendix contains a variety of important documents, and a complete abstract of the proceedings under the Habeas Corpus Suspension Act. In attending to these and similar points, he has been anxious that his work should be not merely acceptable at the present day; it has been also his aim to render it useful, and even necessary, for reference in time to come. Great pains have been taken to save the reader the trouble of resorting to other authorities; and, as the Indexes are very copious, the work may be consulted with ease on every occasion.

The next volume will contain the names of all the Members returned to the new Parliament, with the alterations occasioned by death and otherwise; and also a complete List of all the Parliaments that have been holden (as far as can be ascertained), from the origin of the House of Commons to the present day. The latter account will be carefully compiled from the Original Writs, the Rolls and Journals of Parliament, and such other Records as are in existence; considerable progress has already been made in framing it. In short, while the patronage of the Public is continued to this work, no endeavour shall be wanting on the part of the Editor to make it more perfect every year.

LONDON,
December 31, 1818.

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LIST OF HIS MAJESTY'S CABINET MINISTERS IN 1818.

Office	Holder
Lord President of the Council	Earl of Harrowby.
Lord High Chancellor	Lord Eldon.
Lord Privy Seal	Earl of Westmorland.
First Lord of the Treasury	Earl of Liverpool.
First Lord of the Admiralty	Viscount Melville
Master-General of the Ordnance	Earl of Mulgrave.
Secretary of State for Foreign Affairs	Viscount Castlereagh.
Secretary of State for War and Colonies	Earl Bathurst.
Secretary of State for the Home Department	Viscount Sidmouth.
Chancellor of the Exchequer	Right Hon. Nicholas Vansittart.
Chancellor of the Duchy of Lancaster	Right Hon. Charles Bragge Bathurst
President of the Board of Control	Right Hon. George Canning.
Master of the Mint	Right Hon. William Wellesley Pole.
Treasurer of the Navy and President of the Board of Trade	Right Hon. Frederick J. Robinson.

NOT OF THE CABINET.

Office	Holder
Secretary at War	Viscount Palmerston.
Paymaster of the Forces	Right Hon. Charles Long.
Vice-President of the Board of Trade	Right Hon. Thomas Wallace.
Master of the Horse	Duke of Montrose.
Secretaries to the Treasury	Right Hon. Charles Arbuthnot. Stephen Rumbold Lushington, Esq.
Secretary to the Admiralty	John Wilson Croker, Esq.
Attorney-General	Sir Samuel Shepherd.
Solicitor-General	Sir Robert Gifford.

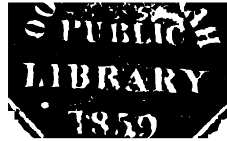
IRELAND.

Office	Holder
Lord Lieutenant	Earl Talbot.
Lord High Chancellor	Lord Manners.
Chief Secretary	Right Hon. Robert Peel.

SCOTLAND.

Office	Holder
Lord Advocate	Alexander Maconochie, Esq.

Speaker of the House of Commons ....Right Hon. Manners Sutton.



PARLIAMENTARY R[illegible]TS

During the SIXTH SESSION of the FIFTH PARLIAMENT of the United Kingdom of GREAT BRITAIN and IRELAND, appointed to meet at Westminster, the Twenty-seventh day of January, One thousand eight hundred and eighteen, in the Fifty-eighth year of the reign of His Majesty King GEORGE the THIRD.

HOUSE OF LORDS.

Tuesday, January 27, 1818.

THIS day being appointed for the meeting of Parliament, the Lord Archbishop of Canterbury, the Lord High Chancellor of Great Britain, the Lord President of the Privy Council, the Lord Privy Seal, and the Master of the Horse, as Lords Commissioners, came down to the house at three o'clock, and took their seats upon the woolsack. Shortly afterwards, the Commons, attended by their Speaker, appeared at the bar, when the Lord Chancellor stated, that it not being convenient for his Royal Highness the Prince Regent to be personally present, a Commission had been issued under his Majesty's Great Seal to certain lords therein named, to open the session; which Commission they should hear read. The Commission was then read by the clerk at the table; after which, the Lord Chancellor read the following speech to both houses:

"My Lords and Gentlemen,

"We are commanded by his Royal Highness the Prince Regent to inform you, that it is with great concern that he is obliged to announce to you the continuance of his Majesty's lamented indisposition.

"The Prince Regent is persuaded that you will deeply participate in the affliction with which his Royal Highness has been visited, by the calamitous and untimely death of his beloved and only child the Princess Charlotte *.

"Under this awful dispensation of Providence, it has been a soothing consolation to the Prince Regent's heart, to receive from all descriptions of his Majesty's subjects the most cordial assurances, both of their just sense of the loss which they have sustained, and of their sympathy with his parental sorrow: and amidst his own sufferings, his Royal Highness has not been unmindful of the effect which this sad event must have on the interests and future prospects of the kingdom.

"We are commanded to acquaint you, that the Prince Regent continues to receive from Foreign Powers the strongest assurances of their friendly disposition towards this country, and of their desire to maintain the general tranquillity.

"His Royal Highness has the satisfaction of being able to assure you, that the confidence which he has invariably felt in the stability of the great sources of our national prosperity has not been disappointed.

"The improvement which has taken place in the course of the last year in almost every branch of our domestic industry, and the present state of public credit, afford abundant proof that the difficulties under which the country was labouring, were chiefly to be ascribed to temporary causes.

"So important a change could not fail to withdraw from the disaffected the principal means of which they had availed themselves for the purpose of fomenting a spirit of discontent, which unhappily led to acts of insurrection and treason: and his Royal Highness entertains the most confident expectation, that the state of peace and tranquillity to which the country is now restored, will be maintained against all attempts to disturb it, by the persevering vigilance of the magistracy, and by the loyalty and good sense of the people.

"Gentlemen of the House of Commons,

"The Prince Regent has directed the estimates for the current year to be laid before you.

"His Royal Highness recommends to your continued attention the state of the public income and expenditure of the country; and he

* Her Royal Highness died at her residence at Claremont, on the 6th of November, 1817, a few hours after the birth of a still-born male child. She was born on the 7th of January, 1796, and was married on the 2d of May, 1816, to his Serene Highness Leopold George Frederick, Prince of Saxe Coburg of Saalfeld. The bodies of her Royal Highness and of her infant were embalmed, and the heart of the Princess was placed in an urn. On the night of the 18th of November, the body of the infant, and the urn, were deposited in the royal cemetery at Windsor; and, on the following night, the funeral service was performed over the remains of the lamented Princess, by the Dean of Windsor, his Serene Highness Prince Leopold attending as chief mourner.

is most happy in being able to acquaint you, that, since you were last assembled in Parliament, the revenue has been in a state of progressive improvement in its most important branches.

"My Lords and Gentlemen,

"We are commanded by the Prince Regent to inform you, that he has concluded treaties with the Courts of Spain and Portugal, on the important subject of the abolition of the Slave Trade.

"His Royal Highness has directed that a copy of the former treaty should be immediately laid before you; and he will order a similar communication to be made of the latter treaty, as soon as the ratification of it shall have been exchanged.

"In these negociations it has been his Royal Highness's endeavour, as far as circumstances would permit, to give effect to the recommendations contained in the joint addresses of the two Houses of Parliament: and his Royal Highness has a full reliance on your readiness to adopt such measures as may be necessary for fulfilling the engagements into which he has entered for that purpose.

"The Prince Regent has commanded us to direct your particular attention to the deficiency which has so long existed in the number of places of public worship belonging to the established Church, when compared with the increased and increasing population of the country.

"His Royal Highness most earnestly recommends this important subject to your early consideration, deeply impressed, as he has no doubt you are, with the just sense of the many blessings which this country by the favour of Divine Providence has enjoyed; and with the conviction, that the religious and moral habits of the people are the most sure and firm foundation of national prosperity."

The Commons then withdrew, after which the house was cleared of strangers, and prayers were read by the Bishop of *Landaff*.

The doors being re-opened, Earl *Whitworth* was introduced by the Earl *De Lawarr* and the Earl of *Verulam*. His patent of creation having been read at the table, his lordship took the oaths and his seat. The house then adjourned during pleasure.

SUSPENSION OF THE HABEAS CORPUS ACT.] At five o'clock the house resumed, when the Earl of *Liverpool* presented the usual bill for the better regulation of Select Vestries, and moved that it be read a first time.

Lord *Holland* immediately rose, and addressed the house as follows:—"My lords, I do not rise to object to this bill, of which, on the contrary, I approve; nor do I wish to interrupt the expression of that condolence which it becomes our distressing duty to offer upon the calamitous event which has been mentioned in the speech: on that topic, there can be but one opinion amongst all men, either in this house or in the country; but there is one thing which I consider of the utmost importance in relation to the liberties of the kingdom, and that is, the repeal of the act passed in the last session of parliament for suspending the act of habeas corpus. Satisfied that not a moment ought to be lost in restoring those invaluable privileges, of which the people of England have been so long and so unnecessarily deprived, I have prepared a bill for that purpose; but I refrained from presenting it when your lordships reassembled, from the hope that his Majesty's ministers themselves might be induced to repair the wrong which they have done, and that they would immediately restore that great bulwark of the constitution, the trial by jury. I was unwilling, therefore, to deprive them of that act of grace; but as the noble earl has not alluded to the subject, I take the present opportunity of asking him, whether it is the intention of himself, or of any of his colleagues, to introduce a bill for the repeal of the habeas corpus suspension act, and, whether, in such case, it is intended to bring under the consideration of your lordships the standing orders of the house, that the bill may proceed with the greatest rapidity? If no such intention is intimated, I beg leave to give your lordships notice, that I shall, without delay, present the bill which I now hold in my hand."

The Earl of *Liverpool*.—"If the noble lord had waited until after the determination of the house on the consideration of the speech which has been delivered by the lords commissioners, he would have heard my noble friend (Lord Sidmouth), to whom, from his official situation, the duty devolves, give notice of his intention to introduce a bill for the repeal of the act of the last session; and, with a view to facilitate its progress, to move that the standing orders of the house be to-morrow taken into consideration."

The Select Vestries Bill was then read a first time.

ADDRESS TO THE PRINCE REGENT.] The *Lord Chancellor* read from the woolsack the speech delivered by the lords commissioners, which was again read by the reading clerk at the table.

The Earl of *Aylesford* then rose to move an address to the Prince Regent. Their lordships, he observed, had been accustomed to hear considerable eloquence on similar occasions, but he hoped they would make allowances for his inexperience in public speaking. Upon the melancholy topics which had been mentioned in the opening of the speech, there could be but one opinion. Every heart must participate in the concern of his Royal Highness the Prince Regent on the continuance of the unfortunate indisposition of his Majesty, and sympathise in the feelings which his Royal Highness had expressed at the awful dispensation with which Providence had been pleased to visit him. It was a melancholy reflection that we had been

so unexpectedly deprived of so great an ornament as her Royal Highness the Princess Charlotte was to the country. When their lordships considered how amiable her Royal Highness had been in the fulfilment of the duties of private life; when they considered with what greatness of mind and what sweetness of disposition she had been endowed, they would feel the extent of the loss which they had to deplore; and their grief would be still more poignant, when they recollected the situation which she filled, and the affections which she united. On her decease, addresses of condolence poured in to his Royal Highness from every part of the country, evincing the deep affliction of the people; and their lordships could now, by their expression of sympathy, complete the picture of national grief.—But, overwhelmed as they were with sorrow at the contemplation of this calamitous and untimely event, it was a high satisfaction to be informed that the state of the country had considerably improved in the course of the last year. The revenue had been constantly increasing, commerce had revived, and internal peace and tranquillity were restored. It was but fair to attribute some part of this happy change to the wise measures of parliament, which had counteracted the schemes of the disaffected.—In reviewing our relations with foreign powers, there were no circumstances of greater interest than the treaties which had been concluded with the courts of Spain and Portugal for the abolition of the slave trade. The exertions of this country with respect to that point had been exemplary; but the interests of humanity required their completion, which the present treaties were likely to effect. He had no doubt, therefore, that they would meet with the concurrence of their lordships.—The only topic in the speech which remained for him to notice, was the lamentable deficiency of places of public worship in the country, compared with the increase of population. To this subject it became the house to lend their early attention. In former reigns, money had been voted for the erection of churches in the service of the established religion; and when the importance of the subject was considered, he felt confident that parliament would not, in the present day, be found less willing to contribute to such a work than on any former occasion.—The noble earl concluded by moving an address to his Royal Highness the Prince Regent, which was, as usual, an echo of the speech.

Lord *Selsey*, in rising to second the address, said, that he should occupy the attention of their lordships but for a short period, feeling that, after the speech which they had just heard, he should have the less occasion to dwell on the topics before the house. He was persuaded that on that part of the speech which expressed his Royal Highness's conviction that parliament would participate in his grief at the melancholy loss that had occurred, there could be no difference of opinion: so deplorable an event demanded all their warmest sympathies. Only a few weeks had rolled away since all classes of society had looked forward with hope and joy to the birth of a prince, who would perpetuate the line of the illustrious family which now swayed the destinies of the empire. This hope and this joy had suddenly given way to the deepest affliction; and who that considered the merits, the eminent endowments of that amiable princess, did not feel that as long as virtue continues to hold a place in the estimation of mankind, the loss of the Princess Charlotte would be deeply, warmly, and sincerely lamented? For his own part, he felt a sad and solemn satisfaction in thus publicly offering up an humble tribute of sorrow at the melancholy catastrophe which had blighted the fair rose of the state, and untimely withered the best hopes of the nation.—But, turning from this distressing subject, it afforded him the utmost satisfaction to observe, that the state of the country presented abundant cause of congratulation, and particularly when he contrasted it with what it had been when their lordships were last assembled. At that time, a large part of this opulent kingdom had been menaced with all the horrors of anarchy, and even with the subversion or extinction of social order. Tumult and faction seemed on every side to advance and augment in proportion to the sufferings and difficulties of the country. Our commerce, almost annihilated by the long continuance of an arduous and momentous contest against the most insatiable and unprincipled ambition that ever attempted the conquest of the world, had ceased to find a field for exertion, and whole fleets of merchantmen were laid up as almost useless. To this, however, a triumph had succeeded, a triumph not indeed illustrated by all the "pride, pomp, and circumstance of war," but one wherein wisdom and moderation had counteracted the desolating spirit of revolution, and crushed the seeds of anarchy. We now saw peace and confidence, employment and enterprise, restored to us. Our commerce, foreign and domestic, was rapidly improving; our revenue was increasing, and public credit stood again on the most satisfactory and unshaken basis. For this happy change of circumstances we were indebted in no small degree to those wise and precautionary measures which the vigilance of his Majesty's ministers had adopted.—But if the state of our domestic affairs was thus consolatory, there was no less cause for exultation in reviewing our relations with foreign states. Alluding to the treaties for the suppression of the slave trade, concluded with Spain and Portugal, the noble lord commended the personal exertions made by the illustrious person at the head of the government in attaining that object, and in terminating a traffic alike revolting to the feelings of humanity, and disgraceful to any state professing the pure doctrines of Christianity.—With respect to the

deficiency in the number of places of public worship, the fact was too notorious to require explanation, and in the urgent necessity of correcting that evil, it was useless for him to offer any argument. Many parts of the kingdom, he lamented to say, were devoid of any means of acquiring religious and moral instruction, which, as had been well observed in the speech, are the most sure and firm foundation of national prosperity.

Earl *Stanhope* then rose, and addressed the house as follows:—"My lords, in rising to express my sentiments on the present state of the country, nothing is farther from my mind than to object to the address; but as the speech from the throne on these occasions is usually understood to be a general exposition of the state of public affairs, the debate on it naturally affords a good opportunity of delivering an opinion on the political condition of the empire. My lords, I have not enlisted under the banners of the executive, nor am I disposed to receive or adopt with implicit faith every statement that ministers may choose to make; in public life, I have no other object than the happiness and prosperity of my country. But if I was ever unwilling to consider the narrow interests, or serve the purposes of a party, I should at the present moment, more than ever, condemn a systematic opposition to government, when principles are making hourly progress which threaten the extinction of social order. Whatever opinion may have been entertained at a former period respecting the measures that have been pursued for the suppression of this spirit of anarchy and insubordination, let us at length be open to conviction; let us admit that under the present administration, these principles, so dangerous to society, have been more effectually opposed than ever. Let us admit that their measures have ensured the peace and happiness, the tranquillity and security of the country. Let us admit that his Majesty's ministers have steered the vessel of state in safety through a storm unparalleled in difficulty and danger. But, though the political ocean is in some measure tranquillized, the horizon is far from being clear; the troubled waves of faction still continue to roll, and dangers are yet to be apprehended. This I feel it necessary to state, in consequence of reports that have reached me from various quarters. If it be true that the King of France reigns in the hearts of his subjects, as much as some have represented, what evil could ensue from setting at liberty the state prisoner at St. Helena? But his confinement there, is, in truth, a tacit admission that the affections of the French for their king cannot be depended on, and that the liberation of Buonaparté would but consolidate the power of democracy. If this is true, it is clear that the government of France, as far as it can rely on its own means for support, does not rest on any solid foundation. I do not speak with reference to the present administration of that country, the measures they are pursuing, or the opinions they may entertain; I speak of facts notorious to the whole world. It is notorious that Louis XVIII. has been placed on his throne by the bayonets of foreign armies; that he has twice entered his capital in the rear of troops who conquered the country he is destined to govern, and that he now only retains his throne by the protection of the sword. On this head we have been told that we have no right to interfere with the internal government of another nation; but I shall contend, that they who have a right to the greater, have also a right to the less. France has been twice conquered, and the allies have, therefore, a right to dispose of her in what manner they please. The safest policy they could have pursued would have been to have partitioned France, not for the sake of adding to their own dominions, but of erecting new and separate dynasties. The best mode of division would have been that which is stated in Julius Cæsar's Commentaries—a division into three parts. But, if any individual was to be placed on the throne of the country as it stood, certainly the allies could not have made a more judicious choice than Louis XVIII., not to weaken the power of the French, or to deprive them of the means of defence, but to "abate their pride, assuage their malice, and confound their devices:" at the same time to inflict a sort of chastisement for their crimes, and afford something like a security to the rest of Europe. The very reasons which rendered Louis XVIII. unacceptable to France, were those of all others which ought to have weighed with the allies, and rendered him acceptable to them; he was obliged to the allies for his throne, and depended on them almost entirely for support; common gratitude, therefore, would prevent him from making any attack on their peace, or on the system which they deemed it expedient to maintain. That peace they had nobly conquered, and of that peace the best guarantee was Louis XVIII. It must be felt, then, that his government cannot be destroyed without striking at the roots of social order in every surrounding nation. A revolution in France would not only be attended with calamity to the family of the Bourbons, but to every part of Europe; and it is quite as impossible to predict what the extent of its effect might be as it was in the year 1793. It is obvious, that in the event of a war, the man who by force or fraud should attempt to gain the sway of the French people, must endeavour to effect his purpose by proposing that which is dearest to the heart of every Frenchman—foreign conquest and foreign dominion; and we should then see their armies again devastating the face of Europe, and pursuing the same course of rapine and aggression that marked their progress during the last twenty years. Have your lordships sufficiently considered the character of that people?—a people the most unprincipled on the globe—a people who have pursued the

career of slaves and robbers, and are now the most abject of the human race. If the calamities of the last twenty years are to be renewed from the same quarter, and to the same degree, for what purpose have we fought and bled?—for what purpose have we triumphed?—what is the object of all our toils, and all the privations occasioned by the burdens of war? The laurels we have reaped will but wither on our brow, and all our battles have been fought in vain. I do not presume to obtrude my own crude opinions on your lordships' attention; the opinions I have advanced are those of persons the best qualified to form a judgment on the subject; I have the authority of a man who has a better opportunity than any other of knowing, and of knowing officially the character of the French people; a man whose eagle eye has searched from one end of France to the other—I mean the Duke of Otranto, better known by the name of Fouché. It is my opinion, that the liberation of Buonaparté would be immediately followed by the fall of the Bourbons; the fall of that family will ensure a war against the rest of Europe, from motives of ambition or vengeance; and the renewal of such a contest as that we have lately been engaged in must be attended with inevitable destruction to this country. The renewal of the contest will bring on hostilities not similar to those which have been unexampled in glory by all that history can produce, which have raised this nation to a pitch of splendour it never attained before—I mean the hostilities that ended with the battle of Waterloo: this country still continues to feel exhausted with the gigantic efforts she made in that contest, and it will be now utterly impossible for her to renew it with any hope of success. But the more I feel convinced that peace is necessary to the existence of this country, the more I wish that all possible means should be resorted to for securing that desirable object. Those means are already in our own hands; we have only to retain in France all the forces that now occupy the country; at all events for the whole period stipulated by treaty, and, if necessary, even for a longer period. I am not indeed ignorant of the precise and imperative terms of that treaty; but I shall contend, that every treaty ought to be executed according to its intention and spirit, and not according to the letter. Thus the noble lord opposite (Lord Liverpool) when he held the seals of the foreign department, justly and properly refused to deliver up Malta, in conformity with the letter of the treaty of Amiens, because, to make such a surrender, would have been directly contrary to the spirit of that treaty. Now, the clear spirit of the treaty in question was, first, that France should not be evacuated before the contributions were all paid; secondly, that time should be allowed to erect a barrier of fortresses in the Netherlands and on the Rhine; and thirdly, that a guarantee should be secured to Europe against the return of those calamities that had been so repeatedly inflicted on us, by the unprincipled aggression and ambition of the country we had succeeded in conquering. Nothing but the most perfect security against such an occurrence can, in my opinion, justify the removal of the army of occupation. I am aware that this country must follow the line of politics adopted by the allies, but I hope that they will be alive to the dangers of relinquishing too hastily, the security they now hold. It has been said, indeed, that the government of Louis XVIII. cannot be sustained under the unpopularity occasioned by the presence of a foreign army; but the answer is, that the government of Louis XVIII. is only the means, the tranquillity of Europe the end of all our precautions. I entreat his Majesty's ministers to weigh well the consequences of withdrawing the army of occupation. The first event, after any political change in France, would be an irruption into Belgium; and I conjure your lordships to consider what you will lose, and what the enemy will gain, by the line of fortresses which will thus fall into their hands. We should next be required to give up Buonaparté, an event that could not but be attended with the utter ruin of this country. I forbear to touch on any other topic; but I trust the Prince Regent, in whose wisdom I have the highest confidence, will avert the evils I so much apprehend. No man can be a warmer advocate of economy than myself; but we can have no economy, unless we are at peace; and retrenchments that endanger our security, cannot be called economy: indeed, no word is so ill understood. In the language of many, it implies retrenchment of all, even the most necessary expences; and reform, a change of every thing, even the fundamentals of government. I entreat your lordships, before you relinquish the security you already possess in France, to turn your attention to the improvements in the internal situation of the country, and the measures that may be necessary for the future. I am happy to hear that there is no further necessity for the suspension of the habeas corpus act; but I beg not to be understood as throwing any doubt on the propriety of that measure, to the firm adoption of which I attribute the tranquillity that now prevails. The best proof of the necessity of the measures which his Majesty's ministers have adopted, is afforded by the experience of what has been the situation of the country. I shall have the honour, when the question comes regularly before the house, to state the grounds and reasons which induce me to differ on this subject from many of those who are near me, as well as to dissent from all those chimeras of parliamentary reform, which have been made pretexts for disturbing the tranquillity of the country."

The Marquis of *Lansdowne* said, he should not enter at length into the various topics suggested by the address, as well as by the speech of the noble lord who had just sat down. Some

topics, however, it was impossible to pass over. There were others upon which there could be but one feeling, and there was one in particular upon which it was painful to speak, but on which it would be worse than indifference to be silent. He did not mean to attach any blame to the noble lords who had moved and seconded the address, nor to those at whose suggestion that address was framed, according to the usual mode; but it would have been much more gratifying to his feelings, if it had been possible to separate the subject of condolence from any other. He should have thought, that the great calamity which in this powerful, busy, and commercial country, had weight enough to affect all ranks and classes, and to suspend the active stream of life in the metropolis itself, might have been deemed of sufficient importance to entitle it to a separate consideration within the walls of that house, casting, as it did, so deep a shade, not only over the present, but the future prospects of the nation. In the condolence which they were now called upon to express, they could only follow the feelings of the people at large—feelings which had done them infinite honour; for if ever there was an occasion upon which the unanimous feeling of the country had found language and a voice, it was that melancholy occasion which had carried them to the foot of the throne, where they sought to administer, and to the altar, where they sought to derive consolation. Their conduct furnished the most striking proof, had any proof been wanting, of the sincere, warm, and unfeigned attachment of the people of this nation to the principles of the act of settlement, by which the illustrious House of Brunswick was placed on the throne, to the constitutional monarchy of the country, and to the order of succession which had been established. Having said this much, it was unnecessary for him to assure their lordships, that to that part of the address which related to the melancholy event that had occasioned such universal sorrow, he gave his decided approbation. He would separate, as far as the orders of the house would permit him, this topic from the others. He would, indeed, notice but very shortly the remaining parts of the address, especially as the answer of the noble earl to his noble friend, with respect to the suspension of the habeas corpus act, had rendered any protracted discussion unnecessary. But, though he rejoiced to find, that there was no intention of continuing those obnoxious measures which had been adopted in the last session of parliament, it was impossible to pass over that part of the address, which, while it expressed a confidence in the zeal of the magistrates, and the ordinary laws of the country, to preserve tranquillity at the present moment, seemed at the same time to imply a doubt whether, in the first instance, that tranquillity could have been sustained without an interruption of those laws, and a temporary suspension of the constitution. They were bound to ask themselves now, upon all that had, and all that had not appeared, for they should take the negative, as well as the affirmative case, whether there was a conspiracy so formidable in its nature and means, as the existing laws of the country were incompetent to meet? They were bound to ask themselves whether, from the result of all the trials, which in one instance only had disclosed any thing in the shape of treason, they could infer such danger to the country as the power and activity of the regular tribunals were incapable of controlling? For his own part, he thought not, and he should be glad if those who differed from him in opinion, would state where it was that the conspiracy appeared. It had been all along said, that the danger did not arise from the rank and respectability of the leaders, but from the number of the persons engaged in the design. If that was indeed the case, how did it happen that ministers had not succeeded in producing one tittle of evidence to support their assertions? To advert particularly to the trials which ended in the just condemnation, he would call it, of the unhappy individuals at Derby; where was the proof of a conspiracy so extensive and alarming? It was the business, and the particular wish of the attorney-general to prove that the discontented there had a correspondence with others in different quarters: but he had established no connexion between them and any other body, except the contemptible one at Nottingham, which was put down by 18 dragoons. Such was the only importance in point of extent, which that able officer of the crown could succeed in attaching to their undertakings. Nothing could more decidedly demonstrate the absurdity of this conspiracy, than the evidence of what had been declared by the leader, or Nottingham captain-general, as he was called, who had been described to have told his followers, that France, England and Ireland, and clouds from the north, would assist them in their insurrection; but, after all, the insurrection required no force to meet it, and might have been suppressed by a few parish constables. It was not the suspension of the habeas corpus act that put down the insurrection, or the conspiracy, whichever it might be called: it had been extinguished by the due administration of the law—by apprehending and bringing the persons accused to trial; it was overthrown by the 25th of Edward III. and by a constitutional jury; and the same law could have been applied with equal efficiency, though the habeas corpus act had remained in force. At the same time it was to be observed, that there was no proof of any conspiracy hostile to the institutions of the country. The whole disturbance sprung from partial discontent, with which the great body of the population of the place where it broke out were untainted. Even in the very villages through which the insurgents passed, the people ran away from them; and in no part of the country was there any trace to be

found of the existence of a conspiracy to alter the King's government. He must therefore continue to maintain, that the grounds on which the suspension of the habeas corpus act was called for by ministers were entirely unfounded, and that the measure was altogether unnecessary. With regard to what he had that night heard of the prosperity of the country, he was ready and happy to admit that it had experienced some increase. That it might continue to increase must be the wish of all, but that it would advance to that degree which would enable the people to bear the great burthens under which they laboured, was a matter rather of hope than of expectation. It would be the duty of their lordships to persevere in the prosecution of those measures which were necessary to promote the trade and commerce of the country. As to the other topics, the present was not the time to discuss them; it was only to that part of the address which, by inference, approved of the grounds upon which the Habeas Corpus Act was suspended, that he felt it his duty to object. He should not, however, go to the extent of opposing its adoption, for reasons of which their lordships were sufficiently aware, and which rendered their unanimous concurrence desirable.

The Earl of *Liverpool* said, he was gratified with the manner in which the noble marquis had expressed his concurrence with one part of the address, and, were this the proper time for entering into a consideration of the other topics, he should be ready to maintain and prove, that the precautionary measures which ministers had proposed, were called for by the necessity of the case. The reports which had been made by committees, chosen by their lordships, and facts subsequently disclosed, shewed that the state of the country was such as to require the adoption of extraordinary measures. In a case which involved the tranquillity and safety of the country, it would ill become their lordships to calculate how much danger and risk ought to be incurred, before they employed the means of security which they held in their hands. With regard to the address, he must frankly confess, that it had been the wish of ministers, without giving any opinion on disputable points themselves, or calling for any such opinion on the part of others, that it might be so framed as to obtain the unanimous approbation of the house. In fact, the address did nothing more than state, that the improved situation of the country had taken from the disaffected some of the principal means on which they relied for accomplishing their seditious or treasonable ends. This had no reference to the question of the propriety of suspending the habeas corpus act, in the last session. The noble marquis thought there was no necessity for that measure; he, on the contrary, thought there was; but whether the opinion of the noble marquis, or that which he opposed to it was the right one, had nothing to do with the present address. He must now say a word or two on what had fallen from a noble friend of his in a speech of great ability, which he had addressed to their lordships. In his noble friend's peculiar situation, it appeared that he considered himself called upon to state his sentiments, and he approved of the feeling on which he acted. He thought it necessary, however, to remark, that the observations of his noble friend were not of that kind on which it would be fitting for him to dwell. All he wished to say was, that the great policy of this country was to maintain the present peace, so important to ourselves and to Europe: and that it would be the object of his Majesty's government to preserve that peace, by pursuing the course most likely to secure it—namely, a strict adherence to the engagements into which the country had entered, which was the best means of securing the fidelity of the other contracting parties in their engagements. He must also observe that he could not partake in the opinion which the noble earl had expressed respecting the feelings of the people of France towards the sovereign of that country. He had, indeed, a strong impression of a contrary nature. This much he would also say, that neither the state of that country, nor of any other part of the continent of Europe, exhibited, in his opinion, any appearances calculated to excite the apprehensions which his noble friend entertained. The well known disposition of all the continental powers, afforded the best augury for the preservation of peace. He should say nothing further on this subject; and he hoped that what he had previously stated, would have the effect of removing the objections of the noble marquis.

The address was then agreed to, *nemine dissentiente*, and was ordered to be presented by the Lords with White Staves.

Message of Condolence to the Queen.] The Earl of *Liverpool* then moved, that a message of condolence be sent to her Majesty, on the death of the Princess Charlotte. The motion being agreed to, Lord *St. Helens* and Lord *Arden* were ordered to carry the message.

Message of Condolence to Prince Leopold.] The Earl of *Liverpool* moved, that a message of condolence be sent to Prince Leopold, on the melancholy event of the death of his Serene Highness's Consort, her Royal Highness the Princess Charlotte.—The motion being agreed to, the Earl *De Lawarr* and Lord *Amherst* were ordered to carry the message.

Suspension of the Habeas Corpus Act.] Lord *Sidmouth* gave notice that he would present a bill to-morrow for repealing the habeas corpus suspension act, and also, that he would move for the suspension of the standing orders, so as to pass the bill in the course of to-morrow.

Clerk of the Parliaments.] The Earl of *Liverpool* observed, that the office of Clerk of the Parliaments having become vacant by the death* of the gentleman (Mr. Rose), who held that office, it was vested by reversion in his

son, who, being at present out of the country, could not appear before them to take the oaths. In order to obviate the inconvenience which might result from his absence, the noble earl moved that Henry Cowper, Esq. should be authorized to affix his signature in the mean while to those proceedings of their lordships, which required the signature of the clerk of the parliaments.

Lord *Holland* regretted the situation in which the house was placed, and intimated his intention of moving for a committee to inquire into the state of the clerks of the house. There was evidently something that required to be remedied, in order to protect them against such an occurrence. Perhaps it might turn out, upon investigation, that the present clerk held situations which he was not authorized to hold without the direct permission of the house. At all events they owed it to their own dignity to inquire into the case, and, therefore, he should move for inquiry.

The Earl of *Liverpool* suggested that the regular course would be to move for a copy of the instrument by which the appointment was made, if any such existed. He believed there were resolutions on the journals, prohibiting persons from holding certain offices who acted in the capacity of clerk of the parliaments.

The *Lord Chancellor* concurred in the propriety of the course recommended by the noble earl. He, as Chancellor, was Speaker of their lordships' house. Other speakers had been appointed by letters patent in the absence of the Chancellor, but if they had been absent also, the house must surely have a power to supply their place. The same reasoning would apply to their clerk. When this matter came to be investigated, his lordship thought that it would be proper to inquire into the nature of the business which the clerks of the house had to discharge. There were three days in the week, Monday, Wednesday, and Friday, on which they were engaged in law proceedings, from ten in the morning until four in the evening, besides being under the necessity of continuing on those days, as well as on the other days of the week, as long as their lordships might think fit to sit. In consequence of the constant demands thus made on the industry of the clerks, he thought it might be expedient to increase their number, and also so to divide their duties, that those who were employed in the forenoon on judicial proceedings, might not be liable to be called upon to remain all night in the house. He concluded by expressing his opinion, that their lordships should have a copy of the instrument under which the appointment was made, in order to know whether there was any body who had a title to the office, and should provide in the mean time, as the noble earl recommended, for the discharge of its duties.

After a few words from Lord *Holland* and the Earl of *Liverpool*, the motion for granting a copy of the letters patent under which the appointment was held, and that for authorizing the signature of Mr. Cowper, were agreed to.

Chairman of the Committees.] On the motion of the Earl of *Liverpool*, the Earl of *Shaftesbury* was appointed chairman of the committees of the house.

HOUSE OF COMMONS.

Tuesday, Jan. 27, 1818.

The house met at a quarter before three o'clock, and on a message from the lords, Mr. Speaker and several members attended to hear the speech of the lords commissioners read by the Lord Chancellor. On their return Mr. Speaker took the chair, and new writs were ordered for the borough of Rippon, in the room of the right hon. *Frederick Robinson*, who had accepted the offices of president of the board of trade and treasurer of the navy (the latter being vacant on the death of the right hon. George Rose); and for Cockermouth, in the room of the right hon. *Thomas Wallace*, who was appointed vice-president of the board of trade. The right hon. *Nicholas Vansittart*, chancellor of the consolidated exchequer of England and Ireland, (see vol. I. p. 1827.) took the oaths, and his seat for Harwich.

Suspension of the Habeas Corpus Act.] The Clandestine Outlawry bill, was, as usual on the opening of the session, presented, and read a first time. On the second reading being moved,

Lord *Althorp* rose, and spoke as follows: "Sir, I wish to avail myself of the earliest opportunity of calling the attention of the house to a subject of the utmost importance. In the last session of parliament an act was passed to suspend the act of habeas corpus; and being satisfied that no time should be lost in restoring to the people those inestimable privileges which they enjoyed under the original law, I now rise to ask, whether it is the intention of his Majesty's ministers to bring in a bill for that purpose? At such a moment as this, when another subject must necessarily be considered, I am unwilling to make any observation that might produce a difference of opinion: but if I do not receive a satisfactory answer to my question, I beg to give notice, that I shall move to-morrow for leave to bring in a bill to repeal the habeas corpus suspension act." (*Hear, hear.*)

Mr. *Arbuthnot*—"I am sorry that the noble lord did not defer his question until some of his Majesty's ministers were present. The noble lord will probably hear something very soon which may render his notice of motion unnecessary." (*Hear, hear.*)

Lord *Castlereagh* soon afterwards entered the house, and

Lord *Althorp* repeated his question.

Lord *Castlereagh* replied as follows:—"It is certainly the intention of his Majesty's ministers, in the course of the present evening, to give notice of a motion for the immediate repeal

of the suspension act, in the place where that measure originated." (Meaning the house of lords.) "The noble lord, therefore, will perceive that it is unnecessary for him to make the motion which he had in contemplation." (*Hear, hear.*)

Scotch State Prisoners.] Lord *Archibald Hamilton* gave notice, that, on that day fortnight, he would call the attention of the house to the recent proceedings in Scotland, concerning state prisoners. (*Hear, hear.*)

Address to the Prince Regent.] Mr. Speaker stated, that the house had been in the house of lords, when the Lord High Chancellor of Great Britain, as one of the commissioners of his Royal Highness the Prince Regent, had delivered a speech to both houses of parliament, of which he had, for greater convenience, procured a copy, and which, with the leave of the house, he would then read to them. The speech being read accordingly, (for which see page 1.)

Mr. *Wodehouse* rose to move an address to the Prince Regent. He said, that he should ill discharge his duty to the house, to the country, and to the Prince Regent, if he did not in the first instance notice that unexpected calamity which was so afflicting to his Royal Highness, and which had unhappily overthrown the fairest hopes of the nation. We had lived so many years in a state of war, and our attention had been so much occupied by the succession of wonderful events to which that state gave rise, that our minds appeared to have been diverted, in some degree, from many important considerations at home. But when the pleasing times of peace returned to us, we naturally looked more to domestic affairs and prospects; and the whole country hailed the promising life of an excellent and virtuous Princess, whose qualities and endowments so justly excited the most sanguine hopes and expectations. The extinction of such bright hopes and prospects, by the premature death of that illustrious Princess, naturally afflicted all who felt a love of their country and its dearest interests. It was a great and lamented public loss, and was mournfully accompanied with all the bitterness of private woe. It would be useless for him, it would even indeed be a kind of mockery in him, before such an assembly as he was then addressing, to attempt a portrait of the departed princess. Much might be left to the memory of all, and he could not wish to obtrude on those feelings which were at present deeply afflicted, but he might say confidently, that the house sympathized fully with his Royal Highness, and associated themselves with all his paternal feelings in the deprivation of his best hopes, both in a private and a public view. The knowledge of the sentiments of parliament in such an event must be regarded with universal interest. It would afford an eminent proof of the indelible attachment of the nation to the illustrious family on the throne. After all our great and splendid exertions, this sentiment, he trusted, would be found a striking feature among all those great moral energies which so highly distinguished the people of this land.—In the speech, a variety of topics was introduced, all of them the fit and important subjects of future discussion. Upon these different points, he should not trespass on the time of the house, by entering into details. They had heard of our amity with foreign states, our prosperity and tranquillity at home, the stability of our credit, and the improvement of our revenue. The picture, he believed, was not too highly coloured. It was consolatory to know that there were such abundant proofs of the happy change which had taken place in the condition of our fellow-subjects. In presenting this view of our affairs, he did not speak the language of flattery or delusion. Whether we turned our attention to the state of our agriculture, or to the various branches of our trade, manufactures, and commerce, there no longer appeared that stagnant languor and dejection, that feeling among men that they were struggling for existence without any hope of advancement. The scene, fortunately, was now changed: instead of the former depression, there existed every where that vigour and elasticity which furnished the most satisfactory evidence of a real and substantial prosperity.—The restoration of our internal tranquillity was a subject on which the imagination loved to dwell. There was now a general feeling of content, and the hated spirit of disaffection was banished from the land.—With respect to our foreign relations, the treaties concluded with Spain and Portugal for the abolition of the slave trade, formed a peculiar topic of congratulation. If any thing could add to the importance of these arrangements, it was the consolation to be derived from the consideration of the narrow limits within which that trade was now carried on—affording a reasonable hope that it would soon cease to exist. It was a proud triumph to Great Britain, that an end to this most detestable and iniquitous traffic—the existence of which was regretted by the unanimous feeling of Christendom—was accomplished by the merciful interposition of her influence and authority. This noble achievement crowned all the other glories which the perseverance and resources of the country had obtained; and future ages would bless the kingdom by whose means it had been effected.—The recommendation in the speech respecting the increase of places of public worship deserved the most serious consideration. The diffusion of religious instruction throughout the country, would be the most sure and firm foundation of national prosperity; and he trusted that parliament would devote its early attention to this important subject.—Feeling it unnecessary to occupy the time of the house any longer, the hon. gentleman concluded with moving an address to the Prince Regent, which was, as usual, an echo of the speech.

Mr. *Windham Quin*, in rising to second the motion, bespoke the indulgence of the house,

while he should shortly advert to some of the leading topics which had been brought before them. There was nothing in the address which would provoke much discussion, or disturb the unanimity which, he hoped, would prevail on an occasion in some respects so mournful. In the recollection of the calamitous event which they lamented, he trusted that they would derive all the consolation which unity of feeling could afford. Two years had not yet elapsed since the presumptive heir of Great Britain was wedded to a prince of an ancient and illustrious house, himself illustrious, by being eminently good. On that occasion every heart was filled with joy. But now they had to look at a very different scene. It had pleased God to call away that virtuous and accomplished Princess who was the pride and hope of the nation; and never was sympathy more purely personal than that which her untimely death excited. Sorrow darkened every countenance in every direction, and one general feeling of calamity prevailed. It had pleased Providence to take her in the bloom and promise of her youth, but her name would remain for ever enthroned in the hearts of an affectionate people. Let the more immediate sufferer reflect on this consolation, and know that he carried with him in the bosom of his retirement, the blessings of every man who had a head to think, or a heart to feel. (*Hear, hear.*) In turning from this painful topic, the first subject to which he should call their attention was, the recommendation in the speech which related to the number of places of worship. This was a point which deserved their most serious consideration, for the experience of the last twenty-five years, and of the convulsions which had shaken Europe, had shewn how intimate a connexion existed between the stability of thrones and empires, and the protection of morals and religion. With respect to our relations with foreign states, it was most gratifying to hear of the friendly disposition which prevailed; for though he trusted that Great Britain would never be found unwilling or unable to vindicate her just rights by arms, it must not be forgotten that the only legitimate object of war was honourable, firm, and permanent peace.—The view that had been given of our domestic situation was not less pleasing and consolatory. He should not enter into any detailed statement in support of the assertions of the speech which related to our finances and commerce. It was enough to say, that the revenue of the last quarter, compared with that of the corresponding quarter in the last year, furnished evidence of considerable improvement, and held out a hope of greater and progressive advancement. But it was not in the revenue alone that the improvement of our circumstances was to be seen:—in our manufactures, in our exports, in the state of the funds, and in the value of lands, it was obvious to the most casual observer, and greater than that which even the most sanguine had anticipated. They could not go into any part of the country without seeing the signs of this improvement. In the last year, in every street, able-bodied men were pining for want of employment; but the wages of labour of every kind had now been raised. The iron works in the last year had been almost entirely stopped; they were now in full employ, and iron had risen in price from 9*l.* to 14*l.* per ton. The linen manufactory was no less active. In fact, the country felt in every part an increased circulation. Twelve months ago, the funds, which had been called the pulse of the nation, were at 63; they were now at 80: money could be procured at 4½ per cent., and every thing indicated the public belief in the stability of the financial resources of the country. Merchants, manufacturers and farmers not only felt that better days had arrived, but were confident that they were likely to continue.—There was one source of national prosperity which could not be exhibited in a tangible shape, but which was not less important—he meant internal tranquillity. The scenes which had disgraced the metropolis and other parts of the country in the last year were no longer witnessed, and it was shewn that the precautionary measures which had been adopted had not been unavailing.—The Prince Regent had assured them that the interests of the country, as it regarded the succession, had occupied his serious attention. On this point he should beg to observe, that the interests of the country were closely connected with the succession of the family on the throne. Under the auspices of that family, the country had advanced in arts and arms, in civilization, commerce and agriculture; and although no immediate danger was to be apprehended of a failure of the heirs of the Princess Sophia, as there was so long a line of foreign princes, yet was it unimportant to the nation that the British branch of this family should be preserved, and that our kings should continue to be Englishmen by birth, principles and habits? The treaties which had been concluded with Spain and Portugal had been well described as shewing the noble spirit of our country. It would be recorded hereafter, that in the hour of our distress, at the time when we were struggling for our existence, we were not unmindful of the interests of humanity; and now, in the time of reviving prosperity, we attended not only to our own happiness, but to that of the whole human race.—But in speaking of national improvement, was it fair to confine the comparison to the state of our affairs in the present year and the last? They should pause for a moment, and consider where the country would have been, if a different line of policy had been pursued from that which had been happily followed—if they had made peace with the former ruler of France, a hollow, insecure and treacherous peace as that must have been. They now might reap the fruit of those efforts in which they had so nobly persevered. They had not only secured their own liberty, but destroyed the most tremendous tyranny which had

ever lowered over human kind. Great Britain now stood on the highest pinnacle of glory, and was the object of the admiration, perhaps of the envy of the world. *(Hear, hear, hear.)*

The address having been read from the chair,

Lord *Althorp* said, that he did not rise to oppose it, as he should be extremely sorry if any observation were to escape from his lips that might be calculated to produce a difference of opinion, at a time when they had to offer their condolence to the throne. Much doubt and considerable difference must indeed exist as to that part of the address which ascribed the present tranquillity of the country to the measures that were passed in the last session of parliament; but upon that subject he should not enter at present. There was one topic, however, to which he felt himself bound to call the attention of the house. He did not mean to found any specific motion upon it, and therefore adverted to it now, because the present was the only opportunity of offering observations on a subject, without accompanying them with a corresponding motion. He alluded to the late three successive trials of Mr. Hone *. It was a topic of great delicacy, because no man could justify the professed cause of those prosecutions, the publication of parodies on sacred subjects. He strongly disapproved of those parodies; yet he, in common with the bulk of the nation, rejoiced that an individual, without any support, had triumphed over the extraordinary severity of his prosecutors. (*Hear, hear.*) In his view of this case, the hon. and learned gentleman (the Attorney-General) should not have prosecuted *ex-officio*: it was a case in which there was no urgency, and therefore, the regular mode of going with

* The first trial of Mr. Hone on an *ex-officio* information, for publishing a parody on the catechism, under the title of "the late John Wilkes's Catechism of a Ministerial Member," came on before Mr. Justice Abbot, and a special jury, at Guildhall, London, December 18th, 1817. The jury returned a verdict—not guilty. On the 19th, Mr. Hone was tried before Lord Ellenborough, and a special jury, for publishing a parody on the Litany, called "The Political Litany," on which a similar verdict was returned. On the 20th, he was tried before Lord Ellenborough and a special jury, for publishing a parody on the Athanasian Creed, entitled, "The Sinecurist's Creed," and was again acquitted.—On these several trials, the Attorney General contended, that Christianity was part of the common law of England, and that no man could read these parodies without seeing that their necessary and obvious consequences must be, to bring the Christian religion and the liturgy of the church of England into contempt. He insisted therefore, that the defendant had published a most impious and profane libel, and the judges pronounced the same opinion.—On the other hand, Mr. Hone, who pleaded his own cause, maintained, that the parodies were written and published solely for political purposes, and not with the intention of exciting impiety, or degrading the christian religion The jury, he observed, and not the Attorney-General, or the judge, were to decide on what was, or was not, libel: and he called upon them to return a verdict, not upon the effect which the publication of these parodies might have produced out of doors, but on the intention with which they were written and published. He then proceeded to shew, that works of a similar nature had been published in all ages; that Martin Luther, and some of the most eminent divines of the church of England—Lord Somers, Mr. Burke, and several other distinguished lawyers and statesmen—had published and written parodies on various parts of the scriptures, not with an impious and profane intention, but to serve their own particular views; and none of these persons had ever been brought before a jury. He then cited the speech of Earl Grey, (as reported in the first volume of these Reports, page 1056), to shew that one of the present members of the cabinet (the right hon. George Canning), had written a parody in the *Anti-Jacobin*, for which he had not been prosecuted, and contended, that it would be gross injustice to punish him, and to suffer that gentleman to escape unpunished. In conclusion, he called evidence to prove, that, as soon as he found that the parodies were disapproved by some persons, he stopped the sale of them; and that one person, previously intimate with him, had renounced his acquaintance, because he would not furnish him with copies. This was long before they were prosecuted, and having done this to satisfy the objections of respectable persons to publications which he considered to be perfectly lawful, he left it to the jury to say, whether it was clear from the works themselves, and from his actions—having those great examples which he had adduced—that his intention was not to ridicule the ministerial members, but to produce impiety, and to bring religion into contempt.—The verdicts were received with shouts of applause, and the sum of nearly 3000*l.* was afterwards raised by public subscription, for the purpose of re-establishing Mr. Hone in his business of a bookseller. It is not in the province of the editor of these Reports to offer any opinion on this subject; and, therefore, he shall merely add, for the sake of completing the history of these prosecutions, that, on the 23d of December, Mr. Hone addressed the following letter to the conductors of the principal London journals: "Sir,—Information has this moment been given me, that bills have been posted to-day, announcing the republication of the parodies upon which I have been tried. Permit me to assure the public, through the medium of your paper, that I am much disgusted, and may perhaps be much injured in public estimation, by this procedure; and that I have no intention of republishing these works in any other shape than in the report of my trials, which I am preparing for the press, and wherein their appearance is indispensable, as constituting the ground of the prosecutions upon which I was acquitted. I disclaim all knowledge whatever of those bills; and I desire to add, that if I did not think it necessary that a complete and accurate report of my trials should be upon record, I would not republish the parodies at all. I shall never write any work of the same tendency again; and when I come to publish that report, I shall feel it my duty most earnestly to exhort all my fellow-citizens to abstain from parodying any part of the holy writ, or the service of the church of England."—The trials have since been published, and Mr. Hone, in the preface, has expressed himself glad to find, that the intimation contained in the above letter has had the effect he wished.

a charge before a grand jury, ought to have been adopted. But why was the prosecution continued, after a jury had pronounced a verdict of acquittal? (*Hear, hear.*) A jury was the only competent tribunal to say what was or was not a libel: the judge might give his opinion, but the jury alone could decide. (*Hear, hear.*) He did not mean to say any thing disrespectful to the hon. and learned gentleman, but he was, by his official character, the least to be trusted in declaring what was libel and what was not. Yet he, after a jury had found that the subject of prosecution was not libel, proceeded to a second, and then to a third trial. As the trials ended, no evil was done; but if it had turned out otherwise, if a conviction had been obtained on the third trial, it was manifest, from the nature of the proceedings, that the punishment would have been as great as if a conviction had been obtained for the whole. Much as he disapproved of publications of this nature, the injury which could be done by them was not to be compared with the evil of destroying the confidence of the country in the trial by jury. (*Hear, hear, hear.*) He had stated this, because the present was the only opportunity of adverting to the subject.—In every part of the address he willingly acquiesced, and he hoped there would be but one sentiment on the occasion.

The *Attorney-General* said, he had not intended to trouble the house on the question before them, but he might be excused if he made some observations on that part of the noble lord's speech which referred to the prosecutions which he had conducted. As he had not distinctly heard the noble lord, he did not know whether he disapproved of any of the writings which had been prosecuted. Those who thought that no prosecution ought to have been instituted, must of course think that it was wrong to continue them. But if the prosecution originally was right, he could not conceive how any man should suppose it wrong to persist, notwithstanding the verdict of acquittal in the first case. He felt it his duty to prosecute the first, and on the same principle he felt it his duty to prosecute all. The prosecution had not been instituted from resentment to the individual prosecuted, but in so far as any criminal might be said to be prosecuted from the resentment which his crime had excited. If there had been only one libel, he would have been prosecuted for one. If that were right, could it be said that these publications should only be prosecuted once, because they had proceeded from the same individual? The object of the prosecution was not punishment, but the prevention of the circulation of the writings prosecuted. If some of them deserved prosecution, and others did not deserve it, the course persisted in was wrong; but if all were such as amounted to libel, he would ask upon what principle he should have withdrawn the prosecution against any one of them? What inference must the public have drawn if he had prosecuted for one, and not for others? They were all libels upon sacred subjects of the church service. The one was prosecuted because it was thought profane; the others were not noticed because they were perfectly innocent. He asked whether that was not the inference that must have been drawn? But all the publications were equally offensive, and therefore the author was prosecuted for all.— The objection now was, that after the first verdict of acquittal, the trials ought to have been given up. (*Hear, hear.*) It was matter of serious deliberation with him—so far as a man's mind could seriously deliberate on such a subject, between the termination of one trial and the commencement of another—whether he should proceed with the trials after the first acquittal. It was his deliberate opinion—whether right or wrong was for others to judge—that he was bound to proceed, unless he were convinced by the verdict of not guilty in the one trial, that the defendant was not guilty of the other two libels. He was not so convinced, and therefore he proceeded. He was sorry to allude in that house to verdicts in any courts of justice; yet although the jury had a right to find a verdict of guilty or not guilty, and God forbid that he should dispute that right, every man was entitled to exercise his judgment in matters of libel; and his opinion had been, that it was his bounden duty to prosecute for the second, unless something had occurred in the course of the first trial to convince him that he had been originally in an error. Three prosecutions had been entered on the record: unless he had felt that because the defendant had been acquitted of one libel, he was not guilty of the other two, was he to withdraw any one of the prosecutions from the record? What would have been said, had he prosecuted a second time merely because he had obtained a conviction on the first trial? Yet what was it but the same thing in principle, as forbearing to prosecute a second time because the verdict in the first case acquitted? If it could be shewn, or if it could be traced, that he had continued to prosecute from severity, it was matter of charge against him: but if that was not stated, to have discontinued the two trials because there was an acquittal on the first, would have been a confession that the first trial was wrong, unless the party had expressed contrition and regret for the ground of prosecution. Upon the whole, he conceived, that if he had discontinued the trials he would have been guilty of a dereliction of duty, he would have shewn an apprehension and fear unbecoming his situation, and injurious to the administration of justice.

Sir *Samuel Romilly* said, he agreed to every syllable of the address, and should be extremely sorry to say any thing that might interrupt the harmony of the house. There was one subject which should cause harmony to prevail on the present occasion, if any occurrence could have that effect. If ever there was an event of distress and calamity, it was the loss of the illustrious Princess who had engrossed the affections, and

engaged the hopes of the nation. But it was the privilege of members to introduce on that occasion matters which had happened during the recess, and especially if they proceeded from measures sanctioned by themselves; therefore the noble lord (Althorp) was perfectly in order when he animadverted on the late trials. Those prosecutions were of the utmost importance, as part of the system of government now exercised. (*Hear, hear, hear.*) They threw great light on the extraordinary act which deprived us of the more valuable part of our constitution. The house had been called together under a public calamity; for what else was it to be called together under the suspension of the best parts of the constitution? He would not now say any thing of the promise of the immediate repeal of that measure. He only adverted to occurrences which threw light on the grounds on which the suspension was passed. On that measure they had proceeded in a great degree in the dark. The committees in that house and in the other house, for the lords' report had been communicated to them, had given their reason why they could not then disclose all the facts on which they had founded their judgment. Some of the facts, they had said, would compromise the safety of individuals who had communicated them, and others might have an undue influence on judicial proceedings which were in progress. But facts had now occurred which had thrown light upon the general assertions of those reports. He alluded to the proceedings at Manchester, at Derby, and in Scotland. All the evidence in all the transactions which had been made the subject of judicial inquiry, had tended to destroy the evidence on which they had acted in the last session. (*Hear, hear.*) The proceedings at Manchester, it would be remembered, occupied a large portion of the last report of the secret committees. It was stated in both the reports, that a treasonable conspiracy of the most atrocious kind, had existed at Manchester—that it had been in agitation to attack the barracks and to burn the manufactories, solely for the purpose of destroying the means of work, and adding by general distress to the numbers of those who would engage in desperate plans. In the lords' report the phrase was, to make Manchester a Moscow. It was stated in those reports, that some of the conspirators were in custody, and he had then suggested that they should be immediately brought to trial. But they were not indicted for a capital offence; and the causes were removed by *certiorari* into the Court of King's Bench, to prevent the disclosure of the facts by immediate trial. At the next assizes what occurred? The learned gentleman (Mr. Topping) who acted for the Attorney-General, said that he had no evidence to produce against any one of them. (*Hear, hear.*) It was stated, that the prosecutions were discontinued, because every thing was tranquil, and the ministers were willing to shew their clemency. (See vol. I. p. 1671. note.) Government knew from the beginning that no evidence could be brought against them by which they could be convicted, and therefore, turning the advantage they had gained against the people, for it was so, to their own account, they took credit for clemency, because they did not produce evidence which had never existed. (*Much and continued cheering*). If there had been evidence, was that an occasion for clemency? (*Hear, hear.*) Clemency was exercised on the ground of perfect tranquillity having been restored. What! were persons guilty of conspiring to burn factories, attack barracks, and create a revolution, to be therefore discharged without trial, and without punishment? These men were discharged early in September, yet other persons never charged with such atrocious intentions were still kept in prison. Those against whom stronger charges were made were liberated; those charged with slighter offences were kept in confinement. The next transactions that threw light upon the suspension were those in Scotland; but of those he would now say nothing, as the noble lord (Hamilton) behind him would introduce them particularly to their notice. The house would not forget the impression which had been made by the oath read to them by the learned Lord Advocate of Scotland. The person charged with having administered that oath was acquitted. (See vol. I. p. 1698, note) He would now say nothing of the extraordinary, unprecedented—unprecedented he was confident in England, and he believed even in Scotland—the unprecedented attempts to prevail upon another prisoner to give evidence against the accused. (*Hear, hear, hear.*) The next transactions to which he would call their attention were those at Derby. (See vol. I. *Addenda*, iv.) At present, he did not intend to enter into the question whether the persons prosecuted there were properly convicted. The law of high treason was discussed and explained with great ability by the counsel for the prisoners; and he did not see how the force of their arguments could be eluded. But, all the prisoners were guilty of capital offences; one had been guilty of murder, and the others, as aiding and abetting, were in law equally guilty. The proceedings on that trial pronounced a full condemnation on the suspension of the habeas corpus act. (*Hear, hear.*) In the first place, that act had been suspended five months, yet it did not prevent the commission of those crimes. It was evident, too, how much care was taken on those trials to conceal the truth. (*Hear, hear*). The Attorney-General, in his opening speech on those trials, had said, that he could prove that Brandreth had meetings with the conspirators previous to the 8th of June, and, if so, it was his duty to have given evidence respecting them. It was not merely the guilt or innocence of the individuals accused, that was at stake, but the character of the house, and the

credit due to the government. Yet no evidence respecting those previous meetings was given. There was from this circumstance a strong presumption, and in his conscience he believed, from the information he had received, that the whole of that insurrection was the work of the persons sent by the government—not indeed for that specific purpose—but as emissaries of sedition from clubs that had never existed. The crown lawyers, in making out their case, took care that it should not be ascertained how far this information was correct. The Attorney-General was called on by the counsel for the prisoners to produce that evidence, on the first, on the second, and on the third trial; yet he persevered in the course which he had at first adopted, of leaving all the previous proceedings in obscurity. It had been often asked, when the suspension was proposed, what use was to be made of the extraordinary powers which ministers required? The invariable answer was, that when a conspiracy was detected, and an insurrection foreseen, the leaders could be apprehended, and all the mischief prevented. Now the ministers had previous information of Brandreth's designs, yet they did not seize him; they suffered him to go on; and thus, at the only time when this power might have been of use, it was not exerted. (*Hear, hear.*) The next subject to which he should advert, regarding the general conduct of administration since the last session, was the prosecutions carried on against Mr. Hone, to which his noble friend (Lord Althorp) had alluded. He did this the more willingly, as they made part of a connected system, and as the publications which they were instituted to suppress composed part of the evidence on which the liberties of the country were suspended. The house would remember that the late Attorney-General (Sir William Garrow) had stated that he had received a copy of one of those terrible parodies. He declared that it was monstrously blasphemous; and when some one had begged him to read it, he declared that he would not ever consent to any thing so horrible, as to read in the House of Commons such a production; (*a laugh*) that he would seal it up and lay it on the table, and if any one had curiosity enough to break the seal, the consequence should be on his head. Yet, notwithstanding this delicacy and regard to public morals, his hon. and learned friend the Attorney-General had proceeded in his endeavours to protect religion and morality, and had multiplied copies of these parodies by thousands, and scattered them in profusion over all parts of the country. (*Hear, hear.*) Before he commenced his prosecution, they had entirely disappeared—they had been suppressed by their author, and withdrawn altogether from circulation. It was stated by a witness on the trial of Mr. Hone, that he could not procure a copy by the most diligent search; and that a guinea was offered in vain for a work that had originally been published at two-pence. These parodies, therefore, had been completely withdrawn, and had disappeared from public notice, when his hon. and learned friend thought proper to publish a new edition of them (*hear, and a laugh*); and what was stronger still, on the pretence of preventing their publication. (*Hear, hear.*) He had given them a permanent place in the history of the country, he had made them a part of its judicial annals, he had given occasion to collect all the parodies that had been published in former ages, to print them in one convenient little volume, and to hand them down to posterity. (*Hear, hear, hear.*) And why was this done? Why were the prosecutions of Mr. Hone persisted in, if, according to the language held regarding the prisoners at Lancaster, the evil was stopped in September, and the state of the country had become so tranquil, and so satisfactory, as to enable administration to exercise with safety the royal clemency? His hon. and learned friend, it would appear from this proceeding, took credit for a clemency when he could not get a conviction, and when he could get a conviction was willing to shew no clemency. (*Hear, hear.*) He (Sir S. Romilly) did not mean to defend the publications in question; they were most offensive and reprehensible, though they did not amount to blasphemy, as they had been said to do elsewhere, though not on the prosecution. They were said to have been composed for a political object, and not for the purpose of attacking religion; but whatever was their object, their composition was most offensive and indefensible. To treat with levity the religion of the country, to hold up sacred subjects to ridicule by employing their language to promote political objects, and to inspire the minds of the people with a disrespect or contempt for those doctrines which should be respected for their importance to public morals by those even who did not believe them, was conduct that deserved the highest reprehension. He was willing to believe that his hon. and learned friend was not stimulated to such prosecutions by vindictive motives, but he could scarcely otherwise explain his conduct. If the prosecutions were not vindictive, why were they undertaken? Were they for prevention? And if so, had they prevented the circulation? But the publications themselves were stopped before he attempted to suppress them. This injudicious attempt brought them again into public notice, and gave them infinitely greater currency than they could have obtained in their original state, with a great mass of concealed, forgotten, and unknown parodies attached to them. He could not believe that his hon. and learned friend could have contemplated this consequence, and yet how could it have escaped him? Should he not have known, that on the trial, those parodies which had been before little known, or altogether forgotten, would be brought forward and circulated to an

infinitely greater extent than if they had never been mixed with the proceedings of a court of justice? But, notwithstanding this natural anticipation, his hon. and learned friend had proceeded as if he could not give them currency enough; and after having seen the effect of one prosecution in bringing forward long forgotten parodies, went on with the other two, as if with the intention of procuring an accession of others. Why was the second prosecution persisted in by his hon. and learned friend, after he had failed in obtaining a verdict on the first? Because, said he, the second parody was as much a libel as the first, and to have relinquished the prosecution would have been a dereliction of his public duty. But was it the duty of an Attorney-General to prosecute every thing that was prosecutable? If this was the case, he was imposing upon himself more extensive obligations than he was probably aware of, and might be led to carry his prosecutions to other quarters. If this was the case, it became his hon. and learned friend to look about him. (*hear, hear.*) But, instead of three prosecutions, would not one have been sufficient; and should not at least the verdicts given in the two former have taught him what was to be expected on the third? In the third, however, he proceeded, although the Court of King's Bench, in a trial connected with the same publication, had considered it as less offensive than the two former publications, and had been induced to award a less severe penalty, because the defendant had shewn himself sensible of his error, and thrown himself on the tender mercies of the Attorney-General. (*Hear, hear.*)* The least criminal of the parodies was the last prosecuted, and the prosecution was persevered in after a double failing, according to the explanation of his hon. and learned friend himself, because he thought it would have manifested weakness in him to have relinquished it. (*Hear, and a laugh.*) He (Sir. S.) meant nothing personal to the Attorney-General. He was an agent of government, and doubtless acted on their views and by their instigation in bringing on the third trial. He was unwilling to believe that government themselves acted on any vindictive principles, but they must have had some reason for such extraordinary conduct. In searching after this reason, he was led to the discovery of an object, in which he hoped they were for ever defeated. He believed in his conscience that ministers, by urging these prosecutions in the face of repeated failures, wished to bring the trial by jury, that great safeguard of our rights, into discredit and contempt, that they might, by the assistance of a religious cry, be enabled, with less opposition, to lay restraints upon the press. He could not forget that in those vehicles of public opinion under the control of government, such a project was broached, and he was convinced that the destruction of that confidence generally reposed in juries was a preparatory part of the plan. If this was their object, it was happily defeated by the firmness of the juries, combined with the good sense, public spirit, and active vigilance of the country. The trial by jury was one of the great bulwarks of our rights, and he could scarcely have believed it possible that any ministers could have entertained the idea or the wish to bring it into discredit with the nation, unless he had remembered other transactions and attempts which seemed consistent with such an object. He could not have attributed to them such a design, if he did not know that the ministers composed the same government that issued directions to the magistrates how they were to act in the discharge of the duty which the constitution assigned them, and promulgated laws never before understood, on the authority of the legal advisers of the crown: if he did not know that they were the same administration that suspended the habeas corpus in time of peace; if he did not know that they were the same administration that presumed to say that the names of those imprisoned under it were not to be revealed, and that the royal prerogative should be interposed, contrary to law, between them and the visiting magistrates; if he did not know that they were the same government, who, after confining men for several months in prison without a charge, dismissed them without a trial, requiring them first to give security for their conduct, and when they refused such security, allowing them to depart without it† (*hear, hear*); trusting to a bill of indemnity to cover their conduct, which bill of indemnity he would oppose, whatever hopes they had of obtaining it. (*Hear, hear, hear.*) He could not, in fine, forget that they were the same government who, conscious that they had exposed themselves to be called to a severe account by the country, had endeavoured to excuse their own acts by requiring these prisoners to confess that they had done wrong, by giving security for the peace. If their object, in the repeated prosecutions of Mr. Hone, was what

* In 1817, two informations were filed against James Williams, a bookseller and stationer at Portsea, for printing and publishing two parodies; one on the Litany, the other on the Athanasian Creed. He suffered judgment to go by default; and on the 25th of November was brought into the Court of King's Bench to receive sentence, which was, that for the first libel, he should be imprisoned in Winchester gaol for eight calendar months, pay a fine of 100*l.* and give security for five years, himself in 300*l.* and two sureties in 150*l.* each; and for the second libel, that he should be imprisoned four calendar months.

† The persons who were liberated, without entering into the recognizances which were proposed to them respectively, as a condition of their freedom, were, William Benbow, Thomas Evans the elder, and Thomas Evans the younger. Their cases are fully set forth in the petitions which they presented to the house on the 31st of Jan. and the 13th of Feb. (See the proceedings on those days.)

he had stated, and what the whole tenour of their conduct justified him in believing, he was happy to see that they were defeated by the good sense and public principles of the people. If such plans had been formed, they had now proved abortive, and the religious cry by which the ministers had got into office had not, on this occasion, turned to their advantage.—The hon. and learned gentleman concluded by saying, that he thought it incumbent upon him to take the earliest opportunity of calling the attention of the house to the subjects to which he had shortly adverted, and that he should have reckoned silence on the present occasion a great dereliction of his public duty. (*Hear, hear.*)

The *Solicitor-General* said, he was surprised at the strange manner in which the noble lord and his hon. and learned friend had endeavoured to bring about that unanimity which they professed to desire. The speeches which they had delivered could not have been expected from them on the present occasion, as notice had been given of a motion on a subject directly involving the consideration of these transactions, which would afford them abundant opportunity of delivering their sentiments. His hon. and learned friend had entered into the discussion of the habeas corpus suspension act, and had stated, that subsequent evidence had destroyed the grounds on which it was passed. He had argued, that this act was not necessary, because the trials which had occurred since its enactment had removed the plea of danger on which it rested. But what were the grounds on which he proceeded in condemning the conduct of ministry and this act of the legislature? He had gone first to the trials at Lancaster, and the clemency of government to the disturbers of the public peace at Manchester. But his hon. and learned friend had not argued fairly this question, and by confounding two circumstances essentially distinct, had misrepresented facts. He had assumed that the men confined at Lancaster for engaging in what was called the blanketeer expedition, were the same as those alluded to in the report of the secret committee, as having formed a conspiracy for the destruction of Manchester. Nothing, however, could be more distinct than the case of these two classes of men. The individuals who were confined at Lancaster were imprisoned for a misdemeanour only, and were not implicated in a charge of treasonable conspiracy. Against them bills had been found by the grand jury, and they shared the royal clemency, because, though they might be instruments in the hands of other more guilty and designing men, it did not appear that they themselves had formed any such atrocious designs as the secret committee in its report alluded to; and government, taking into consideration the imprisonment they had suffered, were induced to discharge them, sensible as they appeared to be of their own culpability. His hon. and learned friend had then come to the trials at Derby, and he (the Solicitor-General) must say that he did not expect to hear any remarks on them. A more satisfactory judicial investigation had not occurred, he believed, in the annals of the country, nor had there been any instance in which the royal clemency had been more strikingly displayed. (*Hear, hear.*) His hon. and learned friend had accused the Attorney-General of alluding, on the trial of the men who were there convicted, to evidence of their criminal plots and proceedings, previous to the commission of those acts of treason for which they were indicted, and for not bringing forward that evidence at their trial. But surely nothing was more ungrounded than such a charge. The Attorney-General had heard of meetings among these men of a criminal nature, before the final meeting at Pentridge; but it was not incumbent upon him to produce all the evidence in his possession, when what he did produce was, in his opinion, sufficient. If that evidence would have availed the prisoners in their defence, it should have been called for by them or their learned counsel; but it was not the duty of the prosecution to produce it, when its production was thought unnecessary or superfluous. Government was called upon to go into a long history, when they could bring forward sufficient proofs of their charge without protracting the proceedings of the court. An argument like that of his hon. and learned friend would go to establish this principle, that satisfactory testimony was not to be received, because superfluous evidence was not produced. (*Hear.*) The absence of such testimony did not impeach the proceeding, and he was surprised to hear his hon. and learned friend reasoning as if it did. If the prisoners did not bring forward what was necessary for their defence, was government to prove matters irrelevant to their conviction? His hon. and learned friend had then followed the noble lord into Mr. Hone's case, and argued in a manner that equally surprised him. They both allowed that the publications in question were most reprehensible, but they reasoned as if an impolitic conduct and a vindictive spirit had been shewn in prosecuting the author. Their argument was, that the prosecution of such libels contributed to extend their circulation, and that therefore they ought not to have been prosecuted at all. The conclusion to which such an argument must lead would be, that the more atrocious the libel the greater would be its chance of impunity, because a prosecution would only give it additional currency. Such reasoning proved too much, and, therefore, proved nothing but the unfounded nature of the maxim it would establish. But then, said the noble lord, inasmuch as you persevered in the successive trials against Mr. Hone, you evinced an intention to appeal from the verdict of one jury to that of another. There might be some foundation for that charge, if the successive trials had reference to identical libels, but that was

not the case. They constituted different offences. If a man committed three different murders on one night in the same house, would the acquittal on one murder constitute an argument against the further prosecution on the other indictments? That difference existed in the case of Mr. Hone; the offences were to be proved by distinct evidence. He was prepared to assert, that if a man sold three libels in the same shop, he might be prosecuted on an indictment which comprehended all the libellous publications. Yet if such a course had been pursued by the Attorney-General, it would no doubt have been considered as extremely severe, and calculated to embarrass and confuse the defence of the party. But what said his hon. and learned friend (Sir S. Romilly)? He met the objection of the noble lord; he asserted that the second libel for which Mr. Hone was arraigned was much more improper than the first; he said, that if it belonged to him to prosecute he would have selected the second publication as the one on which he would have proceeded. This view of the case might attach want of management to the Attorney-General—it might impute to him the error of selecting the weakest case for his first effort, but it decidedly disproved the assertion of the noble lord, that the same offence was, after one acquittal, again pertinaciously subjected to the decision of another jury. (*Hear, hear, from the ministerial benches, and an observation from the opposition, What, as to the third publication?*) The third publication had been admitted by the gentlemen opposite to be also improper; it constituted, in the opinion of his hon. and learned friend, only a lesser offence; that, however, was only his opinion, and, *ex concessis*, he had a right to assume that, as his hon. and learned friend would have tried Mr. Hone on the second publication. The objection of their being identical publications altogether failed, and the prosecutors of the crown were bound in duty to submit each of the indictments to the verdict of a jury. On those verdicts it did not become him to offer any observations—they were not called for by the present discussion. But his hon. and learned friend had said, that none of the prosecutions ought to have been tried, because, before the trial, the publication was suppressed. This would be a weak argument for abstaining from prosecution, even on the supposition that the suppression was complete; but here there was no such thing. Did not his hon. and learned friend know, that the libels had been circulated through the whole country, that they were republished in many places, and that almost immediately before, Williams had been punished for having printed what this defendant composed? Various prosecutions had been instituted. The libels were spreading in every direction, and therefore he could not allow it to go out to the public uncontradicted, that they had been completely suppressed by the voluntary exertion of their author. (*Hear, hear.*) He could not see on what ground the noble lord and his hon. friend could condemn the libels without approving of their prosecution. They were admitted on all hands to be wicked, reprehensible, and dangerous; and the officers of the crown would have abandoned their duty, if they had not endeavoured to stop their circulation, and to prevent the repetition of similar offences, by bringing their author to trial. No just ground of censure had been alleged against the conduct of his learned friend, the Attorney-General, and he therefore could not see the necessity of the observations in which his hon. and learned friend, preceded by the noble lord, had indulged.

The *Lord Advocate* said, that when the proper time arrived for discussing the state prosecutions in Scotland, and more particularly the case of M'Kinlay, he would shew that there was no incapacity in drawing up the indictment, nor any oppression exercised in the prosecution. He would produce, in his vindication, what was said by the judge to the prisoner after the trial, the verdict of the jury, and the evidence on which it proceeded. It would then appear, that the atrocity of the oath which he had the honour of reading to the house in the last session, was fully made out by the legal proceedings. With regard to what had been said about tampering with a witness, he would shew, when the proper time came, that nothing was done, nothing was promised, inconsistent with the strict duty of the officer concerned. He only begged that the opinion of the house might be suspended till the necessary explanations should appear.

Lord *Archibald Hamilton* wished to make only one or two observations. He had no desire to discuss the capacity or incapacity of the learned lord. If the prosecutions in England were improper, much more were they so in Scotland. The statements which the learned lord had made last year turned out to be erroneous. He had declared that hundreds of persons were involved in criminal proceedings; but if this was the case, why had no more than one been brought to trial? With regard to tampering with a witness, he still believed the learned lord involved in the charge, though not solely or chiefly. He only now protested against relying on such explanations as those of the learned lord till the proper time for the discussion arrived.

Lord *Folkestone* observed, that he was always reluctant to protract the attention of a house which shewed symptoms of weariness or impatience; but he held it to be inconsistent with his duty, to overlook the inadequacy of the proposed address, as descriptive of the conduct of his Majesty's ministers during the recess. After what had been said, he should not advert to the proceedings of the great law officers in Scotland, because that subject was to be formally brought under the notice of the house. He

should forbear, therefore, from all discussion at present, and content himself with saying, that to those who were satisfied with the answer of the Solicitor-General to the speech of his hon. and learned friend, (Sir S. Romilly) with regard to the proceedings in the trials of Mr. Hone, he should despair of offering any argument, however convincing it might appear. His hon. and learned friend had been equally successful in shewing that the persons apprehended at Manchester were the same persons accused of a design to fire the town, upon the authority of a parliamentary report, which report, and the secret evidence upon which it was founded, formed in all probability, the sole reason for the subsequent apprehension of those persons.—With regard to the trials at Derby, he was not in a situation to say that the evidence was not sufficient to support the convictions: but he believed it to be impossible for any man attentively to examine the progress of those trials, without being persuaded that the cause and subject of them were as much the production of Oliver as any of the other transactions which had been already traced to his management and instigation. If this was the truth, and that it was he could himself entertain no doubt, he did not envy the feelings of those who, aware of all the circumstances, could be satisfied to find a sort of justification for their own previous measures, by consigning three wretched individuals to the last punishment of the laws*. In alluding to the different prosecutions against Mr. Hone, it appeared to him indisputable that they either originated in a spirit of persecution, or manifested a complete imbecility in directing the administration of justice. What, however, he most complained of, was the degradation to which courts of law had been subjected by this impolitic, if not unjust, perseverance in a hopeless prosecution. *(Hear, hear.)* Never before had the dignity and respectability of our criminal tribunals been so dangerously compromised. *(Hear, hear.)* Who was there who would deny that a deeper mischief had been planted, as respected those tribunals, than would have resulted to the interests of religion by declining to prosecute Mr. Hone? *(Hear, hear.)* He agreed with his hon. and learned friend, that a double motive was betrayed by his Majesty's ministers on that occasion; and that they contemplated either by a conviction to justify the outcry they had raised in the preceding session, or, in case of failure, a disposition on the part of the public to submit to some innovations in the law respecting trial by jury, which would have equally well answered their wishes and expectations. This, indeed, appeared to have been pretty satisfactorily proved by Mr. Hone himself in the Court of King's Bench, and it was a subject that would well merit investigation hereafter. There was another topic upon which he was desirous of saying a few words, because it was one in which he had himself taken a personal interest, namely, the imprisonment and solitary confinement of certain persons in a neighbouring county. (See Vol. I. p. 1432. *Addenda*, p. xxvii.) He mentioned it at present, however, only for the purpose of supporting the proposition that he had already submitted, which was, that the measures and conduct of ministers had a direct tendency to lessen the respect due to courts of law; and without which, their authority could never be effectually maintained. The court of quarter sessions was a court whose extensive jurisdiction was undisputed; but its authority had been openly questioned and resisted by the agents of a Secretary of State. When he considered the present address as committing the house to a vote of approbation of all the conduct to which he had thus referred, *(cries of No, No, from the Treasury Bench,)* he had intended to say he could not suppress the objections which he entertained to such a vote; but as he found that he had misapprehended the true construction of the address as to this point, he should confine his observations to this statement—that the address was utterly deficient in that feeling which it became a British House of Commons to express at a moment when the liberties of the country lay prostrate, and at the mercy of the executive government. *(Hear, hear, hear.)* It had been said by the hon. seconder of the address, that it contained nothing against which a just exception might be taken. This character of an address to the throne did not satisfy him. His notion of the speech itself was, that it contained an extorted exposition of the real or pretended condition of the country, and he knew that it was but very recently that the addresses in answer had become mere echoes, and had degenerated into those *wishy washy* compositions which it was now the custom to propose to them. During the reign of King William, and it would be allowed that that was one of the good times of the constitution, it was the practice, after receiving the speech from the throne, to return an address two or three days afterwards, the intermediate period being passed in deliberating upon the nature and truth of those political representations which the speech contained. This was a practice which appeared to him to have some sense in it, and it was curious to observe how it had been eaten out. The custom of making the address a sort of answer, or, as it was called, echo of each particular subject that was touched upon, was gradually introduced: formerly the members on each side of the house assembled in the cockpit the day before the meeting of Parliament, when the speech was read, and those who heard it were so far enabled to prepare themselves for a mature consideration of it. Although not very old, he could himself remember the existence of this rule. Now, according to the reasoning of the hon. seconder, they ought to concur unanimously in the address, because it contained nothing to

* Jeremiah Brandreth, William Turner, and Isaac Ludlam were executed at Derby on the 7th of November, 1817.

which an exception could be taken, or, in other words, because it contained just nothing. But surely a separate address with regard to the death of her Royal Highness would be more respectful to her memory, and, as it was adopted on the occasion of the decease of the Duke of Gloucester, would be most conformable to precedent in such cases. In adverting to that calamity which all men deplored, he joined the more readily in that expression of feeling which it had called forth, because he saw a right hon. gentleman in his place, who had, on a former occasion, thought proper to represent him as an enemy to the house of Brunswick. (*Hear, hear.*) He was naturally anxious, if it were only on that account, to mingle his regret with the universal sorrow which a calamity so hazardous to that illustrious family had inspired. It was most important also, in his opinion, to mark that universal sorrow, because it must satisfy every reasonable mind of the fallacy of those assertions which imputed disaffection to the people. (*Hear, hear.*) A more heart-felt mourning, a deeper consciousness of calamity was not displayed, when in the last and greatest of the Egyptian plagues, every parent suddenly found that he was deprived of his first-born child. (*Hear, hear.*) The grief occasioned by this sad event had been universal, and the people, in their addresses to the throne, had stated their reason for feeling so acutely on the occasion. They lamented the loss of that bright promise of a virtuous and beneficent sovereign, which they had so long contemplated with feelings of delight. (*Hear, hear.*) Every one of their addresses mentioned the private and public virtues of that amiable Princess—every one of them eulogized the exemplary manner in which she had discharged the various duties of her station, during her short but honourable life. (*Hear, hear.*) If any persons believed that there were enemies to the house of Brunswick—if any persons thought that disaffection towards it existed—they must be taught by the uniform conduct of the people on this melancholy occasion, that it was not directed against that part of it which was dignified by virtue. (*Hear, hear.*) If there was any hostility to any part of that house—and he did not believe that there was, let those who were the objects of it, attribute it to themselves, and not to any base feeling of the popular mind. (*Hear, hear.*)

Lord *Castlereagh* declared, that desirous as he was of meeting the objections and animadversions which had been brought forward, not only with regard to the address immediately under consideration, but as respected the conduct of ministers during the recess of Parliament, yet as he was aware of the numerous opportunities that would soon present themselves for discussing them separately and in detail, he should reserve himself for those occasions, when he trusted that a satisfactory explanation would be furnished. It appeared to him to be quite foreign to the question, and calculated unnecessarily to disturb the unanimity which the deep and irreparable loss that had been sustained rendered so desirable, to agitate subjects which in themselves formed distinct objects of inquiry, before any regular information was adduced. There were, indeed, observations in the course of the noble lord's speech against which he must immediately protest, and particularly against the statement which represented the trials at Derby to have arisen out of the proceedings of a spy employed by the government. He now undertook most fully to disprove such an assertion whenever the proper time of investigation should arrive. It was enough for the present to remark, that not a *scintilla* of evidence had appeared during the trials to shew the slightest foundation for this belief. He could not conceive what part of the conduct of administration had induced the hon. and learned gentleman to conclude that his Majesty's ministers had it in contemplation to propose new measures restrictive of the liberty of the subject. He was not conscious that they had manifested any disposition of such a nature; and he was happy to assure the house, that he should, on an early day, be prepared to communicate information with regard to all that had been passing in the country since the last session. (*Hear, hear.*) He believed sincerely, that this information would satisfy, not only the hon. members opposite, but would satisfy the house and the public, that the measures adopted during the last session, had been founded not merely on prudential considerations, but on a strict necessity, and that it was to them that we were indebted for the internal tranquillity which had been restored. The energy of Parliament had not only provided the Suspension Act, but had ensured its speedy termination. His Majesty's ministers, who had been placed in a situation of great difficulty, would not shrink from the most rigid scrutiny into their conduct, and would be found, he confidently hoped, to have faithfully discharged the trust confided to them; to have administered justice duly tempered with mercy; and to have contended successfully against the danger with which the country had been threatened. The greatest of those dangers he believed had passed by: but he would not lull Parliament into a belief that perfect security was restored. It gave him, however, sincere satisfaction to congratulate the house on the unprecedented rapidity with which the country had passed from a state of depression to one of progressive prosperity, which there was every reason to believe would continue. In the earnest hope, therefore, that the present discussion would terminate, so as to be most expressive of that unanimity which was due to the melancholy event recorded in the speech, he should only repeat the assurance, that there would be ample opportunity afforded for the consideration of all the points to which the attention of the house had been now prematurely drawn.

Mr. *Bennet* expressed his entire concurrence with the noble lord (Folkestone) as to the conduct of his Majesty's ministers, for he could assure the house, that he was prepared to prove, upon the proper occasion, that notwithstanding those confident assertions by which ministers contrived to persuade some gentlemen to agree to their measures of restriction upon the liberty of the subject, the greater part, if not the whole, of the disaffection which formed the groundwork of their proposition, was created by emissaries employed and paid by ministers themselves. (*Hear, hear, hear.*)

Mr. *Brougham* most willingly agreed to that part of the address which related to an event upon which there was but one feeling throughout the empire. The unanimity which the noble secretary of state anticipated, was, he thought, not likely to be disturbed by the reference that had been made to the history of the country, since the first report of the committee upon which the habeas corpus act was suspended. On the contrary, the house must derive considerable satisfaction from the statement of the noble lord, that it was the intention of ministers at length to produce some evidence of the grounds upon which that suspension was proposed. He was glad to learn that it was at last intended to submit this evidence to a committee, which should have the power of examining persons as well as the documents prepared by his Majesty's ministers, for thus an opportunity would be afforded of inquiring not only into the communications which ministers might think proper to make, but also into such evidence as the hon. member for Shrewsbury and others were enabled to bring forward. With this impression of the proceeding which it was intended should take place, he concurred in the opinion that any further discussion at the present moment would be useless and premature. His own opinions, undoubtedly, remained as they were during the last session, with regard to the evidence, or rather want of evidence, upon which the suspension act rested, and he had only to hope, that he might be at length convinced, that the constitution had not been suspended without adequate cause.

Lord *Castlereagh* rose to explain: he disclaimed any intention of proposing a new committee of inquiry, of the nature alluded to by the hon. and learned gentleman.

Mr. *Brougham* expressed his regret, if he had misunderstood the noble lord, for he could not apprehend that any satisfaction was likely to be felt by the house and the country, should the committee to be appointed be furnished only with a green bag full of documents, prepared by ministers themselves.

Lord *Cochrane* thought the address extremely dissatisfactory, for it held out no promise even of economy or retrenchment. How different was this composition from the speech of the American President, which had lately appeared in the public journals. In that speech, from the chief ruler of a nation which our ministers threatened and sought to destroy in the late war, there was a distinct recital of evidence to prove its growing and general improvement. In the speech before the house there was no doubt a confident assertion of national prosperity, but no specific instance of that prosperity was even alluded to. The reason, however, was obvious, for no specific instance could be cited. That indeed was impossible amidst the misery that universally prevailed, while the revenue was notoriously deficient, while the workhouses were crowded with paupers, while the streets were thronged with starving seamen, and the poor rates had increased beyond any former precedent. And what had ministers presented in atonement for their delinquency? Why, truly, a recommendation to build churches. This, however, was not a new expedient, for it was the practice of sinners in all ages to build churches. If, indeed, ministers had proposed to enlarge the gaols or the alms-houses, where at least the inmates were saved from starving, or to do any thing for the solid benefit of the public, they might have some claim to praise. But their allegation of prosperity, and their proposition of improvement, really mocked the public understanding. It was obviously impossible that any country could go on in the state in which England was at present, with a falling revenue and a starving people—with a greater degree of misery among the population, than was to be found under any arbitrary government which the British ministers might desire to imitate. For in no nation in Europe, not even in Spain, Italy, or Portugal, could such mendicity and wretchedness be found, as were at present daily witnessed in the public streets of this great metropolis. For the reasons he had mentioned, he could not hesitate to pronounce this address a direct insult to the feelings and the understanding of the country.

The motion was then unanimously agreed to, and a committee was appointed to draw up the address.

Lord *Castlereagh* then gave notice, that he should to-morrow move an address of condolence to her Majesty, and a similar address to his Serene Highness Prince Leopold, on the afflicting death of her Royal Highness the Princess Charlotte.

HOUSE OF LORDS.

Wednesday, Jan. 28.

The Duke of *Northumberland* and the Bishop of *Kildare* took the oaths and their seats.

SPANISH SLAVE TRADE.] The Earl of *Liverpool* laid on the table the following copy of the treaty between his Britannic Majesty, and his Catholic Majesty, for preventing their subjects from engaging in any illicit traffic in Slaves. Signed at Madrid, the 23d of September, 1817.

"In the Name of the Most Holy Trinity.

It having been stated in the second additional article of the treaty, signed at Madrid on the 5th day of July of the year 1814, between his Majesty the King of the United Kingdom of Great Britain and Ireland, and his Majesty the King of Spain and the Indies, that "his Catholic Majesty concurs, in the fullest manner, in the sentiments of his Britannic Majesty, with respect to the injustice and inhumanity of the traffic in slaves, and promises to take into consideration, with the deliberation which the state of his possessions in America demands, the means of acting in conformity with those sentiments: and engages, moreover, to prohibit his subjects from carrying on the slave trade, for the purpose of supplying any islands or possessions, excepting those appertaining to Spain; and to prevent, by effectual measures and regulations, the protection of the Spanish flag being given to foreigners who may engage in this traffic, whether subjects of his Britannic Majesty or of any other state or power."

And his Catholic Majesty, conformably to the spirit of this article, and of the principles of humanity with which he is animated, having never lost sight of an object so interesting to him, and being desirous of hastening the moment of its attainment, has resolved to cooperate with his Britannic Majesty in the cause of humanity, by adopting, in concert with his said Majesty, efficacious means for bringing about the abolition of the slave trade, for effectually suppressing illicit traffic in slaves, on the part of their respective subjects, and for preventing Spanish ships trading in slaves, conformably to law and to treaty, from being molested or subjected to losses from British cruisers; the two high contracting parties have accordingly named as their plenipotentiaries, viz.:—

His Majesty the King of the United Kingdom of Great Britain and Ireland, the Right Hon. Sir Henry Wellesley, a member of his Majesty's most hon. Privy Council, Knight Grand Cross of the most hon. Order of the Bath, and his Majesty's Ambassador Extraordinary and Plenipotentiary to his Catholic Majesty; and his Majesty the King of Spain and the Indies, Don Josef Garcia de Leon y Pizarro, Knight Grand Cross of the royal and distinguished Spanish Order of Charles III., of that of St. Ferdinand and of Merit, of Naples, of those of St. Alexander Newsky and of St Anne of Russia, and of that of the Red Eagle of Prussia, Counsellor of State, and First Secretary of State and of the general despatch; who, having exchanged their respective full powers, found to be in good and due form, have agreed upon the following articles:—

Art. 1. His Catholic Majesty engages, that the slave trade shall be abolished throughout the entire dominions of Spain, on the 30th day of May, 1820, and that, from and after that period, it shall not be lawful for any of the subjects of the crown of Spain to purchase slaves, or to carry on the slave trade on any part of the coast of Africa, upon any pretext or in any manner whatever; provided, however, that a term of five months, from the said date of the 30th of May, 1820, shall be allowed for completing the voyages of vessels, which shall have cleared out lawfully previously to the said 30th of May.

Art. 2. It is hereby agreed, that from and after the exchange of the ratifications of the present treaty, it shall not be lawful for any of the subjects of the crown of Spain to purchase slaves, or to carry on the slave trade on any part of the coast of Africa to the north of the equator, upon any pretext or in any manner whatever; provided, however, that a term of six months from the date of the exchange of the ratifications of this treaty, shall be allowed for completing the voyages of vessels which shall have cleared out from Spanish ports for the said coast, previously to the exchange of the said ratifications.

Art. 3. His Britannic Majesty engages to pay, in London, on the 20th of February, 1818, the sum of 400,000*l.* sterling, to such persons as his Catholic Majesty shall appoint to receive the same.

Art. 4. The said sum of 400,000*l.* sterling is to be considered as a full compensation for all losses sustained by the subjects of his Catholic Majesty engaged in this traffic, on account of vessels captured previously to the exchange of the ratifications of the present treaty, as also for the losses which are a necessary consequence of the abolition of the said traffic.

Art. 5. One of the objects of this treaty, on the part of the two governments, being mutually to prevent their respective subjects from carrying on an illicit slave trade:

The two high contracting parties declare, that they consider as illicit, any traffic in slaves carried on under the following circumstances:—

1st. Either by British ships, and under the British flag, or for the account of British subjects, by any vessel or under any flag whatsoever.

2d. By Spanish ships, upon any part of the coast of Africa, north of the equator, after the exchange of the ratifications of the present treaty; provided, however, that six months shall be allowed for completing the voyages of vessels, conformably to the tenor of the second article of this treaty.

3d. Either by Spanish ships, and under the Spanish flag, or for the account of Spanish subjects, by any vessel or under any flag whatsoever, after the 30th of May, 1820, when the traffic in slaves, on the part of Spain, is to cease entirely: provided always, that five months shall be allowed for the completion of voyages commenced in due time, conformably to the first article of this treaty.

4th. Under the British or Spanish flag, for the account of the subjects of any other government.

5th. By Spanish vessels bound for any port not in the dominions of his Catholic Majesty.

6th. His Catholic Majesty will adopt, in conformity to the spirit of this treaty, the measures which are best calculated to give full and complete effect to the laudable objects which the high contracting parties have in view.

7th. Every Spanish vessel which shall be destined for the slave trade, on any part of the coast of Africa where this traffic still continues to be lawful, must be provided with a royal passport, conformable to the model annexed to the present treaty, and which model forms an integral part of the same. This passport must be written in the Spanish language, with an authentic translation in English annexed thereto; and it must be signed by his Catholic Majesty, and countersigned by the Minister of Marine, and also by the principal naval authority of the district, station, or port from whence the vessel clears out, whether in Spain, or in the colonial possessions of his Catholic Majesty.

8th. It is to be understood that this passport, for rendering lawful the voyages of slave-ships, is required only for the continuation of the traffic to the south of the line; those passports which are now issued, signed by the first secretary of state of his Catholic Majesty, and in the form prescribed by the order of the 16th of December, 1816, remaining in full force for all vessels which may have cleared out for the coast of Africa, as well to the north as to the south of the line, previously to the exchange of the ratifications of the present treaty.

9th. The two high contracting parties, for the more complete attainment of the object of preventing all illicit traffic in slaves on the part of their respective subjects, mutually consent, that the ships of war of their royal navies, which shall be provided with special instructions for this purpose, as hereinafter mentioned, may visit such merchant vessels of the two nations as may be suspected, upon reasonable grounds, of having slaves on board, acquired by an illicit traffic, and, in the event only of their finding slaves on board, may detain and bring away such vessels, in order that they may be brought to trial before the tribunals established for this purpose, as shall hereinafter be specified.

Provided always, that the commanders of the ships of war of the two royal navies, who shall be employed on this service, shall adhere strictly to the exact tenor of the instructions which they shall receive for this purpose.

As this article is entirely reciprocal, the two high contracting parties engage mutually, to make good any losses which their respective subjects may incur unjustly, by the arbitrary and illegal detention of their vessels.

It being understood that this indemnity shall invariably be borne by the government whose cruiser shall have been guilty of the arbitrary detention; provided always, that the visit and detention of slave-ships, specified in this article, shall only be effected by those British or Spanish vessels which may form part of the two royal navies, and by those only of such vessels which are provided with the special instructions annexed to the present treaty.

10th. No British or Spanish cruiser shall detain any slave-ship not having slaves actually on board; and in order to render lawful the detention of any ship, whether British or Spanish, the slaves found on board such vessel must have been brought there for the express purpose of the traffic; and those on board of Spanish ships must have been taken from that part of the coast of Africa where the slave trade is prohibited, conformably to the tenor of the present treaty.

11th. All ships of war of the two nations, which shall hereafter be destined to prevent the illicit traffic in slaves, shall be furnished by their own government with a copy of the instructions annexed to the present treaty, and which shall be considered as an integral part thereof.

These instructions shall be written in Spanish and English, and signed for the vessels of each of the two powers, by the minister of their respective marine.

The two high contracting parties reserve the faculty of altering the said instructions, in whole or in part, according to circumstances; it being, however, well understood, that the said alterations cannot take place but by the common agreement, and by the consent of the two high contracting parties.

12th. In order to bring to adjudication with the least delay and inconvenience, the vessels which may be detained for having been engaged in an illicit traffic of slaves, there shall be established, within the space of a year at furthest, from the exchange of the ratifications of the present treaty, two mixed commissions, formed of an equal number of individuals of the two nations, named for this purpose by their respective Sovereigns.

These commissions shall reside—one in a possession belonging to his Britannic Majesty—the other within the territories of his Catholic Majesty; and the two governments, at the period of the exchange of the ratifications of the present treaty, shall declare, each for its own dominions, in what places the commissions shall respectively reside. Each of the two high contracting parties reserving to itself the right of changing, at its pleasure, the place of residence of the commission held within its own dominions; provided, however, that one of the two commissions shall always be held upon the coast of Africa, and the other in one of the colonial possessions of his Catholic Majesty.

These commissions shall judge the causes submitted to them without appeal, and according to the regulation and instructions annexed to the present treaty, of which they shall be considered as an integral part.

13th. The acts or instruments annexed to this treaty, and which form an integral part thereof, are as follows:—

No. 1. Form of passport for the Spanish merchant ships, destined for the lawful traffic in slaves.

No. 2. Instructions for the ships of war of both nations, destined to prevent the illicit traffic in slaves.

No. 3. Regulation for the mixed commissions, which are to hold their sittings on the coast of Africa, and in one of the colonial possessions of his Catholic Majesty.

14th. The present treaty, consisting of 14 articles, shall be ratified, and the ratifications exchanged at Madrid, within the space of two months from this date, or sooner if possible.

In witness whereof the respective plenipotentiaries have signed the same, and have thereunto affixed the seal of their arms.

Done at Madrid, this 23d day of September, in the year of our Lord one thousand eight hundred and seventeen.

(Signed) HENRY WELLESLEY. (L. S.)
(Signed) JOSE PIZARRO. (L. S.)

Form of Passport for Spanish vessels destined for the lawful traffic in slaves.

Ferdinand, by the Grace of God, King of Castille, of Leon, of Arragon, of the two Sicilies, of Jerusalem, of Navarre, of Granada, of Toledo, of Valencia, of Gallicia, of Majorca, of Minorca, of Seville, of Sardinia, of Cordova, of Corsica, of Murcia, of Jaen, of the Algarves, of Algesiras, of Gibraltar, of the Canary Islands, of the East and West Indies, Isles, and Terra Firma of the Ocean; Archduke of Austria; Duke of Burgundy, of Brabant, and of Milan; Count of Apsburgh, Flanders, Tirol and Barcelona; Lord of Biscay and of Molina, &c.

Whereas I have granted permission for the vessel called of tons, and carrying men and passengers; master and owner, both Spaniards, and subjects of my crown, to proceed bound to the ports of and coast of Africa, from whence she is to return to the said master and owner having previously taken the required oath before the tribunal of Marine of the proper Naval Division from whence the said vessel sails, and legally proved that no foreigner has any share in the above vessel and cargo, as appears by the certificate annexed to this passport; which certificate is given by the same tribunal, in consequence of the steps taken in pursuance of the directions contained in the Ordinance of Matriculation of 1802.

The said captain, and owner of the said vessel being under an obligation to enter solely such ports on the coast of Africa as are to the south of the line; and to return from thence to any of the ports of my dominions, where alone they shall be permitted to land the slaves whom they carry, after going through the proper forms, to shew that they have, in every respect, complied with the provisions of my royal decree of 1817, by which the mode of conveying slaves from the coast of Africa to my colonial dominions is regulated; and should they fail in any of these conditions, they shall be liable to the penalties denounced by the said decree against those who shall carry on the slave trade in an illicit manner.

I therefore command all general and other officers commanding my squadrons and ships; the captain-generals of the departments of marine, the military commandants of the provinces of the same, their subalterns, captains of the ports, and all other officers and persons belonging to the navy; the viceroys, captain-generals or commandants of kingdoms and provinces; the governors, mayors, and justices of the towns upon the sea-coast of my dominions of Indies; the royal officers or judges of entries therein established; and all others of my subjects to whom it belongs, or may belong, not to give her any obstruction, nor to occasion her any inconvenience or detention, but rather to aid her and to furnish her with whatever she may want for her regular navigation; and of the vassals and subjects of kings, princes, and republics in friendship and alliance with me; of the commanders, governors, or chiefs of their provinces, fortresses, squadrons and vessels, I require that they likewise shall not impede her in her free navigation, entry, departure, or detention in the ports to which, by any accident, she may be carried; but permit her to provide and supply herself therein with whatever she may be in need of, for which purpose I have commanded this passport to be made out, which, being signed for its validity by my secretary of state for the despatch of Marine, shall serve for the time that a voyage, going and returning, may last; after the conclusion of which, it shall be returned to the commandant of Marine, governor or other person by whom it may have been issued; adding, for its proper use, the corresponding note.

Given at Madrid, on

I, THE KING.

(Here the signature of the secretary of state and of the Despatch of Marine.)

Note. This passport, No. authorizes any number of slaves, not exceeding being in the proportion of five slaves for every two tons (as permitted by the royal decree of 1817) excepting always such slaves employed as sailors or domestics, and children born on board during the voyage; and the same is issued by me the undersigned on the day of this date, made out in favour of who has previously conformed with all the formalities required by the Royal Decree of 1817, and is bound to return it immediately upon his return from the voyage.

Given at on the of of the year .

(Here the signature of the principal marine authority of the naval division, station, pro-

vince, or port from whence the vessel clea out.)

(Signed) HENRY WELLESLEY. (L. S.)
(Signed) JOSE PIZARRO. (L. S.)

Instructions for the British and Spanish ships of war employed to prevent the illicit traffic in slaves.

Art. 1. Every British or Spanish ship of war shall, in conformity with Article IX. of the treaty of this date, have a right to visit the merchant ships of either of the two powers actually engaged, or suspected to be engaged in the slave trade; and should any slaves be found on board, according to the tenor of the Xth Article of the aforesaid treaty;—and as to what regards the Spanish vessels, should there be ground to suspect that the said slaves have been embarked on a part of the coast of Africa where the traffic is no longer permitted, conformably to the Articles I. and II. of the treaty of this date; in these cases alone, the commander of the said ship of war may detain them; and having detained them, he is to bring them, as soon as possible for judgment, before that of the two mixed commissions appointed by the XIIth Article of the treaty of this date, which shall be the nearest, or which the commander of the capturing ship shall, upon his own responsibility, think he can soonest reach from the spot where the slave ship shall have been detained.

Ships, on board of which no slaves shall be found, intended for purposes of traffic, shall not be detained on any account or pretence whatever.

Negro servants or sailors that may be found on board the said vessels, cannot, in any case, be deemed a sufficient cause for detention.

Art. 2. No Spanish merchantman or slave ship shall, on any pretence whatever, be detained, which shall be found any where near the land or on the high seas south of the Equator, during the period for which the traffic is to remain lawful, according to the stipulations subsisting between the high contracting parties, unless after a chace that shall have commenced north of the Equator.

Art. 3. Spanish vessels, furnished with a regular passport, having slaves on board, shipped at those parts of the coast of Africa where the trade is permitted to Spanish subjects, and which shall afterwards be found north of the Equator, shall not be detained by the ships of war of the two nations, though furnished with the present instructions, provided the same can account for their course, either in conformity with the practice of the Spanish navigation, by steering some degrees to the northward in search of fair winds, or for other legitimate causes, such as the dangers of the sea, duly proved; provided always, that, with regard to all slave ships detained to the north of the Equator, after the expiration of the term allowed, the proof of the legality of the voyage is to be furnished by the vessel so detained. On the other hand, with respect to slave ships detained to the south of the Equator, in conformity with the stipulations of the preceding article, the proof of the illegality of the voyage is to be exhibited by the captor.

It is in like manner stipulated, that the number of slaves found on board a slave ship by the cruizers, even should the number not agree with that contained in their passport, shall not be sufficient reason to justify the detention of the ship; but the captain and the proprietor shall be denounced in the Spanish tribunals, in order to their being punished according to the laws of the country.

Art. 4. Every Spanish vessel intended to be employed in the legal traffic in slaves, in conformity with the principles laid down in the treaty of this date, shall be commanded by a native Spaniard, and two-thirds at least of the crew shall likewise be Spaniards; provided always, that its Spanish or foreign construction shall, in no wise, affect its nationality, and that the negro sailors shall always be reckoned as Spaniards, provided they belong, as slaves, to subjects of the crown of Spain, or that they have been enfranchised in the dominions of his Catholic Majesty.

Art. 5. Whenever a ship of war shall meet a merchantman liable to be searched, it shall be done in the most mild manner, and with every attention which is due between allied and friendly nations; and in no case shall the search be made by an officer holding a rank inferior to that of lieutenant in the navy of Great Britain, or of ensign of a ship of the line in the Spanish navy.

Art. 6. The ships of war which may detain any slave ship, in pursuance of the principles laid down in the present instructions, shall leave on board all the cargo of negroes untouched, as well as the captain and a part, at least, of the crew of the above-mentioned slave ship; the captain shall draw up in writing, an authentic declaration, which shall exhibit the state in which he found the detained ship, and the changes which may have taken place in it; he shall deliver to the captain of the slave ship a signed certificate of the papers seized on board the said vessel, as well as of the number of slaves found on board at the moment of detention.

The negroes shall not be disembarked till after the vessels which contain them shall be arrived at the place where the legality of the capture is to be tried by one of the two mixed commissions, in order that in the event of their not being adjudged legal prize, the loss of the proprietors may be more easily repaired. If, however, urgent motives, deduced from the length of the voyage, the state of health of the negroes, or other causes, required that they should be disembarked entirely, or in part, before the vessel could arrive at the place of residence of one of the said commissions, the commander of the capturing ship may take on

himself the responsibility of such disembarkation, provided that the necessity be stated in a certificate in proper form.

Art. 7. No conveyance of slaves from one port in the Spanish possessions to another shall take place, except in ships provided with passports from the government on the spot, *ad hoc.*

Done at Madrid the twenty-third day of September, in the year of our Lord one thousand eight hundred and seventeen.

(L. S.) HENRY WELLESLEY.
(L. S.) JOSE PIZARRO.

Regulations for the Mixed Commissions, which are to reside on the Coast of Africa, and in a Colonial Possession of his Catholic Majesty.

Art. 1. The mixed commissions to be established by the treaty of this date, upon the coast of Africa and in a colonial possession of his Catholic Majesty, are appointed to decide upon the legality of the detention of such slave vessels as the cruizers of both nations shall detain, in pursuance of this same treaty, for carrying on an illicit commerce in slaves.

The above-mentioned commissions shall judge, without appeal, according to the letter and spirit of the treaty of this date.

The commissions shall give sentence as summarily as possible, and they are required to decide, (as far as they shall find it practicable,) within the space of twenty days, to be dated from that on which every detained vessel shall have been brought into the port where they shall reside; first, upon the legality of the capture; second, in the case in which the captured vessel shall have been liberated, as to the indemnification which she is to receive.

And it is hereby provided, that, in all cases, the final sentence shall not be delayed, on account of the absence of witnesses, or for want of other proofs, beyond the period of two months; except upon the application of any of the parties interested, when, upon their giving satisfactory security to charge themselves with the expense and risks of the delay, the Commissioners may, at their discretion, grant an additional delay, not exceeding four months.

Art. 2. Each of the above-mentioned mixed commissions which are to reside on the coast of Africa, and in a colonial possession of his Catholic Majesty, shall be composed in the following manner:

The two high contracting parties shall each of them name a commissary judge, and a commissioner of arbitration, who shall be authorized to hear and to decide, without appeal, all cases of capture of slave vessels which, in pursuance of the stipulations of the treaty of this date, may be laid before them. All the essential parts of the proceedings carried on before these mixed commissions, shall be written down in the legal language of the country in which the commission may reside.

The commissary judges and the commissioners of arbitration, shall make oath, in presence of the principal magistrate of the place in which the commission may reside, to judge fairly and faithfully, to have no preference either for the claimants or the captors, and to act, in all their decisions, in pursuance of the stipulations of the treaty of this date.

There shall be attached to each commission a secretary or registrar, appointed by the sovereign of the country in which the commission may reside, who shall register all its acts, and who, previous to his taking charge of his post, shall make oath, in presence of at least one of the commissary judges, to conduct himself with respect for their authority, and to act with fidelity in all the affairs which may belong to his charge.

Art. 3. The form of the process shall be as follows:

The commissary judges of the two nations shall, in the first place, proceed to the examination of the papers of the vessel, and to receive the depositions on oath of the captain and of two or three, at least, of the principal individuals on board of the detained vessel, as well as the declaration on oath of the captor, should it appear necessary, in order to be able to judge and to pronounce if the said vessel has been justly detained or not, according to the stipulations of the treaty of this date, and in order that, according to this judgment, it may be condemned or liberated. And in the event of the two commissary judges not agreeing on the sentence they ought to pronounce, whether as to the legality of the detention, or the indemnification to be allowed, or on any other question which might result from the stipulations of the treaty of this date,—they shall draw by lot the name of one of the two commissioners of arbitration, who, after having considered the documents of the process, shall consult with the above-mentioned commissary judges on the case in question, and the final sentence shall be pronounced conformably to the opinion of the majority of the above-mentioned commissary judges, and of the above-mentioned commissioner of arbitration.

Art. 4. As often as the cargo of slaves found on board of a Spanish slave ship, shall have been embarked on any point whatever of the coast of Africa where the slave trade continues to be lawful, such slave ship shall not be detained on pretext that the above-mentioned slaves have been brought originally by land from any other part whatever of the continent.

Art. 5. In the authenticated declaration which the captor shall make before the commission, as well as in the certificate of the papers seized, which shall be delivered to the captain of the captured vessel at the time of the detention, the above-mentioned captor shall be bound to declare his name, the name of his vessel, as well as the latitude and longitude of the place where the detention shall have taken place, and the number of slaves found living on board of the slave ship at the time of the detention.

Art. 6. As soon as sentence shall have been passed, the detained vessel, if liberated, and

what remains of the cargo shall be restored to the proprietors, who may, before the same commission, claim a valuation of the damages, which they may have a right to demand; the captor himself, and in his default, his government, shall remain responsible for the above-mentioned damages.

The two high contracting parties bind themselves to defray, within the term of a year from the date of the sentence, the indemnifications which may be granted by the above-named commission, it being understood that these indemnifications should be at the expense of the power of which the captor shall be a subject.

Art. 7. In case of the condemnation of a vessel for an unlawful voyage, she shall be declared lawful prize, as well as her cargo, of whatever description it may be, with the exception of the slaves who may be on board as objects of commerce; and the said vessel, as well as her cargo, shall be sold by public sale for the profit of the two governments; and as to the slaves, they shall receive from the mixed commission a certificate of emancipation, and shall be delivered over to the government on whose territory the commission, which shall have so judged them, shall be established, to be employed as servants or free labourers. Each of the two governments binds itself to guarantee the liberty of such portion of these individuals as shall be respectively consigned to it.

Art. 8. Every claim for compensation of losses occasioned to ships suspected of carrying on an illicit trade in slaves, not condemned as lawful prize by the mixed commissions, shall be also heard and judged by the above-named commissions, in the form provided by the third article of the present regulation. And in all cases wherein restitution shall be so decreed, the commission shall award to the claimant or claimants, or his or their lawful attorney or attornies, for his or their use, a just and complete indemnification, for all costs of suit, and for all losses and damages which the claimant or claimants may have actually sustained by such capture and detention: that is to say, in case of total loss, the claimant or claimants shall be indemnified, first, for the ship, her tackle, apparel, and stores; secondly, for all freight due and payable; thirdly, for the value of the cargo of merchandise, if any; fourthly, for the slaves on board at the time of detention, according to the computed value of such slaves at the place of destination, deducting therefrom the usual fair average mortality for the unexpired period of the regular voyage; deducting also for all charges and expenses payable upon the sale of such cargoes, including commission of sale; and fifthly, for all other regular charges in such cases of total loss: and in all other cases not of total loss, the claimant or claimants shall be indemnified; first, for all special damages and expenses occasioned to the ship by the detention, and for loss of freight when due or payable; secondly, a demurrage, when due, according to the schedule annexed to the present article; thirdly, a daily allowance for the subsistence of slaves, of one shilling or four reals and a half de vn. for each person, without distinction of sex or age, for so many days as it shall appear to the commission that the voyage has been or may be delayed by reason of such detention; as likewise: fourthly, for any deterioration of cargo or slaves; fifthly, for any diminution in the value of the cargo of slaves, proceeding from an increased mortality beyond the average amount of the voyage, or from sickness occasioned by detention; this value to be ascertained by their computed price at the place of destination, as in the above case of total loss; sixthly, an allowance of five per cent. on the amount of the capital employed in the purchase and maintenance of cargo, for the period of delay occasioned by the detention; and seventhly, for all premium of insurance on additional risks.

The claimant or claimants shall likewise be entitled to interest, at the rate of five per cent. per annum on the sum awarded, until paid by the government to which the capturing ship belongs; the whole amount of such indemnifications being calculated in the money of the country to which the captured ship belongs, and to be liquidated at the exchange current at the time of award, excepting the sum for the subsistence of slaves, which shall be paid at par, as above stipulated.

The two high contracting parties wishing to avoid, as much as possible, every species of fraud in the execution of the treaty of this date, have agreed, that if it should be proved, in a manner evident to the conviction of the commissary judges of the two nations, and without having recourse to the decision of a commissioner of arbitration, that the captor has been led into error by a voluntary and reprehensible fault on the part of the captain of the detained ship; in that case only, the detained ship shall not have the right of receiving, during the days of her detention, the demurrage stipulated by the present article.

Schedule of demurrage or daily allowance for a vessel of

		£	
100 tons to	120 inclusive,	5	per diem.
121 ditto—	150 ditto,	6	
151 ditto—	170 ditto,	8	
171 ditto—	200 ditto,	10	
201 ditto—	220 ditto,	11	
221 ditto—	250 ditto,	12	
251 ditto—	270 ditto,	14	
271 ditto—	300 ditto,	15	

and so on in proportion.

Art. 9. When the proprietor of a ship, suspected of carrying on an illicit trade in slaves, released in consequence of a sentence of one of the mixed commissions (or in the case, as abovementioned, of total loss), shall claim indemnification for the loss of slaves which he may have suffered, he shall in no case be entitled to claim for more than the number of slaves which his vessel, by the Spanish laws, was authorized to

carry, which number shall always be stated in his passport.

Art. 10. Neither the judges, nor the arbitrators, nor the secretary of the mixed commissions shall be permitted to demand or receive, from any of the parties concerned in the sentences which they shall pronounce, any emolument, under any pretext whatsoever, for the performance of the duties which are imposed upon them by the present regulation.

Art. 11. When the parties interested, shall imagine they have cause to complain of any evident injustice on the part of the mixed commissions, they may represent it to their respective governments, who reserve to themselves the right of mutual correspondence for the purpose of removing, when they think fit, the individuals who may compose these commissions.

Art. 12. In case of a vessel being improperly detained, under pretence of the stipulations of the treaty of this date, and the captor not being enabled to justify himself, either by the tenor of the said treaty, or of the instructions annexed to it, the government to which the detained vessel may belong, shall be entitled to demand reparation; and, in such case, the government to which the captor may belong, binds itself to cause inquiry to be made into the subject of the complaint, and to inflict upon the captor, if he be found to have deserved it, a punishment proportioned to the transgression which may have been committed.

Art. 13. The two high contracting parties have agreed, that in the event of the death of one or more of the commissary judges, or the commissioners of arbitration, composing the above-mentioned mixed commissions, their posts shall be supplied, *ad interim*, in the following manner:

On the part of the British government, the vacancies shall be filled successively, in the commission which shall sit within the possessions of his Britannic Majesty, by the governor or lieutenant-governor resident in that colony, by the principal magistrate of the same, and by the secretary; and in that which shall sit within the possessions of his Catholic Majesty, it is agreed, that, in case of the death of the British judge or arbitrator there, the remaining individuals of the said commission shall proceed equally to the judgment of such slave ships as may be brought before them, and to the execution of their sentence. In this case alone, however, the parties interested shall have the right of appealing from the sentence, if they think fit, to the commission resident upon the coast of Africa; and the government to which the captor shall belong, shall be bound fully to make good the compensation which shall be due to them, in case the appeal be decided in favour of the claimants: but the vessel and cargo shall remain, during such appeal, in the place of residence of the first commission before which they shall have been carried.

On the part of Spain, the vacancies shall be supplied, in the possession of his Catholic Majesty, by such persons of trust as the principal authority of the country shall appoint; and upon the coast of Africa, in case of the death of any Spanish judge or arbitrator, the commission shall proceed to judgment in the same manner as above specified for the commission resident in the possession of his Catholic Majesty, in the event of the death of the British judge or arbitrator; an appeal being, in this case likewise, allowed, to the commission resident in the possession of his Catholic Majesty; and, in general, all the provisions of the former case being to be applied to the present.

The high contracting parties have agreed to supply, as soon as possible, the vacancies that may arise in the above-mentioned commissions, from death or any other cause; and in case that the vacancy of any of the Spanish commissioners in the British possessions, or of the British commissioners in the Spanish possession, be not supplied at the end of the term of seven months for America, and of twelve for Africa, the vessels, which shall be brought to the said possessions respectively, shall cease to have the right of appeal above stipulated.

Done at Madrid, the twenty-third day of September, in the year of our Lord one thousand eight hundred and seventeen.

(L.S.) HENRY WELLESLEY.
(L.S.) JOSE PIZARRO.

CLERK OF THE PARLIAMENTS.] A person from the Roll's-office presented the following copy of letters patent, granting the office of clerk of the parliaments to George Henry Rose, Esq. in reversion.

"George the third, by the grace of God, King of Great Britain, and so forth: to all to whom these presents shall come, greeting: Whereas we, by our letters patent under our great seal of Great Britain, bearing date at Westminster, the twenty-fourth day of February, in the twenty-third year of our reign, (amongst other things therein contained,) did for us, our heirs and successors, give and grant unto our trusty and well beloved Samuel Strutt, Esq. the office of clerk of the parliaments, of us, our heirs, and successors; to have, enjoy, and exercise the said office unto him the said Samuel Strutt, by himself or his sufficient deputy or deputies for the term of his natural life, immediately after the decease of Ashley Cowper, Esq. or when the said office should then first and next happen to become void, or devolve, fall, or come into the hands of us, our heirs or successors, by the surrender or forfeiture of the said office by the said Ashley Cowper, or by any other means whatsoever; and whereas we, by our letters patent above recited, (amongst other things therein contained,) did for us, our heirs and successors, further give and grant unto our trusty and well beloved George Rose, Esq. the office of clerk of the parliaments of us, our heirs, and successors; to have, enjoy, and exercise the said office unto him the said George

Rose, by himself or his sufficient deputy or deputies, for the term of his natural life, immediately after the decease of the said Ashley Cowper, and Samuel Strutt, or when the said office should then first and next happen to devolve, fall, or come into the hands of us, our heirs or successors, by the surrender or forfeiture of the said office by the said Ashley Cowper and Samuel Strutt, or by other means whatsoever, as in and by the said recited letters patent (relation being thereunto had) may more fully and at large appear. And whereas the said Ashley Cowper and Samuel Strutt are both since deceased, and the said George Rose still living, and now is in the full possession and exercise of the said office. Now know ye, that we, of our especial grace, certain knowledge, and mere motion, and for divers other good causes and considerations us hereunto especially moving, have given and granted, and by these presents, for us, our heirs and successors, do give and grant, unto our trusty and well-beloved George Henry Rose, son of the said George Rose, the office of clerk of the parliaments of us, our heirs and successors; and him, the said George Henry Rose, clerk of the parliaments of us, our heirs, and successors, we do for us, our heirs and successors, ordain and constitute by these presents to have, enjoy, and exercise the said office unto him the said George Henry Rose, by himself or his sufficient deputy or deputies, for and during the term of his natural life, immediately after the decease of the said George Rose, or when the said office shall first and next happen to become void or devolve, fall, and come into the hands of us, our heirs or successors, by the surrender or forfeiture of the said office by the said George Rose, or by any other means whatsoever. And further, of our more ample grace, we have given and granted, and by these presents, for us, our heirs and successors, do give and grant, unto the said George Henry Rose, for the exercise and occupation of the said office, the sum of forty pounds of lawful money of Great Britain by the year; to have and yearly to receive the said forty pounds during the term of his natural life, immediately after the decease of the said George Rose, or when the said office shall first and next happen to become void, or to devolve, fall, and come into the hands of us, our heirs or successors, or unto the gift, disposal, or grant of us, our heirs or successors, by the surrender or forfeiture of the said office by the said George Rose, or by any other means whatsoever, to be paid out of the issues, profits, and revenues arising out of the Hanaper of the Chancery, of us, our heirs and successors, by the hands of the keeper or clerk of the same Hanaper of the Chancery of us, our heirs and successors, for the time being, at the feasts of the annunciation of the blessed Virgin Mary, the nativity of St. John the Baptist, St. Michael the Archangel, and the birth of our Lord Christ, by equal portions; the first payment thereof to begin at that feast of the feasts aforesaid which shall first and next happen after the decease of the said George Rose, or after the first vacancy of the said office as aforesaid; together with all and all manner of liberties and privileges anciently belonging to the said office, and with all other profits, advantages, pre-eminences, and emoluments whatsoever and howsoever belonging or appertaining to the same office, and in as ample manner and form as the said Ashley Cowper, Samuel Strutt, and George Rose, or any other person or persons, now hath or have had and received, or ought to have had and received, in or for the execution of the said office. And lastly, we will, and by these presents, for us, our heirs and successors, do grant unto the said George Henry Rose, that these our letters patent, or the enrolment thereof, shall and may be in and by all things good, firm, valid, sufficient, and effectual in the law against and concerning us, our heirs and successors, notwithstanding the misnaming or not certain naming the office and premises aforesaid, or either of them; and notwithstanding the misreciting, or not certain or not full reciting, of any gift or gifts, grant or grants of the office and premises aforesaid, or either of them, being or not being of record, heretofore made or granted by us, or by any of our progenitors, Kings or Queens of England or Great Britain, to any person or persons, or any other omission, imperfection, defect, matter, cause, or thing whatsoever, to the contrary hereof notwithstanding.

In witness, &c. Witness, &c. this 24th day of October, in the 35th year of our reign.

By Writ of Privy Seal."

Repeal of the Suspension Act.] Lord *Sidmouth* presented a bill, intituled, "an act to repeal an act made in the last session of parliament, intituled, an act to continue an act to empower his Majesty to secure and detain such persons as his Majesty shall suspect are conspiring against his person and government." Having read the title of the bill, his lordship moved that it be now read a first time.

Lord *Holland* rose, but, on its being intimated that it was intended to pass the bill through all its stages that night, he said he would reserve what he had to offer for the third reading.

The bill was then read a first time, after which Lord *Sidmouth* moved that the standing order, relative to the progress of public bills be read and suspended. This being done, his lordship next moved the second reading of the bill.

Lord *Holland* wished to have the preamble read.

The *Lord Chancellor* read the preamble, which after reciting the titles of the two acts, one suspending the habeas corpus act till the 1st of July last, and the other continuing the suspension till the 1st of March next, stated that the continuance of the powers thus granted was no longer necessary.

Lord *Holland* said, he could have wished that a different expression had been used, but he should not now move any amendment. He

could not, however, avoid saying a few words on the circumstances which had led to the suspension of the habeas corpus act. Last year, their lordships had allowed themselves to be surprised into a course, on the adoption of which it was alleged that the safety of the country depended. His Majesty's ministers had been either actually the tools of wicked and designing men, or had been led away by the desire of obtaining undue power to themselves. Believing, as he did, that the whole of their lordships proceedings in passing the act for suspending the habeas corpus had rested upon garbled and unfair evidence, he must state that he could not be satisfied with the mere repeal of that act, and that he thought an inquiry into the grounds on which it had been passed ought to be instituted. No proceeding could have been more dangerous to the true interests of the country than that to which their lordships had given their sanction on evidence so totally imperfect. The right which had been suspended, he wished to remind them, was not one which had been granted by any act of parliament whatever. The personal liberty of the people was no concession. It was a right antecedent to any statute, and equal to the right of their lordships to vote in that house, or to the right of the king to sit on the throne. He did not mean to say that there was any absolute limitation to the power of parliament on this subject, when circumstances rendered such a stretch of power indispensable; but he said, that to suspend this right of the people was an act of as great violence as to suspend the prerogatives of the crown, and could only be justified by the clearest evidence of the most overwhelming necessity. Consistently with this view, he thought their lordships could not let the matter pass over with the mere repeal of an act which had been so unjustifiably passed. It was their duty to shew, that a law which deprived the people of their most important right, of personal liberty, was a calamity which was not to be inflicted without proof, or without some subsequent proceeding, which would demonstrate to the latest posterity, that they considered themselves pledged to guard against such unjust encroachments in future. He trusted, then, that parliament, when all pretence of danger from investigation should be over, would institute an inquiry into the nature of the evidence on which the act of the last session had been passed. The evidence on such an inquiry must not be of the *ex-parte* and suspicious nature which their lordships were induced to accept of last year. It must not be evidence prepared by persons seeking power, or wishing to retain it. Nothing could be satisfactory, and nothing would satisfy the country, but a fair and impartial investigation. A full examination into all the circumstances which took place at the passing of the act, and all which had occurred since, was what the occasion demanded, when the liberties of the people had been so violently invaded. He trusted it was unnecessary for him to urge the importance of this right on their lordships' minds, but he could not help dwelling upon it. He must repeat, that it was the most ancient of all the rights of the people of this country. It rested not on magna charta, on the act of habeas corpus, or the bill of rights, though it was reasserted in them. The act of 1672, in the reign of Charles II., by which it was legislatively enacted, did not constitute the right. If the statement given upon this subject (though it was but a bad authority, that of James II.) were correct, an ancestor of a noble lord then before him (the Earl of Shaftesbury) was the chief means of passing the habeas corpus act through parliament; and if so, it evinced a sagacity and a penetration which atoned for all the acts imputed to him by some historians. But at what period was this act originally passed? At a time when the country teemed with conspiracies in a greater degree than at any other period of our history; conspiracies, which were said to have been fomented by the mover of the act himself. Afterwards, when the whole country was thrown into consternation by the popish plots—whether true or false, he did not at present pretend to determine—no idea was started of repealing the habeas corpus act. Neither the Rye-house plot, nor any other plot, had been thought sufficient, even in those convulsed times, to warrant the legislature in depriving the subject of personal liberty. Returning to the act of last session, he must again assert, that no ground for it had been laid at the time it was passed, and nothing had since occurred to shew that there was any thing in the state of the country which called for it. Where was any disturbance or conspiracy to be found that could justify such a measure? It was not to be found in any of the legal proceedings which had taken place in the metropolis, at Derby, or in Scotland. In that country, they were told, on a former occasion, that a most dreadful oath had been taken; an oath so dreadful that it was not fit to be publicly stated: and yet what was the result? The law-officers of that part of the united kingdom were at a loss how to indict this oath. They made two attempts, and failed; at length they made a third attempt, when, after some very curious facts had come out in evidence, the whole ended in the acquittal of the party accused. None of these proceedings afforded any appearance of a necessity for the measure which ministers had recommended and which parliament had been induced to adopt. But the noble earl (Liverpool) had declared that he was ready to prove, not only that the measure was justified by the state of the country at the time, but that it had been productive of the greatest advantages. That the country was in better circumstances now than in the last year he was happy to believe; but whatever improvement had taken place, certainly was not owing to the suspension of the habeas corpus act. Were the truth of this assertion of ministers to

be admitted by their lordships, there would be no longer any security for personal liberty. On any future occasion, when desirous of obtaining an undue increase of power, if they could persuade parliament to suspend the habeas corpus act on *ex-parte* evidence, they would have nothing more to do, supposing the state of the country to have from other causes improved, than to come forward next year and say, "You see what advantages have been derived from adopting our recommendation." On the contrary, if it should happen to be followed by discontent and distress, ministers would thereby acquire an argument for prolonging their undue authority. They would say: "You see now that the measure which we called for was necessary, and that the suspension of the law must be continued." Nothing, however, could excuse such a measure, but an evident proof of its necessity, founded on a full and impartial investigation.—Last session their lordships had heard much of blasphemous productions, but had these productions been put down by the suspension of the habeas corpus act? It was not said that they were now in circulation. Was it the threefold prosecution of Mr. Hone which had produced this effect? This was certain—that with respect to these publications, things remained in the same state as last year; and if they were no longer a subject of complaint, it could not be owing to any of the measures of the noble lord. With regard to that prosecution, it was not his wish to say much, lest any thing which might fall from him on that subject should be taken as a vindication of the species of publication against which the prosecution was instituted. So far from wishing to vindicate that sort of writing, he rather thought that it ought, in point of good taste as well as of decency, to be discouraged. At the same time he could not help saying, that these prosecutions bore such marks of hypocrisy as he had never before witnessed. Was there any man in the country so weak as to believe, that the writer of the parodies against which ministers had manifested so much indignation, would have been questioned had he ridiculed persons in opposition to the government? His (Lord H's.) friends had often been made the subject of satire, and yet, on those occasions, the government never thought religion so endangered by such publications as to render it necessary for the Attorney-General to prosecute them. He recollected a parody upon the words of our Saviour himself, which was published by those connected with the noble lord's administration, against persons in opposition. Now, wishing to speak with all respect of the liturgy of the church of England, he should only say, that he thought it most extraordinary that prosecutions should be instituted for parodies on that which was the work of man, while parodies on the Holy Scriptures themselves were allowed to pass unnoticed. He recollected a parody, which had been published in all the ministerial newspapers of the time, against the late Mr. Paul. It was of the most disgusting nature, and yet no notice had been taken of it. When it was so evident to all the world, that the prosecutions brought against Mr. Hone had been instituted for political reasons only, it was impossible for the country not to despise the hypocritical pretences under which they were brought forward. This was an unavoidable consequence which ministers must endure; for, in order that motives should be respected, it was necessary that they should be truly respectable. It did not become any administration to inflict severe punishments on one set of men who might be hostile to them, for the same kind of acts which they viewed with indulgence when committed by others in their favour. He should say nothing more on this subject but to express his hope that their lordships would agree to the inquiry he had suggested. If a committee should be instituted, it must not be formed as that of last year had been. The inquiry, to give satisfaction, must be minute and complete. If a committee should be agreed to, it ought to be an open one, to which all their lordships would have access; and then he might hope, that no evidence would be permitted to be garbled or withheld, as, he was assured, could be proved to have been done by ministers with respect to the committee of last year. Information had been received by ministers which would have tended to counteract the impression of other evidence before the committee, but which had never come to their hands. This was a subject which called for a strict investigation.

Lord *Sidmouth* did not expect that the noble lord would have thought it proper, on the present occasion, to address to their lordships observations of the nature of those they had just heard, though he was aware that the circumstance of such a bill being on the table left the noble lord at perfect liberty to adopt the course he had taken. The noble lord had stated, that there was no necessity for the act of last session. Of this assertion, he should only say, that the report made by the committee appointed by their lordships, on the authority of which the act was passed, afforded a complete refutation. The noble lord has also asserted, that the evidence produced by ministers was garbled, and that information which ought to have been communicated to the committee was withheld. He well knew that the noble lord was incapable of stating any thing which he did not in his conscience believe to be true; but he could assure their lordships that every kind of information which could with propriety be laid before the committee had been produced to them, and that nothing had been withheld which was necessary to enable them to arrive at a fair and proper conclusion on the question submitted to their consideration. The noble lord also denied that the act of last session had been of any advantage to the country. In the Prince Regent's speech, it was true, only the other causes

which had contributed to the returning prosperity of the country were mentioned, but it did not follow that great benefit had not been derived from the suspension of the habeas corpus act. There never was a greater contrast exhibited by the country than that which the comparison of its present state with that of last year afforded; and he would now maintain, and if the occasion should arrive would prove, that the act of last session had mainly contributed to this result. The effects it had produced in many parts of the country did not rest on assertion; they were already proved. The magistrates and persons best informed in the county of Leicester stated, on their own knowledge, that the passing of the suspension act had preserved tranquillity in manufacturing districts where the greatest alarm for the peace of the country had previously existed. In another place, where there had been a more formidable manifestation of treason, the good effects of the measure had been still more apparent—he meant that insurrection in consequence of which a bill of indictment had been found against the offenders who were tried at Derby. On that occasion, ten of the persons accused fled; four were sentenced to suffer death; and in all, thirty-one confessed themselves guilty of treason, some of whom were transported, and the remainder pardoned. These men, besides making a confession of their guilt, gave certain information, that an insurrection of a much more formidable nature than that in which they had been engaged was in contemplation, and would infallibly have taken place had not the habeas corpus act been suspended. It was that measure alone which had deterred them. Thus it was proved by incontrovertible evidence, that the measure for which the noble lord contended there was no necessity, had preserved the peace and tranquillity of the country. Much stress had been laid on the destitute condition and humble circumstances of those who had last year disturbed the public peace: it was true that their means were very inadequate to the objects they had in view; but even had they never expected fully to effect their purposes, was there no medium between the holding of their seditious meetings, and a state of things in which the throne itself was exposed to tumultuous attacks? The truth, however, was, that many of the movers in those lamentable disturbances were far from being men of mean or contemptible talents; they possessed powers of writing and expression by which they exercised very considerable influence over the lower classes. It was entirely attributable to the withdrawing the influence of these men by the operation of the suspension act, that no convulsions had since taken place in that part of the kingdom to which he had alluded, and which had before been disturbed by the events that led to the trials at Derby.—The noble lord had adverted to the trial of Mr. Hone, and it was necessary that he should make some reply to what *had fallen from him. He had, indeed, little* expected that any complaints would be made in that house on the subject of this prosecution. Great complaints had been made both in parliament and out of it, that ministers had delayed to prosecute a number of offences of this description; they were loudly called on to do so, and they yielded at length to the call, not from hypocritical motives, not from a pretended regard to religion, but because they saw in the progress of disaffection that the same means were pursued to alienate the affections of the people from their government, as had been resorted to with such fatal success in a neighbouring country—he meant a continued attempt to sap the religion and morals of the community, and to render contemptible in the eyes of the people every thing that was sacred and established. He was willing to admit that government never shewed its wisdom more than when it knew what offences to overlook, as well as what to prosecute; but he thought the prosecution in question peculiarly called for by the circumstances of the times, and the insidious attempts of the disaffected. As to the panegyric which the noble lord had passed on the privilege of Englishmen to be called to trial, and publicly charged with the offences of which they were suspected, his Majesty's ministers had shewn their respect for these glorious and exalted rights in the proceedings of that day. The act then under their consideration did not expire until the 1st of March, and there was no record on the journals of the house, that an act of that description had ever been repealed, or not suffered to run to its utmost limit. But his Majesty's ministers admitted that nothing could justify the continuance of such an act but the necessity which produced it, and when that necessity ceased, it was due to the legislature and to the people to repeal it. But in recommending this repeal, it was not that his Majesty's ministers considered there was an absence of all disposition to disturb the public peace; that was far from being the case; there was a sufficient number of daring and unprincipled individuals, both in and out of the metropolis, who were ready to seize every opportunity of exciting and continuing disaffection and tumult. But the mere existence of bad men ready to excite and promote confusion was not of itself a sufficient reason for suspending one of the great bulwarks of our constitution, unless those men had also the power of carrying their designs into execution: that they possessed that power last year was admitted by the vote of their lordships, and the bill they had passed; but the means of evil in the hands of these men were so abated, that the duty of reducing them ought to be left to the power of the law and the magistracy of the country. He should now detain their lordships no longer. The Prince Regent would order papers to be laid before them touching the internal state of the country, and it would be for them to de-

cide how those papers should be disposed of. Many opportunities would arise in the course of the session, of discussing the measures lately resorted to by the government, and on the propriety of those measures he was ready to state his unshaken conviction; but with respect to the manner in which they had been carried into execution it did not become him to speak, because the responsibility incurred by that execution fell almost exclusively on himself. He could safely say that he had endeavoured to discharge a most painful and difficult duty temperately and firmly; that he had always weighed well whatever came before him, and had tried to act up to the necessity of the case, and not to go beyond it.

The bill was then read a second time, the commitment negatived, and the bill ordered to be engrossed. The engrossed bill was brought into the house almost immediately. It was then read a third time and passed, and ordered to be sent to the Commons.

HOUSE OF COMMONS.

Wednesday, Jan. 28.

POOR LAWS.] Mr. *Sturges Bourne* moved for an abstract of "returns of the assessment for the relief of the poor in the years 1748, 1749, and 1750."—Ordered.

SPANISH SLAVE TRADE.] Lord *Castlereagh* laid before the house the treaty between his Britannic Majesty and his Catholic Majesty, for preventing their subjects from engaging in any illicit traffic in slaves. (See page 40.) The noble lord then moved that the house should resolve itself into a committee of the whole house on Monday the 9th of February, to take the said treaty into consideration, which motion was agreed to.

STANDING ORDERS.] Lord *Castlereagh* moved the following standing orders and resolutions of the house:—

1. Religion.—Grand committee for religion to sit every Tuesday in the afternoon, in the house.

2. Grievances.—Grand committee for grievances to sit every Thursday in the afternoon, in the house.

3. Courts of Justice.—Grand committee for courts of justice to sit every Saturday in the afternoon, in the house.

4. Trade.—Grand committee for trade to sit every Friday in the afternoon, in the house.

5. Privileges.—Committee of privileges appointed.—Mr. *Brogden*, Mr. *Chancellor of the Exchequer*, Lord Viscount *Castlereagh*, Mr. *Bathurst*, Mr. *Tierney*, (and several other members,) and all the Knights for Shires, Gentlemen of the long robe, and merchants in the house:—to meet upon Monday next, in the afternoon, in the Speaker's chamber, and to sit every Wednesday, Friday, and Monday, in the afternoon: and all who come are to have voices, and they are to take into consideration all such matters as shall or may come in question, touching privileges; and to report their proceedings, with their opinion thereupon, to the house, from time to time; and the committee are to have power to send for persons, papers, and records for their information; and, if any thing shall come in question touching the matter of privilege of any member, he is to withdraw during the time the matter is in debate.

6. Elections.—Act [28 Geo. 3. c. 52. s. 9.] read:—Ordered, "That all persons who will question any returns of members to serve in parliament, for any county, city, borough, or place in Great Britain, do question the same within fourteen days next, and so within fourteen days next after any new return shall be brought in.

"That all persons who will question any returns of members to serve in parliament for Ireland, do question the same by presenting a petition to this house within fourteen days next, and so within fourteen days next after any new return shall have been brought into the office of the Clerk of the Crown of Great Britain, or by lodging a petition in the office of the Clerk of the Crown in Ireland, within fourteen days next, and so within fourteen days next, after any new return shall have been brought into the said office of the Clerk of the Crown in Great Britain.

"That when any such petition shall have been lodged in the said office of the Clerk of the Crown in Ireland, within the time before limited, the said Clerk shall forthwith make a copy thereof, to be preserved in the said office, and immediately thereupon shall transmit such original petition (in the method used in conveying returns of writs) to the Speaker of the house of Commons, to be laid by him before the house; and in case no such petition shall have been lodged in the said office within the time before limited, the said Clerk of the Crown shall forthwith transmit a certificate in the like manner to the Speaker of the House of Commons, signed by himself, or his deputy, specifying the time when such return was made, and that no such petition had been lodged in his office previous to the date of such certificate.

"That all members who are returned for two or more places in any part of the United Kingdom, do make their election for which of the places they will serve, within one week from and after the expiration of the fourteen days before limited for presenting petitions, provided there be no question upon the return for that place; and if any thing shall come in question touching the return or election of any member, he is to withdraw during the time the matter is in debate; and that all members returned upon double returns, do withdraw till their returns are determined."

Resolved, "That no Peer of this realm, except such Peers of Ireland as shall for the time

being be actually elected, and shall not have declined to serve for any county, city, or borough of Great Britain, hath any right to give his vote in the election of any member to serve in parliament.

"That it is a high infringement of the liberties and privileges of the Commons of the United Kingdom, for any lord of parliament, or other peer or prelate, not being a peer of Ireland at the time elected, and not having declined to serve for any county, city, or borough of Great Britain, to concern himself in the election of members to serve for the Commons in parliament, except only any peer of Ireland at such elections in Great Britain respectively, where such peer shall appear as a candidate, or by himself or any others be proposed to be elected; or for any lord lieutenant, or governor of any county, to avail himself of any authority derived from his commission, to influence the election of any member to serve for the Commons in parliament.

"That if it shall appear that any person hath procured himself to be elected or returned a member of this house, or endeavoured so to be, by bribery, or any other corrupt practices, this house will proceed with the utmost severity against such person."

7. Witnesses.—Resolved, "That if it shall appear that any person hath been tampering with any witness, in respect of his evidence to be given to this house, or any committee thereof, or directly or indirectly hath endeavoured to deter or hinder any person from appearing or giving evidence, the same is declared to be a high crime and misdemeanour; and this house will proceed with the utmost severity against such offender.

"That if it shall appear that any person hath given false evidence, in any case, before this house, or any committee thereof, this house will proceed with the utmost severity against such offender."

8. Strangers.—Ordered, "That the sergeant at arms attending this house do from time to time take into custody any stranger or strangers that he shall see, or be informed of to be, in the house or gallery, while the house, or any committee of the whole house, is sitting; and that no person so taken into custody, be discharged out of custody, without the special order of the house.

"That the back door leading to the speaker's chamber be locked up every day at the sitting of the house, and the key delivered to the clerk, to be locked up by him: and that he do not presume to deliver the same to any person whatsoever without order of the house; and that the sergeant at arms attending this house do take care to clear the speaker's chamber every day before the door is locked up.

"That no member of this house do presume to bring any stranger or strangers into the house or gallery thereof, while the house is sitting."

9. Constables.—Ordered, "That the constables and other officers of Middlesex and Westminster do take care that during the session of parliament, the passages through the streets between Temple-bar and Westminster-hall shall be kept free and open; and that no obstructions be made, by cars, drays, carts, or otherwise, to hinder the passage of the members to and from this house, and that the sergeant at arms attending this house do give notice of this order to the officers aforesaid.

"That the constables in waiting do take care that there be no gaming or other disorders in Westminster-hall, or the passages leading to the house, during the sitting of parliament; and that there be no annoyance by chairmen, footmen, or otherwise, therein or thereabouts.

"That the said orders be sent to the high bailiff of Westminster, and that he do see the same put in execution."

10. Footmen.—Ordered, "That no footman be permitted to be within the lobby of the house, or upon the stairs leading thereto.

"That the sergeant at arms attending this house do take care that there be no gaming, or other disorders, in the room appointed for the footmen attending the members of this house to wait in.

"That the sergeant at arms attending this house do take into his custody such footmen as shall presume to disobey the orders of the house; and that no such footmen be discharged out of custody but by the special order of the house."

11. Letters.—Ordered, "That to prevent the intercepting or losing of letters directed to members of this house, the person appointed to bring letters from the General Post-office to this house, or some other person to be appointed by the postmaster-general, do for the future, every day during the session of parliament, Sundays excepted, constantly attend, from ten of the clock in the morning till seven in the afternoon, at the place appointed for the delivery of the said letters, and take care, during his stay there, to deliver the same to the several members to whom they shall be directed, or to their known servant or servants, or others bringing notes under the hands of the members sending for the same.

"That the said officer do, upon his going away, lock up such letters as shall remain undelivered: and that no letter be delivered but within the hours aforesaid.

"That the said orders be sent to the postmaster general.

"That when any letter or packet directed to this house shall come to Mr. Speaker, he do open the same; and acquaint the house at their next sitting, with the contents thereof, if proper to be communicated to this house."

12. Prayers.—Ordered, "That the sergeant at arms attending this house do from time to time, when the house is going to prayers, give notice thereof to all committees; and that all proceedings of committees in a morning, after such notice, be declared to be null and void."

13. Votes and Proceedings.—Ordered, "That the votes and proceedings of this house be printed, being first perused by Mr. Speaker; and that he do appoint the printing thereof; and that no person but such as he shall appoint do presume to print the same."

14. Expiring Laws.—Committee appointed, "to inquire what temporary laws, of a public and general nature, made by the parliaments of England, or Great Britain or Ireland, or of the United Kingdom, are now in force, and what laws of the like nature, passed by the English, British, Irish, or United Parliaments, have expired between the first day of the last session of parliament and the first day of the present session, and also what laws of the like nature are about to expire in the course or at the end of the present session, or on or before the 1st day of August, 1819, or in the course or at the end of any session, which may commence during that period, or in consequence of any contingent public event;" to report observations; power to send for persons, papers, and records; instruction, "that they do report opinion from time to time to the house, which of the said laws are fit to be revived, continued, or made perpetual;" five to be the quorum: to sit notwithstanding any adjournment;—Reports 1st February in the last session of parliament, from the committee on temporary laws of a public and general nature, referred.

15. Public Business.—Resolved, "That, in this present session of parliament, all orders of the day set down in the order-book for Mondays and Fridays shall be disposed of before the house will proceed upon any motions of which notices shall be entered in the order-book."

16. Private Bills.—Standing Order, 18th June, 1811. "That all petitions for private bills be presented within fourteen days after the first Friday in the next and every future session of parliament," read.

Resolved.—"That this house will not receive any petition for private bills after Friday the 13th day of February next:

"That no private bill be read the first time after Monday the 16th day of March next:

"That this house will not receive any report of such private bill after Monday the 20th of April next."

Mr. *M. A. Taylor* said, he was much gratified at hearing the renewal of the grand committee for courts of justice; but he should be very glad to find a precedent of their actual sitting. He should be happy if such a committee were rendered effectual as to its objects.

The resolutions were then ordered to be printed.

ADDRESS TO THE PRINCE REGENT.] Mr. *Wodehouse* brought up the report of the committee appointed to prepare the address to the Prince Regent, which was read.

Lord *Milton* said, there was one part of the speech from the throne, which he had heard with the most unfeigned satisfaction; he alluded to the recommendation to erect a greater number of places of public worship. No person could reside ever so short a time in the metropolis, without witnessing the lamentable deficiency of churches; but before they applied to the public purse for the sum requisite for the erection of additional churches, it might be proper to inquire into the state of the property of the church, to see whether means might not be devised for making some part of it available for such a purpose; he did not mean to say, however, that if it should be found that there was no church property which could be applied in that manner, he would not consent to additional burthens. There was one point which ought to be particularly attended to in the erection of churches; the greatest attention ought to be paid to the accommodation of the lower orders. There was hardly a parish church in the kingdom, in which great encroachments had not been made by persons of wealth on that part of the church which was the property of the population of the parish. They ought to guard as much as possible against the recurrence of what he considered a very great evil—the enclosure of pews from the body of the church.

Mr. *Curwen* said, however painful it was for him to express any difference of opinion on an occasion like the present, he felt that, without doing so, he should not discharge his duty as a representative of the people. It was stated in the speech from the throne, that our manufactures were in the most flourishing condition. He would ask, if it was not notorious that this was not a true statement? An application had lately been made to government, by some of the most considerable manufacturers of the county of Lancaster, who stated, that they were carrying on the trade of printing cottons at the hazard of their own fortunes, without the smallest prospect of advantage, and that, without a repeal of certain taxes, the foreign trade in this article would be at an end. Many thousands of individuals were employed twelve hours every day for six days in the week at so low wages as ten shillings a week. He would only ask the house if they thought such wages would either be offered or accepted if the trade was in a flourishing state? Men were willing to work sixteen hours a day for the sake of an additional two shillings a week. With respect to agriculture, it was indeed true, that the agriculturists were now better off than they had been for some time—but how? By the high prices alone. But he would ask if the people found any thing like general employment? On the contrary, thousands were without employment, and deriving their subsistence from the poor rates. Should they then give their sanction to such a statement of the amelioration of the condition of the country? It was stated, that our finances were improving, but he would venture to say, that notwithstanding the inquisitorial system

which had been followed, no addition would be gained to the revenue. The expenditure exceeded the revenue by no less than eight millions; and if Ireland and the sinking fund were taken into the account, the whole deficiency would be found to exceed twenty-seven millions. He did not despair of the country, but then the present system of adding every year to the public debt must be discontinued. Nothing could save us from irretrievable ruin, unless the house would go fairly into the state of the country, and probe the wound to the bottom. It was useless and absurd to say, "sufficient unto the day is the evil thereof."

The address was then agreed to, and ordered to be presented by privy councillors.

MESSAGE OF CONDOLENCE TO THE QUEEN.] Lord *Castlereagh* rose, to move addresses of condolence to her Majesty the Queen, and to Prince Leopold, on the loss which the Royal Family, His Serene Highness, and the country, had sustained in the death of the Princess Charlotte Augusta.—The noble lord trusted that this motion would meet with the unanimous concurrence of the house. The want of precedent on such a subject could be no obstacle to a measure which he had no doubt accorded fully with the feelings of all present. The event which now called for their condolence was of the most tragical description. The unexpected and sudden death of a mother and her child in such affecting circumstances, even in private life, was a subject of deep and painful interest to every feeling mind; how much, then, must these feelings be aggravated by the consideration of the high station and prospects of the illustrious individual whose lamented death now called for their condolence! Her recent marriage to the man of her choice was brought about under the most auspicious circumstances, and formed a painful contrast to her sudden and untimely end. It was unnecessary to dwell now upon a subject on which there existed but one sentiment, either in that house, or throughout the country. Under the impression, therefore, of such feelings, so strong and so sincere, it was surely their duty to give them expression, although they should have no precedent to guide them. The only precedent of which they could avail themselves for their direction in this case, was the mode in which they had presented their congratulations to her Majesty on the marriage of this illustrious pair. He proposed, therefore, that they should now follow up this precedent in conveying their condolence to her Majesty. He said they had no precedent for any address of condolence beyond the throne; but the same principle which had guided them thus far, would also warrant them in addressing that illustrious individual whose fate had been so intimately connected with that of our beloved Princess. The bright prospects held out, and the expectations formed, from the happy union of Prince Leopold with the Princess Charlotte were such as can seldom occur. The rare virtues and exemplary habits which they exhibited, were such as to reflect dignity upon their exalted station: and the sorrow excited by the fatal overthrow of hopes so confidently and so justly entertained, was not more general in this country than in every foreign state. He therefore proposed that a message of condolence be sent to her Majesty, and that the same course be adopted as formerly in presenting their congratulations.

The *Speaker* stated, that there was no precedent on the records, so far as he had been able to trace them, of any address of condolence which went beyond the crown; but the ground for the present address was, as he understood, the congratulation which had been voted lately both to the Prince Leopold and the crown.

Lord *Castlereagh* then moved—"That this house do condole with her Majesty on the calamitous and untimely death of her Royal Highness the Princess Charlotte Augusta."

Mr. *Calcraft* said, he rose to discharge a painful duty, but he should be wanting to himself and those whom he represented, if he did not give his negative to this motion. He would use no harsh words, nor would he enter into any explanation on the subject; but he felt something within him which compelled him to express his marked dissent. (*Hear, hear, from the opposition benches.*)

Lord *Castlereagh* was understood to say, that as no definite objections had been stated, he had no reply to make.

Mr. *M. A. Taylor* expressed his strong dissent to the motion.

The motion was then put.—There was a general cry of "aye" from the Treasury side of the house, and as general a cry of "no" from the other side.

The *Speaker*.—I think the "ayes" have it.

It was then agreed that Mr. *Disbrowe* should attend her Majesty with the condolence.

MESSAGE TO PRINCE LEOPOLD.] Lord *Castlereagh* then moved, "That a message be sent to condole with His Serene Highness Prince Leopold George Frederick, Duke of Saxe, Margrave of Meissen, Landgrave of Thuringen, Prince of Cobourg of Saalfeld, in the calamitous and untimely death of his illustrious consort, Her Royal Highness the Princess Charlotte Augusta."

Mr. *Brougham* said, he heartily and sincerely concurred in the motion, and felt that it would be impertinent and troublesome to trespass on the patience of the house by saying any thing further on the subject.

Mr. *Calcraft* spoke warmly to the same effect.

The motion was then put, and agreed to unanimously, several voices on the opposition side exclaiming *nemine contradicente.*—Lord *John Thynne* was appointed to attend His Serene Highness with the message.

BANKRUPT LAWS.] Mr. *John Smith* moved the re-appointment of the committee on the bankrupt laws.

Mr. *Lockhart* said, there was sufficient evidence before them to shew that the state of the bankrupt laws was extremely defective. In the present state of those laws no distinction was made between the moral and the immoral bankrupt, between those who had been honest, but unfortunate, and those who had profusely squandered the money of their creditors before the act of bankruptcy. He thought there should be a greater power in some tribunal to inquire into the previous conduct of the bankrupt. This power, he conceived, would be best vested in the commissioners of bankrupts. He hoped the committee would report as early as possible, as it was a subject connected with the interests, the morals and credit of the country.

The committee was then appointed, consisting of Mr. John Smith, Mr. Solicitor-General, Sir Samuel Romilly, Mr. Lockhart, and several others, with power to send for persons, papers and records, and to sit notwithstanding any adjournment of the house.

PARLIAMENTARY REFORM.] Sir *F. Burdett* rose, and said he had some petitions to present in favour of parliamentary reform. He did not know what effect they would have on the proposal which was in agitation to repeal that act which was commonly called the act for suspending the habeas corpus act. Whatever was done would not alter his opinion respecting that act, and the cruel and atrocious proceedings of the ministers under it, who had used it, perhaps, for the purpose for which it was intended—to put a stop to the great question of parliamentary reform, in favour of which petitions had been presented signed by a million of persons, though many of them had been rejected on the pretence of some defect in form, or because the meaning of the petitioners was presented in printed, and not in written words. He did not much care whether the habeas corpus act was revived, whether it remained suspended, or whether it was obliterated from the statute-book, since it was reduced to this condition, that it might be suspended whenever the ministers thought proper, or on any pretences which they chose to allege. It would be better, perhaps, that it should be obliterated from the statute-book, and for this reason—that the ministers now concealed the real import of their measures under the name of a suspension of the habeas corpus; whereas, if it were altogether repealed, the people would be left to the protection of magna charta, under which they had the same right to personal protection; the statute of habeas corpus affording only a more summary remedy to persons aggrieved. The great body of the people of England who had demanded parliamentary reform, had now found it necessary to proceed cautiously, in consequence of the practice which had been pursued by the government of sending about spies and informers, if not for the purpose of entrapping the people into illegal acts, yet in such a manner that they always took on themselves to entrap those who were unwary.—By the 13th of Charles the Second, st. 1. c. 5. it was provided, that no petition for any alteration in church or state, should be signed by more than twenty persons. From the disposition which had been shewn to revive sleeping laws, the persons who were desirous of petitioning imagined that this law might be put in force against them. The petitioners were not to be frightened out of the course they had adopted to obtain their constitutional rights; but they also were desirous not to alarm the timid and the weak, or to give any opportunity for the employment of spies and informers, or to bring together large numbers of people, among whom these agents of the ministers might find some whom they might excite to riot, and thus throw discredit on the cause. They had therefore determined, in order to accomplish their objects, to present petitions, each of which would be signed by twenty persons. The question of a reform in that house, was, in his opinion, the only great and important question which could come before them; and he had therefore thought fit to lose no time in presenting the first of a series of petitions on this subject, to which he should hereafter have to call their attention. He concluded by presenting the following petition, signed by twenty inhabitants of the city of Bath. —"That the petitioners, deeply impressed with the evils that have resulted, and the ruin that threatens to follow, from the injurious state of the representation of the people, entreat the early attention of the house to the question of parliamentary reform; a great proportion, perhaps a majority of the house, so far from being the representatives of the people, are notoriously known to represent the interests of wealthy peers or trading borough-holders, or to have purchased seats in the house for the express purpose of disposing of them to the best advantage to the ministry of the day, one of whom has been himself branded with trafficking in this disgraceful barter of national honour for individual comfort; such a state of pollution in an assembly, which ought to be the source of honour and the fountain of prosperity and freedom, has entailed upon this injured country all the mischiefs attendant upon a state of corruption so gross, and a dependence so unlimited upon the increased and increasing influence of the crown; and being firmly convinced that a radical reform in the representation, a recurrence to annual parliaments, and the adoption of universal suffrage, are the only means of preventing a fatal revolution, the petitioners ask, from the wisdom of the truly honourable members of the house, those measures, which can alone restore the confidence and secure the tranquillity of the nation."—Eight other petitions, each signed by twenty inhabitants of the same city, were presented by Sir *F. Burdett*, read, and laid on the table*.

* See the note, post, on the construction of this statute.

HOUSE OF LORDS.

Thursday, January 29.

STATE OF THE COUNTRY.] The Earl of *Liverpool* rose, in the absence of his noble friend the Secretary of State for the home department, to give notice, that it was the intention of that noble lord to lay before the house on Monday next, certain papers relative to the internal state of the country, and to move that those documents be referred to a committee. He therefore now moved that their lordships be summoned for Monday next.—Ordered.

REPEAL OF THE SUSPENSION ACT.] The bill for repealing the habeas corpus suspension act was brought up from the Commons by Mr. Brogden and others.

The *Lord Chancellor* read the title of the bill, and stated, that it had been returned without any amendment.

HOUSE OF COMMONS.

Thursday, Jan. 29.

REPEAL OF THE SUSPENSION ACT.] A message from the House of Lords announced, that their lordships had passed a bill, intituled, " an Act to repeal an Act made in the last session of parliament, intituled, an Act to continue an Act to empower his Majesty to secure and detain such persons as his Majesty shall suspect are conspiring against his person and government."

The *Chancellor of the Exchequer* said, it would perhaps be more convenient for both parties to reserve any observations they might wish to make on the subject of the suspension to a future day. On Monday next a communication would be made of certain papers relative to the internal state of the country. He trusted that whatever differences of opinion might exist with respect to the necessity for the suspension, or the manner in which the powers given to ministers had been exercised, there could be but one opinion respecting the propriety of passing the repeal through the house with as little delay as possible. It was his intention therefore to propose that the house should depart from their usual practice, and pass the bill through all its stages that day. He concluded with moving that the bill be read a first time.

Mr. *Tierney* agreed in thinking that the suspension act ought to be repealed with as little delay as possible. He should abstain at present from entering into any of the topics alluded to by the right hon. gentleman, on the understanding that the subject would be gone fully into on a future day.

The bill was then read a first time.

The *Chancellor of the Exchequer* moved the second reading.

Sir *William Burroughs* asked, in what manner the subject would be gone into on Monday?

The *Chancellor of the Exchequer* said, it was first intended to lay before the house certain papers on the internal state of the country, and afterwards, the appointment of a committee would be proposed.

Mr. *Tierney* wished to know, whether the committee was to be chosen by ballot, or direct nomination?

Mr. *Brougham* said, the Chancellor of the Exchequer ought not to leave them in the dark on this subject. In the last session, there were two ways of proceedings: one by ballot, and the other by motion.

The *Chancellor of the Exchequer* said, he believed the committee would be named by ballot.

Mr. *Brougham* wished to know, whether the committee was to be proposed on Monday, or on a future day?

The *Chancellor of the Exchequer* said, the papers would be laid before the house on Monday, and the committee would not be proposed till a future day.

The bill was then read a second time.

The *Chancellor of the Exchequer* then moved the commitment of the bill. On the question for the Speaker's leaving the chair,

Lord *Folkestone* rose and said, he had no wish to delay the proceedings in the quick passing of a bill, which was, in his opinion, so very necessary. He was, however, much surprised, considering the time when he entered the house, that this bill, as a matter of public business, had proceeded so far, as it was not conformable to the usual practice. It seemed as if ministers were afraid of opposition, or dreaded discussion, and, at all events, their conduct was very unfair. He could not think that the bare repeal of the habeas corpus suspension act was enough. Something appeared to be due to those persons who had suffered by apprehension and confinement. He wished to speak under the information and correction of others who were better acquainted with the law than himself; but as far as he could form a judgment on the matter, it seemed that the persons discharged on recognizances had been unjustly treated. He could perceive no sufficient legal authority for demanding these recognizances; for he thought that some accusation, upon oath, should have been alleged against the parties to justify such a proceeding. There were, unquestionably, cases where the courts could bind parties to a recognizance; but in this instance it appeared that they were bound, where there was no right to bind them. If he was correct in his ideas, he must conceive that this bill did not go far enough; and that a clause should be introduced for the purpose of vacating the recognizances which had been so illegally demanded. If it was not proposed by others, he should bring up a clause himself to that effect.

The *Attorney-General* said, that the question whether recognizances had been justly or unjustly demanded from the persons lately discharged from confinement under the suspension act, was a question better fitted for the conside-

ration of a court of law than for debate in that house. There were many occasions in which persons were bound to enter into them, though discharged, in order that they might appear when called upon. If the taking of these recognizances was illegal, there was power in the court to investigate the matter, and to discharge the individuals. He was not certain whether the noble lord had asked for his legal opinion as to the power of magistrates. The magistrate had the power of taking single personal security in various cases. The Secretary of State had the power to apprehend persons for treason, which he could do through the medium of a magistrate. Then the magistrate acted under his orders, and recognizances might be required. But the real question was one purely of law. With respect to applications for discharge from recognizances, no bar was placed against hearing them. Parties who made objections in point of law were told, that they should not be deprived of the opportunity of making their objections. He trusted that he, in the conduct he had pursued, had judged rightly. Had he acted in a different way, he might have been told that he wanted to prevent the statement of objections in point of law..

Mr. *Brand* said, the Attorney-General had confounded the practice of courts of law with the legislation of the country. The men detained under the suspension act were enlarged on the condition of entering into recognizances for their appearance in court on a future day, and therefore they were under the control of the court. But the house were now repealing the act under which those men were held in confinement, and provision ought to be made that no detention should be continued after the passing of the bill.

Lord *Castlereagh* observed, that the object of the present bill was, to restore the law to its natural and usual course of operation: any applications respecting recognizances might be made to the courts in the regular way. He should object to any such clause as the noble lord had proposed.

Mr. *Brougham* contended that the noble lord (Castlereagh) had not understood the grounds on which the clause was proposed. It was true, no doubt, that after the passing of the present bill, no persons could be arrested or detained in prison, without having the power of forcing on their trial, but in what way did the government now endeavour to escape from this? The persons detained under the suspension act were bound on their recognizance to appear in court on a certain day, that is to say, the bill would still be in force against them. In substance, government were enabled to detain persons in custody after the passing of the repeal—they were bound to appear in court on the first day of Hilary term, and from day to day afterwards. Various things might be demanded from men confined under such circumstances, as the condition on which they could obtain their liberation—they might be compelled to pay 100*l.*—they might be asked to go down on their knees—or they might be asked to give recognizances to appear on a certain day in court, and from time to time afterwards. Ministers chose to demand a recognizance; and, with few exceptions, it was deemed advisable to accede to their demand. Could any man, however, say, that they had the power to demand such recognizances, and to detain those individuals who refused to grant them, without the suspension act? Why then these recognizances necessarily flowed from the suspension act, and ought to be vacated by the repeal. The demand was generally complied with—in three cases it was rejected—and the parties chose rather to remain in prison, when another process was resorted to, not now before the house, he alluded to the proceeding of a certain London justice. It had been argued that this was properly a question for the consideration of a court of law: but he contended that it was not properly a question for the consideration of a court of law. The way taken in this case, was to put an option to the parties, which option could not have been put to them, had they not been visited with the extraordinary powers of the suspension act.

The *Solicitor-General* contended that the hon. and learned gentleman had not argued the point correctly. Suppose no act for suspending the habeas corpus act had been passed, would not the secretary of state have possessed the same powers of apprehending and committing for treason? The act did not, in such respects, confer new powers on the secretary of state. The act was not passed to enable to commit, but only prevented the privileges of the habeas corpus act. The legality of requiring recognizances was not essentially connected with the suspension act. The power was exercised independently of the provisions of the act, which took away the right of bail. The question as to the recognizances remained, independent of the act; and it was a question purely of law.

Sir *W. Burroughs* submitted, that the hon. and learned gentleman (the solicitor-general) had not answered his hon. and learned friend (Mr. Brougham.) The secretary of state was armed with no power to demand recognizances: and in taking them in this case he had usurped a power which did not belong to him. The individuals detained ought either to have been released or brought to trial; but the secretary of state had thought fit on his own authority to annex conditions to the release. The hon. and learned gentleman seemed to think that the secretary of state had a right by the common law to discharge on recognizance. This was not the case. When persons were arrested on a charge of high treason, no magistrate or authority, except the court of King's Bench, had any cognizance. A magistrate had no power in such a case to take any recognizance or admit to bail. If an inferior magistrate had not a right to take bail, then he had not a right to

take recognizances. (*Hear, hear.*) It had been admitted, that there was no serious ground for the detention of the individuals; but there might be an object to keep up alarm, and thereby to gain and to rally round administration those who otherwise would not have supported them. (*Hear.*) The question of the recognizances was, he thought, materially connected with the present bill, particularly as it concerned the conduct which had been pursued under the suspension act.

Mr. *Lockhart* agreed, to a certain extent, with the solicitor-general, that the question as to recognizances did not flow from the suspension act, but might be considered as a question at common law; yet there were various considerations connected with the subject.

Sir *S. Romilly* said, he did not intend to offer any obstruction to the measure now before the house. But he felt himself bound to express his decided opinion, that the bill which they were now about to repeal, was originally altogether uncalled for, and seemed to him to have been intended as an experiment upon the patience of the country. At present it was not his intention to enter at large into the merits of the question, but merely to offer a few general observations. It had been asked repeatedly, and with great propriety, at the passing of the suspension act, what use was intended to be made of the measure. It was always answered, that it was necessary, in the state of the country, to enable government to detain certain persons in custody without bringing them to trial, as a disclosure of certain facts connected with their conviction might be attended with serious consequences to the public tranquillity. Some of the people, however, taken up and detained under this pretence, had been discharged more than two months ago without any trial or inquiry; the necessity of detaining them, no longer existed in the state of the country. It was proposed, at the time of passing the bill, that its duration should be limited to the 1st of December, but this was not assented to, and the country had existed nearly twelve months under the tyranny of this dreadful statute. It had still the misfortune to exist under this statute, and the exercise of the arbitrary powers conferred by it had continued till within a few days. But the very proper urgency with which the present bill was hurried through its several stages, proved that there was not a vestige of danger now to require its operations. When did it become thus useless? Was the suspension act necessary last night—last week—a month—or two months ago? (*Hear, hear, hear.*) It appeared that since the month of June last, there existed not a shadow of pretext for its continuance; since that period there had been no insurrection, no appearance of disaffection; at least not such as came before the public notice; and had such a spirit existed, there was very little doubt but we should have heard of it, as there appeared in a certain quarter an extraordinary alacrity in divulging plots and conspiracies. Let it be remarked, and the remark was well worthy of attention, that it was in the month of June last that the conduct of certain spies and emissaries of government was exposed; and from that time we had heard of no discontent—no insurrection—no conspiracies. (*Hear, hear, hear.*)

Mr. *B. Bathurst* said, it was the practice of the other side of the house to represent this measure as setting its supporters in array against the people; but this was uncandid and unjust. It was not against the people that they were furnished with this discretion; but against the deluded part of the people, and for the benefit of the public at large. In the same spirit the officers of the crown had been charged by the hon. and learned gentleman with bringing forward some late proceedings, and persisting in them for the express purpose of rendering juries contemptible, and thus preparing the public mind for further encroachments on one of their most valuable privileges. But common candour and justice would ascribe their conduct to a more honourable motive—to an imperative sense of public duty. It had been asserted, and with great confidence, that all the mischiefs which had occurred had their origin in the artful machinations of a certain individual, whose name (Oliver) had formerly been mentioned in that house. He had no difficulty in asserting, in opposition to all this clamour, that that individual had done no mischief whatever; that on the contrary he had done great service; and that he had disclosed conspiracies at which he had only incidentally and accidentally been present; for surely little weight could attach to the unfortunate declarations of the men who were executed at Derby*, besides that they were fully disproved by their own previous statements. It had been said that government ceased to employ spies in the month of June, and that, from that period the country remained tranquil: but the real cause of this tranquillity was to be found rather in the suspension of the habeas corpus, and the salutary apprehensions of the trial which was then hanging over the disaffected. He solemnly protested, that to the best of his judgment the state of the country was not such at any given period up to this date, that the bill could be repealed with safety.

Sir *Samuel Romilly* explained. He had not alluded to the employment of any particular individual, but stated generally, that government had employed various instruments, and that those persons promoted the mischief which they were sent to detect. But he was astonished to hear the right hon. gentleman maintain, that

* Brandreth, before his execution, was heard occasionally to mutter, "Oliver has brought me to this."—"But for Oliver I should not have been here." Ludlam, while the executioner was putting the rope round his neck, exclaimed loudly and distinctly, "this is all Oliver and the government." (From *The Times* journal, Nov. 8, 1817.)

persons employed to detect treason had not promoted it, since the report of the secret committee of the lords distinctly admitted it.

Mr. *B. Bathurst* said, that the persons alluded to in the report were not employed by government, but by inferior magistrates.

Mr. *Tierney* observed, that ministers continued to act on the extraordinary powers conferred upon them to the very last; for that, down to the 20th day of January, they kept certain persons in confinement. He understood from the other side that they had pledged themselves to two distinct points. They undertook to shew, first, that danger existed to the very last hour of the suspension, and that the bill was not continued in force beyond what was absolutely necessary; for if it continued one day or one hour beyond that necessity, it was a heavy crime, for which somebody had to answer. The second point to which they were pledged was, a thorough defence of all the spies they had employed, and they had undertaken to prove that spies were not in any one instance the cause of the mischief.

The house then resolved itself into a committee of the whole house.

In a few minutes the house resumed, and the *Chancellor of the Exchequer* moved that the bill be read a third time.

Lord *Folkestone* then proposed a clause to the following effect:—"That all persons bound by recognizances under the suspension act, be henceforth completely discharged from those recognizances, but that this clause should not apply to any other recognizances."

Lord *Castlereagh* observed, that the clause proposed by the noble lord placed the house in an extremely awkward situation. In such a case they would actually be legislating on a subject, the legality of which remained to be discussed in a court of justice. He hoped, therefore, that this difficulty would be avoided by withdrawing the clause.

Mr. *Tierney* observed, that some of those poor unfortunate men had been more than twelve months in confinement, during which their families were left unprotected and starving. It was therefore a question not so much of justice as of humanity. Even if they could obtain redress in a court of law, yet they would be exposed to heavy expenses. He hoped that the house would save them this necessity, and release them completely from the effect of their recognizances as a small atonement for the heavy evils they had suffered from the act of suspension.

Lord *Folkestone* said, he rested his clause, not upon a doubtful statement of any facts, but on such as were notorious, and that he proposed merely the complete repeal of the suspension act.

The *Attorney-General* thought it impossible he could have been misunderstood. He was far from supposing the recognizances illegal. God forbid that he should defend any illegal act. Suppose that these men, instead of being discharged, were still in prison, could the noble lord propose a clause for their release? He knew he could not. All the effect the repeal could have in such a case, was to leave them to the common operation of the habeas corpus act, as if the suspension had never taken place. Notice had been given to these men that their attendance would not be required; and they were told, that whenever it should be required, previous notice would be given. The notice was communicated to the whole of them, before they left home, except one man, who had set out before the notice arrived. The recognizances, therefore, were not held over their heads to harass or distress them. The object of the noble lord was, that matters should be placed exactly in the same state as if the act had never passed. It only deprived them of the right of being tried, and when repealed, left the habeas corpus in full operation. He did not, therefore, think it necessary, either as to humanity or principle, that the clause proposed should be inserted in the bill.

Mr. *Brougham* said, he imagined that the attorney-general did not yet understand the plea on which this clause was offered to the house. It was by virtue of the act of suspension that the secretary of state had been enabled to exact these recognizances from the prisoners. The persons bound by these recognizances might go to the King's Bench, and demand to be released from them. But might not the King's Bench say, that they had voluntarily, and with their eyes open, entered into them? Was it not likely they would say so? The attorney-general then well knew they were without their remedy. But what was it that had enabled the government to demand these recognizances in such a manner that the prisoners were compelled to comply? The suspension of the habeas corpus act. It was then suspended, and at the time when their recognizances were entered into, no man knew how long it would remain suspended. In common cases, when the government had detained a man, they might offer him his discharge on his recognizance; if he refused that, the alternative was that he must be brought to trial. But, on the other hand, during the suspension of the habeas corpus act, if a prisoner refused to give his recognizance, the government was not obliged to bring him to trial. He would in that case be compelled to remain in prison, as the right of suing out his writ of habeas corpus was denied. Was there no difference between saying, give your recognizance or you shall be brought to trial, and saying, give your recognizance or you shall remain in prison? Here was the gist of the question. In three cases where the prisoners refused the alternative, they were kept in confinement till within a few days of the meeting of parliament. He hoped that, the conduct of a London magistrate towards two of those persons whom he had committed previously to the

passing of the act, would soon come under the consideration of the house. *(Hear.)* The fate of those three shewed the terrible option given to the unhappy prisoners, which led them to give voluntary recognizances. He called upon his learned friend opposite, to say whether the Court of King's Bench would not refuse redress on the ground that the recognizances were voluntarily entered into?

The *Solicitor-General* observed, that the learned gentleman had now placed the argument on the ground that the recognizances were voluntarily entered into, and that, therefore, the Court of King's Bench would refuse redress. On this point, he was ready to join issue with him, and would assert, without fear of contradiction, that the Court of King's Bench would not refuse redress on such a ground. The question was not whether the parties had entered into recognizances voluntarily, or by duress; but whether these recognizances were legal or not. On the point of legality alone would the Court of King's Bench consider the question. The magistrates had, unquestionably, the right to hold to bail, and consequently to take personal recognizances. The only question was, whether they had done so legally, in the present case. This question was not for the house to decide. They had only to repeal their own act, and that would be effectually answered by the bill before them, without any such clause as the noble lord proposed.

Sir *Samuel Romilly* was surprised to hear the learned gentleman opposite pretend to understand that his learned friend near him had shifted his ground. He had from the first rested the argument on the ground of the recognizances having been voluntarily entered into. To say, therefore, that he had now placed the argument on that ground, was a misrepresentation. The secretary of state had derived from the suspension the power of detaining in prison without trial. Would it be pretended that this did not give him in effect the power of committing at his pleasure; and would it be denied, that an act of indemnity would be called for to cover the commitment as well as the detention? This power of committing and detaining was derived exclusively from the suspension act. From the same source was derived at least the opportunity of obtaining the recognizances. *(Hear, hear.)* Could it then be pretended that the suspension act was repealed while this part of it remained in force? The house was bound in consistency with their professed object to adopt the clause proposed.

The *Attorney-General* repeated his former arguments as to the legality of the recognizances, and the opportunity that would be afforded of discussing it in a court of law.

Sir *W. Burroughs* asked, why were recognizances taken at all? If there existed any danger, why release the prisoners; if not, why oblige them to enter into recognizances? This was no trifling evil. The intention and the effect of these recognizances were to send the prisoners back to the world, loaded with suspicion. To do away this evil, it was indispensable to adopt the clause proposed, and he would therefore divide the house rather than dispense with it.

Lord *Folkestone* rose to say, that in order to save trouble, he would withdraw the clause, if the attorney-general would state that he was ready to move the Court of King's Bench, to have all the recognizances discharged; but if the attorney-general only meant to give his own assurance that the recognizances would not be acted upon, he should feel himself compelled to press the clause.

The *Attorney-General* said, the nature of the case had been misunderstood, if it was supposed that the persons in question had entered into recognizances for their good behaviour. Their recognizances were only for their appearance in court to answer any charge that might be instituted against them. At the time they were discharged, it had not been determined whether any proceeding against them should be instituted. Their recognizances could not afterwards be discharged till the first day of term. On that day they appeared in court, notwithstanding the notice given them that their appearance was not necessary. When he said notwithstanding the notice, he excepted a few who left their homes before such notice could have been given. When they appeared in court, he said to them that their recognizances should not be acted upon, but should be immediately discharged; but some of them replied, that they had a right to make objections to the recognizances. He then at once said he would not deprive them of that right; God forbid that he should interpose, by any deed of his, between them and their right to bring forward legal objections. He had now no hesitation in saying, that their recognizances would be forthwith discharged.

Lord *Folkestone* then withdrew his clause and the bill was read a third time, and passed*.

* It may be proper to subjoin an outline of the proceedings that took place in the Court of King's Bench on the subject of these recognizances.—On the first day of Hilary Term, (Jan. 23,) *John Roberts*, *Francis Ward*, *John Johnston*, *John Knight*, *John Bagguley*, and several others, late of Manchester, Derby, &c appeared on the floor of the Court, and claimed to be heard separately.

John Roberts, of Manchester, said, that he had been confined in Gloucester gaol, under the habeas corpus suspension act, and had been liberated at the beginning of the present month, under a recognizance to appear in the Court of King's Bench on the first day of this term. He wished to know if Lord Ellenborough had any charge against him.

Lord Ellenborough.—I a charge against you?—You must couch your application properly; I have no charge against you.

Roberts.—Then, will your lordship counsel me

GRIEVANCES UNDER THE SUSPENSION ACT.] Lord *Folkestone* presented the following petition of Francis Ward, which was ordered to be read: *viz.* "That the petitioner is a lace-maker,

what I am to do, and where I am to obtain redress for my unjust imprisonment?

Lord Ellenborough.—I am a judge, not a counsel. You have appeared, and therefore you have satisfied your recognizance.

Another person now begged to be heard; but before he had proceeded far, he was interrupted by *Francis Ward*, who read a copy of the recognizance, by which he had been bound to appear this day, and so from day to day, whenever he should be called upon, under a penalty of 100*l.* He insisted that that recognizance ought to be discharged.

Lord Ellenborough observed, that this was quite a voluntary obtrusion, and if such persons were listened to, the term ought to be extended to double its present length.

Mr. Justice Bayley informed them that the recognizance was satisfied by their appearance, which would be recorded; the court had no power to discharge the recognizance, which was to continue for a year.

Another of the persons on the floor here insisted that it ought to be discharged: he was 130 miles from home, without a penny in his pocket; and if he were to reach home, he might be called upon next week to appear again; or, indeed, from day to day, during the present term.

John Knight demanded either to be put upon his trial forthwith, or to be set at large entirely: it was not just that this recognizance should be hanging over the head of an innocent man, to compel him to submission, or to silence the expression of his opinions.

John Johnston said, that the object of it was to allow him to go at large, while he was a good lad, but to punish him if he were a naughty boy.

Lord Ellenborough desired him to avoid such foolish and indiscreet language.

Another of these persons was about to read a statement of his case, when he was stopped by the court, as it had nothing to do with the question.

Mr. Justice Abbott said, that their appearance on the floor would be sufficient for the present, and they might now go home until called upon to appear again in case of misconduct.

They did not seem at all satisfied with this answer, but spoke of redress, and unjust imprisonment. One of them said, that he had been dragged from his family and immured for 22 weeks in a dungeon several hundred miles distant. After the peremptory paper had been gone through, Lord Ellenborough, Mr. Justice Abbott, and Mr. Justice Holroyd withdrew, leaving Mr. Justice Bayley, who read an affidavit, presented to him by *Ward*. His lordship said that he could do nothing but advise the parties to go home; he had no doubt that they would not be again required to appear.

Ward said he meant to found a motion upon his affidavit. Mr. Justice Bayley told him that it would be of no use at any time, but now the court was not sitting.

Johnston in the name of the whole of them informed his lordship, that as their appearance to-day satisfied the terms of the recognizance, they would return tomorrow prepared with affidavits, on which motions might be founded.

On the following day, *Johnston* appeared in court, and moved, either that he might be discharged from the recognizance into which he had been forced to enter, or that he might be brought to trial forthwith.

Lord Ellenborough.—Is there any recognizance of *John Johnston* before the court?

Mr. Dealtry, clerk of the crown office, answered in the affirmative.

Lord Ellenborough.—Read the recognizance.

Mr. Dealtry then read the recognizance, which was taken before E. T. Lyon, Esquire, at the Castle of Exeter, and bound the defendant, *John Johnston*, under a penalty of 100*l.* to appear in his Majesty's Court of King's Bench on the first day of the present term, to answer all and every matter and thing which might be alleged against him, and there to attend from day to day until discharged.

Lord Ellenborough.—Now what have you to object to this recognizance?

Mr. *Johnston*.—I wish to state the circumstances under which my imprisonment took place. I have prepared an affidavit on the subject, which I am desirous your lordship should hear read.

Lord Ellenborough.—I yesterday explained that there was no occasion for the parties under recognizances to attend till further notice.

Mr. *Johnston*.—I call on you to read my case, which is stated in the affidavit I hold in my hand.

Lord Ellenborough.—What object is to be derived from hearing the affidavit?

Mr. *Johnston*.—The object which I have in view is to have my recognizances cancelled, or to be brought to trial as soon as convenient. I do not mean to be importunate.

Lord Ellenborough.—It must appear that we have a right to cancel your recognizances before it can be done. As for bringing you to trial, that is not in our power.

Mr. *Johnston*.—I presume you will give me a decided answer.

Mr. Justice Bayley.—Can you shew us any grounds upon which we shall be authorized in drawing the conclusion that the recognizance into which you have entered, ought not to have been taken?

Mr. *Johnston*.—I do not pretend to say that there are any such grounds.

Lord Ellenborough.—Then you are in no condition to make this motion. Unless you can shew us that your recognizance has been illegally taken, we have no right to disturb it. We cannot have the time of the court thus wasted.

Mr. *Johnston*.—The object which I am desirous of obtaining is of vast importance to me.

Mr. Justice Bayley.—Your application is confined to two things: first, that you should be brought to trial forthwith. To this you have received for answer that the court have not the power to bring you to trial. The second thing for which you apply is to be discharged from your recognizance, and upon this the answer has been equally explicit. There is no ground upon which the court can comply with this request, unless you can satisfy us that your recognizance has been illegally obtained from you. You say your affidavit does not go to shew that there has been an illegality in the mode of taking your recognizance, consequently we can afford you no redress.

and has resided in the parish of Saint Mary, in the town of Nottingham, upwards of twenty-eight years, having a wife, four children, and a mother ninety years of age, dependent upon

Mr. *Johnston.*—Then I must certainly beg of the court, (as I shall remain in town, and be in attendance from day to day, as my recognizance requires) to allow me the means of supporting myself. It would not be prudent to return to my family, and still to have this recognizance held over my head. It is my decided wish, if my recognizance can't be discharged, that I be brought to trial. In the interim, I hope your lordships will afford me the means of living comfortably. Your lordships will not think this request unreasonable.

Lord Ellenborough.—Your application, if not unreasonable, is certainly an extraordinary one.—The court have no power to comply with your desire.

Mr. *Johnston.*—Then your lordship means to say that you refuse to grant any one of my applications?

Lord Ellenborough.—I mean to say what I have said.

The Attorney-General now addressed the court as follows:—"My lords, I had no notice whatever of any such motions as those which you have heard being about to be made this day, save what I derived from the ordinary channels of public information, in which I saw reported that which occurred yesterday. In consequence of what I thus collected, I felt it my duty to attend here and to state, and I have every reason to believe, the gentleman who has been making these applications, had notice before he left Manchester, that his attendance in court would not be required."

Lord Ellenborough.—Then the inconvenience and expense of being absent from his family is attributable to himself?

The Attorney-General.—So I believe; and I believe that every other gentleman who entered into recognizances under similar circumstances, received a like communication.

Mr. *Johnston.*—I do not mean to deny that.

Lord Ellenborough.—Then there is an end of this business.

Mr. *Johnston.*—But I wish to state the nature of the notice which I received.

Lord Ellenborough.—Really the time of the court, which belongs to other suitors, cannot be thus trifled with. We have heard your motion, and have given you the only answer of which it is susceptible.

Mr. *Johnston.*—Then I suppose I must submit to the consequences.

Two other persons made similar motions, which were rejected. Others were prepared to bear the same course, but the court would not hear them.

On a subsequent day, however, *Joseph Mitchell* obtained a rule, to oblige Sir Nathaniel Conant (chief magistrate of the police establishment at Bow-street) to shew cause why the recognizance entered into by *Mitchell*, should not be discharged. On the 31st of January, the Attorney-General attended to shew cause. The application, he observed, was made on the ground, that the recognizance had been obtained by compulsion, and at a time when *Mitchell*, being a prisoner, was not in a condition to act according to his own will; but he should be able to satisfy the court, that there was no pretence for this assertion. On the contrary, *Mitchell* had not only voluntarily submitted to it at the time, but had strongly recommended to a person of the name of Benbow, also in custody under a warrant of the Secretary of State, to do the same, telling Benbow, that he was a fool not to comply with what was a mere form for the sake of regaining his liberty. The Attorney-General further stated, that he was provided with the affidavit of Sir Nathaniel Conant, expressly and pointedly contradicting all the material passages in that of *Mitchell*, upon which their lordships had been induced to grant the rule *nisi*. It was denied by Sir Nathaniel that he had ever directed him to appear in the Court of King's Bench for the purpose of getting his recognizance discharged; but he admitted having told him, that if ever he should be called upon to appear, his expense of coming to town would be defrayed. The affidavit of Sir Nathaniel further stated, that when the terms of the recognizance were read over to *Mitchell*, he was asked whether he was content, when he immediately assented. Their lordships knew perfectly well, that when a recognizance was entered into, the party was never called upon to sign any thing. The usual way, both before magistrates and in court, was to repeat the forms of the obligation to the party whose appearance was required, with the penalty of violating it, and he was then asked if he was satisfied. If he answered yes, or indicated by a bow or any other motion his assent, the recognizance was complete—there was no writing or signing of any paper at the time, although, at a subsequent period, the recognizance was returned, and made matter of record. The fallacy *Mitchell* had fallen into was this—he had supposed that because he had not affixed his signature to the instrument, it was therefore no recognizance. The affidavit of Sir Nathaniel Conant was confirmed in every particular by several other persons; by Mr. Day and Mr. Adkins, who were present at the interview between *Mitchell* and Sir Nathaniel. The affidavit of Adkins stated that upon *Mitchell*'s at first hesitating and desiring to know the nature of the instrument, Sir Nathaniel repeated to him the words, "You acknowledge yourself indebted to our Sovereign Lord the King in the sum of 100*l.* It is upon condition that you appear in his Majesty's Court of King's Bench on the first day of next term, to answer all such matters and things as shall be then and there objected to you, and that you do not depart without leave."—Upon which *Mitckell* said, he had no objection to that. It was astonishing, then, that he should have come forward with a motion to discharge his recognizance, on the principle that he had not entered into it. If any magistrate had returned a recognizance which he had not actually taken, he would have been guilty of a gross offence; but in the present case, the party had first expressed his acquiescence in the terms of it, and afterwards having repented of what he had done, had regretted his conduct, inasmuch as it kept fetters on his legs, and tied up his mouth; thus most unequivocally admitting the fact that he had entered into the recognizance.

Mitchell, in support of his application said, he had no idea that the recognizance was a proceeding which would have subjected him to ulterior inconvenience. He had no conception it rendered him liable to be capriciously called upon by the ministers of the government. He had been told, that for a magistrate to extort such an instrument, by taking advantage of the situation of a party, was illegal, and, therefore, upon that ground he hoped the re-

him for support; that on the 10th of June, 1817, a number of Nottingham police officers entered the petitioner's dwelling-house, in the town of Nottingham aforesaid, and one of them (Mr. Lawson) said to the petitioner, "Mr. Ward, we are come to search your house;" the petitioner asked by what authority they came to do so; one of them observed, "you may be sure we are not come without authority;" the petitioner replied, "shew me it or you shall not search my premises;" immediately Mr. Lawson held up in his hand a paper, and said, "Here it is;" the petitioner requested him to read it, he replied, "The law will not justify me in reading it, until we get before a magistrate;" while this conversation was passing between the petitioner and Lawson, the other police officers were gone into different parts of the petitioner's dwelling-house and premises; therefore seeing all remonstrance in vain, the petitioner reluctantly submitted to that which he thought diametrically opposed to both law and justice; the petitioner has no doubt but the sequel will prove to the house that he did not oppose the police from motives of fear; no, the man who is guided by this rule, "Do unto others as you would they should do unto you," has nothing to fear; and that rule which was laid down by no less a personage than Jesus Christ, has long been adopted and acted upon by the petitioner, so that he had no reason to dread the thoughts of ten or twelve constables searching his premises for seditious and treasonable documents; it was not from fear, but from a consciousness of the rectitude of the petitioner's conduct as a man and a subject, and from a persuasion of the illegality of those proceedings, that the petitioner opposed the searching of his house; when the police officers had took down a cannister, looked into a thimble, and searched the petitioner's house in vain, they frankly acknowledged there was nothing to be found which they were searching for; the petitioner asked them what they were looking for; one of them observed, "You have that to find out;" not being satisfied with such proceedings, the petitioner consulted an attorney, and was by him advised to make application for a copy of the warrant or authority by which the petitioner's house was searched, and for the names of the

cognizance would be discharged. Sir Nathaniel Conant had told him, that if he wished to get rid of the recognizance, he had only to make his personal appearance in the Court of King's Bench, on the first day of term. He hoped the trap and snare he had been lured into, would not be used for his destruction, and that his recognizance would not be suffered to hang over him like a scarecrow. If the court had any thing to allege against him, he would willingly deliver himself up to trial. He was not afraid of suffering or of answering any kind of charge. He had been afraid of being put into a dungeon, and locked up in a loathsome cell, without any charge being preferred against him. He had got out of the way to avoid such evils; but he never had, and never would, shrink from a fair trial. On this ground he entreated their lordships to discharge his recognizance. He had come up to London to attend the court, being warned by the Mayor of Liverpool, in consequence of a letter sent to that magistrate by Lord Sidmouth. He thought the noble and learned lord on the bench had conceived that he had entered into a recognizance, when he really had not. He trusted he should not only be discharged, but that he should have some kind of satisfaction made to him for his severe sufferings.

Lord Ellenborough observed, that the application to the court was on the ground of recognizances having been returned, which had never been entered into. Such was the gravamen of the application. If not having been in fact entered into, the party had been put to trouble and expense; or whether that were so or not, if in truth there was no such recognizance, it would be an offence by the magistrate who had returned it, which this court would severely animadvert upon; but the evidence before the court shewed, not only that the recognizance had been entered into, and that the pretence of the person making the present application was not founded, but that he was conscious of what he had done; for evidently he had been commenting on the refusal of other persons to do the same thing; and at a subsequent period had regretted that he had done it. The fact, that he had entered into the recognizance, was sworn by Sir N. Conant, who had minutely stated all the circumstances of the transaction. Sir Nathaniel's testimony was fully confirmed by the other witnesses. But, (said his lordship) without referring to extraneous matter, the question was, whether the ground of the application was denied. Now, it was positively sworn that *Mitchell* assented to enter into a recognizance in the terms propounded to him, and the change of his opinion afterwards would not alter the effect of his having so entered into it. The ground of the application was taken away by the affidavits of Sir Nathaniel and the others, and consequently there was no pretence for *Mitchell*'s obtaining the rule.

Mr. Justice Abbott and Mr. Justice Holroyd both concurred in opinion with the Chief Justice, and the rule was accordingly discharged.

Mr. Attorney-General then rose and said, it was his intention to move to discharge all recognizances returned to the court, of persons who had been apprehended under the operation of the habeas corpus suspension act. He had a list of their names before him. He was anxious upon this subject not to be misunderstood. He moved to discharge those recognizances, because he did not think it necessary to keep them in force any longer. He should have done it earlier, but it had been suggested to him that some persons wished to state objections to their recognizances in point of law, and he did not think it right to prevent those persons from having the benefit of their legal objections. He should now move to discharge the recognizance of *Joseph Mitchell*, whose case had been just argued, those of *John Roberts*, *Francis Ward*, *John Johnston*, *John Knight* and *John Bagguley*; also the recognizances of several other persons, whom the learned gentleman named. (See the statement in the Appendix, entitled, "a Return of all Persons Arrested, Committed, or Detained, in England, on Treasonable Charges, in the Year 1817, &c.")

The court discharged the recognizances entered into by all of them.

constables it was directed and delivered to. The petitioner then applied to Mr. Enfield, town clerk; who observed, "You have no right to a copy," and he repeated that assertion several times, and added with considerable emphasis, "You may make application, but I know what advice I shall give;" the petitioner went directly to the police office, where he saw Mr. Alderman Saars, and acquainted him with the petitioner's business; the Alderman said, "Go backwards," and immediately ordered a constable to take the petitioner into custody; after remaining in that situation upwards of an hour, Mr. Alderman Barber (a near neighbour of the petitioner) came to him and said, "I am very sorry for you, Francis, as I believe you to be an honest industrious man, but I would advise you to withdraw your application;" he repeated that several times, and further added, "It is a dangerous case to press, however you will not consider me as advising you as a magistrate, but as a friend;" the petitioner informed him that the treatment the petitioner had received was altogether unmerited, and that, at all events, he was determined to press his application, conceiving he had an incontrovertible right to make the demand. Soon after this interview the petitioner was taken before the bench of magistrates at the police office, when the town clerk inquired of the petitioner what his application was; he informed the town clerk it was for a copy of the warrant issued ordering his dwelling-house and premises to be searched, and for the names of the constables it was directed and delivered to. The town clerk ordered the petitioner to be taken away until his case was disposed of; in a short time the petitioner was again introduced to the magistrates, and the town clerk then informed him that they had agreed not to grant the request, and that the petitioner must be detained for being concerned in the Loughborough outrage, alluding as the petitioner supposed to frame-breaking, which took place in Loughborough in June 1816. The petitioner was then taken to the town gaol, where (except what food his wife brought him) he had nothing but bread and water, felon's allowance, and slept in one of the dampest cells that ever man was put into; added to this his bed was not only damp but had a strong sulphureous smell, which rendered it almost intolerable; thus the petitioner was taken from his abode of comfort, without reason or justice, and cut off from society, except in the day-time, being immured in a small room with a felon; and although confined in this prison out four days, the petitioner there caught a severe cold, which is so firmly fixed upon his lungs, that he has too much reason to fear it can never be removed. On the 14th of June, the fourth day after his arrest, Mr. Alderman Barber, the town clerk, a king's messenger, and a Bow-street officer, came to the gaol, and informed the petitioner that he must prepare for a journey, as there was a warrant from the secretary of state; Mr. Barber then observed, "The Loughborough business must stand over," and the petitioner has heard no more of it from that time to the present. He denies any participation or knowledge, either directly or indirectly, in the breaking of frames at Loughborough or elsewhere, or with the parties concerned therein, and he here challenges inquiry, and insists that the imputation so made upon him is groundless, and founded only in malice. In about an hour afterwards the King's messenger and Bow-street officer came again to the gaol, and chained the petitioner hand and foot to a man of the name of Haynes. Before they got into the chaise the Bow-street officer said to the petitioner, "If you heave your hands to let the chains be seen, you shall be the first that shall fall;" at the same time holding a pistol in his hand; on the road to London the fetters round the petitioner's hand gave him much pain, which caused him to comment upon the severe and unmerited treatment he was suffering: the officer observed, "You wish to make it appear that you are not a disaffected person; the town clerk informed me that you are much respected by the mechanics of Loughborough and Leicester, and the working people in general, so that you are a dangerous man to be at large." On the 15th the petitioner arrived in London, and was placed in Cold Bath Fields prison, and on the 21st was taken before Lord Sidmouth and other gentlemen; after inquiring the petitioner's age, he was informed that he was apprehended under a warrant from the secretary of state on suspicion of high treason, and that he should commit the petitioner to close confinement until delivered by due course of law; and further observed, "If you have any thing to say, you are at liberty to speak;" to that the petitioner replied, "I declare my innocence, and if every action of my life was painted in its proper colour, your lordship would say I merited reward rather than punishment;" in vain did the petitioner declare his innocence, and challenge inquiry and proof of his guilt; his lordship observed, "You are not unjustly punished, for my information is from a respectable source, and you shall have a list of the evidence against you, and proper notice of your trial before its commencement." The petitioner was then conveyed back to Cold Bath Fields Prison, and on the 24th was, with William Cliff (a young man from Derby), removed to Oxford Castle. On the petitioner's arrival at that place he was confined by himself in one of the most dismal cells ever made for criminals under sentence of death, about eleven feet by seven; when there was a fire in it the petitioner was nearly suffocated with smoke, and driven to the necessity of removing into the privy for air, in order to be enabled to respire; but what is here stated is not all the wretchedness connected with that excessively miserable cell that the petitioner was confined in, for such a stench descended the chimney during the night, that the dungeon was

rendered almost intolerable, endangering the life of the petitioner. He frequently applied to the governor to remove that intolerable evil, but in vain. After remaining four days in such cell, William Cliff was brought down to it, and the petitioner taken up into a small room called the turnkey's lodge, and such alternate change was made every four days for between three and four months; and although the petitioner and Cliff passed each other once each fourth day, they were not permitted to hold any conversation, or even speak to each other. Near Michaelmas the petitioner and Cliff were allowed to be together a few hours each day; that circumstance was so far alleviating the rigorous treatment of the petitioner, although he had no previous acquaintance with, or knowledge of Cliff. In the last few weeks of the petitioner's imprisonment the prisoners in the Castle became so numerous that it was found absolutely necessary for the petitioner and Cliff to be confined constantly in a turnkey's lodge, and in that situation the petitioner continued until the 13th of November 1817, and was then liberated on his own recognizance of 100*l.* to appear in the Court of King's Bench, Westminster, on the 23d of January 1818, and there remain from day to day until discharged, and not depart the court without leave. In the foregoing statement the petitioner has attempted to give the house a plain detailed account of the sufferings, without exaggeration, he has undergone while detained under the suspension act; but alas! this attempt comes far short of giving a full and clear description of the unheard-of cruelty he has been treated with, as no mention has been made of the excruciating torture of mind the petitioner has undergone;—here language fails, and to form any conception of his case, it will be necessary to figure to the imagination a man who through life has taken a very active part in it, being accustomed to labour hard for his bread, by frequently having to work twelve, fourteen, sixteen hours a day, and sometimes more, the existence of a family depending on his exertions, which all at once ceases, and the intolerable state of inactivity succeeds; added to this, being possessed of all the finer feelings that adorn human nature, and those are for a long period stretched on the rack by his being dragged away from all that is near and dear to a man in life; thus the glowing affection of a son, a husband, and a father, being simultaneously aroused, contributed not to sweeten the bitter cup of life, but to render it insupportable; for such an one, who has never been within the walls of a prison before, to be cut off from society, and immured within the walls of a dungeon not fit for a murderer to be confined in; what inconceivable sufferings must such an one experience! nothing but the thoughts of his innocence could enable him to bear up under the intolerable load;—and this is precisely the case of the petitioner; and, if the patience of the house is not exhausted, the petitioner will mention some of the damages he has sustained while in prison; he has before stated, that his own health was so much injured that he has too much reason to fear the complaint upon his lungs cannot be removed; his wife's constitution has been so much injured by uneasiness of mind, that she at present continues ill, and in all human probability is likely so to do; when the petitioner was arrested he had ten machines employed in his shop, and a good seat of work for himself, but during his confinement the latter was lost, and he has not been able to obtain any more to the present time, and he found only two machines out of the ten employed at his return; since the 10th of June 1817 to the present time he has been unemployed, and is likely to continue so; and the petitioner's character and reputation, the mainspring of a poor man's existence, and in some cases as valuable as life, have received such a stab by his being committed and detained on suspicion of high treason, that unless the petitioner is afforded an opportunity of clearing himself it may contribute greatly to his total ruin. The petitioner therefore respectfully and earnestly requests the house to order that he may be brought to its bar, and undergo the strictest examination, and that he may be brought to trial according to law, and meet his accusers face to face, and thereby have the benefit and justice of the laws; and the petitioner also prays, that having thus detailed the sufferings he has unjustly endured, the house will afford him such redress as in heir great wisdom seems fit, or that they will take such steps as shall lead to the punishment of the wrong-doers, and effectually prevent in any other case the recurrence of such unjust and cruel proceedings."

Lord *Folkestone*, in moving that the petition be printed, said, that the house would be guilty of a great dereliction of duty, if they did not inquire into the grievances set forth by the petitioner. He meant, therefore, to move the appointment of a committee to inquire into the grounds of complaint. If no objection was made to the measure, he would move now. If any objection should be made, he would give notice for a motion on a future day.

Mr. *Bennet* thought it would be much more convenient to give notice, as many other persons had suffered in precisely the same way as this miserable man. He had occasion to know, and he should bring forward proofs, that the most barbarous, cruel, and inhuman treatment was exercised under the sanction of the suspension act: such as thrusting into impure cells, loading with irons, and other abuses of the same kind. As the representative house of parliament they were bound to inquire—as Englishmen they must feel bound to inquire—into the bitter grievances of Englishmen. (*Hear, hear.*)

Lord *Castlereagh* hoped that the noble lord would give notice of his motion.

Lord *Folkestone* then presented the following petition of certain inhabitants of the town of

Nottingham.—"That the petitioners are neighbours of, and have been for some years acquainted with Mr. Francis Ward, lately in confinement under a warrant from the Secretary of State on suspicion of high treason; that they have lately seen a petition which the said Francis Ward is about to offer to the house; that they wish to state to the house, that the said Francis Ward has always merited the character of a hard-working sober honest industrious man, and has conducted himself with propriety and respectability in his station in life, and the petitioners are fully assured that he is incapable of committing any act of treason, or of doing any thing which would justify the proceedings had against him; that he has in consequence of his imprisonment sustained much injury in his business; and therefore the petitioners pray the house to take his case into their most serious consideration, in order that they may provide the said Francis Ward with such relief as to their wisdom may appear just, and take such steps as shall effectually prevent the recurrence of such proceedings."—His lordship then gave notice that he would on this day se'nnight move for a committee to inquire into the subject of these petitions.

IRISH GRAND JURY PRESENTMENTS.] Mr. *V. Fitzgerald* moved for leave to bring in a bill "to suspend the operation of an act made in the last session of parliament, to provide for the more deliberate investigation of presentments to be made by grand juries for roads and public works in Ireland, and for accounting for money raised by such presentments." He observed, that the new officers (county surveyors) had not yet been appointed, as none could be obtained, qualified in the terms of the act, and that the time of presentment was inconvenient, the spring assizes being fitter for the purpose than the summer assizes.

Mr. *Abercromby* thought it an ill omen, that the right hon. gentleman had not stated any intention to propose a substitute for the measure which he moved to suspend. This was much to be lamented, as the system of Irish grand jury presentments was on all hands confessedly such as called loudly for some legislative remedy. He could not doubt the sincerity of the right honourable gentleman, who was the author of the act which he now proposed to suspend, nor the disposition of the Irish government to carry it into execution; but it seemed strange, that when there were places to dispose of in Ireland, there should not be found a sufficient number of candidates. Yet the difficulty of finding thirty-two surveyors, was one of the main causes alleged for this motion; for the other cause, namely, the limitation of the presentments to the summer assizes, might be easily removed, without suspending the present act.

Mr. *V. Fitzgerald* assured the house and the hon. gentleman, that he felt extremely anxious for the success of this measure, but finding so many difficulties in the way of its execution, and the government consequently embarrassed, he thought himself bound in candour to propose its suspension, which, however, was only to continue during the present session, within which period he hoped that a more practicable measure would be devised. The hon. gentleman might rely that he was not disposed to withdraw from the principle of the measure to which his motion referred; but to render that principle effective, he must look for the support of other gentlemen who felt an interest in the concerns of Ireland.

Mr. *Peel* said, it was impossible to deny that the act had met with much opposition. Surveyors were to be appointed, one to each county, some at a salary of 300*l.* or 400*l.* and some at 600*l.* It was obvious that the utility of those surveyors depended on the confidence to be placed in them. The act empowered the lord lieutenant to appoint three commissioners. It was anxiously wished that those commissioners should be persons unconnected with the government. Mr. Telford, Major Taylor, and Mr. Johnston, were the three commissioners. His only instructions to them were to judge of the competence of candidates, and to report 32 individuals whom they should find qualified. The only observation he had added, was, that local connections and local recommendations should not be relied on. The commissioners continued to devote nine hours of every day for several weeks to this business. Not fewer than 95 candidates presented themselves, some of them men of great professional abilities. Yet the board found none who possessed the necessary experience and practical knowledge in road-making and bridge-building, which form the chief portions of the duty of county surveyors, and therefore they did not grant any certificate.

Sir *Henry Parnell* thought the difficulty of obtaining surveyors not a sufficient reason for suspending the act. The hon. gentleman ought rather to have suspended his decision for some time. He deprecated a recurrence to the enormous expenditure to which counties had been exposed. The act now proposed to be suspended was founded on the principle of control over this expenditure, and of inquiry into its propriety. He trusted this principle was not to be abandoned.—The hon. baronet concluded by referring to the discontent produced universally in Ireland, by the enormous sums of money expended upon the presentments of grand juries, and earnestly hoped that some other bill would be introduced during the present session, because, if longer delayed, he feared it would be impossible to bring the house again to the same temper, which had happily prevailed upon this important subject, when the bill which it was now proposed to suspend received their approbation.

After a few words from Mr. *C. Butler* and another Irish member against the principle of the former measure, leave was given to bring in the bill, and it was brought in, and read a first and

second time, and committed for Saturday next.

BANK OF ENGLAND.] Mr. *Grenfell* rose for the purpose of obtaining some information from the chancellor of the exchequer with regard to one or two very important questions intimately connected with the financial and commercial interests of the country. They were questions upon which distinct information ought to be given without delay. He alluded, in the first place, to the resumption of cash payments on the part of the Bank of England, which, as at present fixed by law, would take place on the 5th of July next. After the promises and the declarations, so often renewed by the Government and the Bank, it was natural to suppose that no doubt or uncertainty would prevail in any quarter, as to the probability of cash payments being actually resumed when that period should arrive. Very considerable doubt did nevertheless exist in the public mind upon this subject, and more especially among that class of society which was frequently described as the monied interest. It was desirable that this uncertainty should not continue one moment after his Majesty's ministers had it in their power to remove it. No honourable member, who had a practical knowledge of what was now daily passing in the city, could be ignorant of the very large transactions and speculations of a gambling nature that were entered into and depended upon the result of this contingency. It was obvious that, in such a course of adventure, those who had the means of making themselves acquainted with the real intentions of his Majesty's ministers, must possess a material advantage over others who were not in the secret. For these different reasons he hoped he should not be considered as making an extraordinary request on behalf of the public, when he desired to know whether any event had occurred, or was expected to occur, which in its consequences would prevent the resumption of cash payments on the 5th of July next. There was another question upon which he was likewise desirous that some information should be afforded, as it equally related to the subject of the connexion between the government of the country and the bank. The public at present stood in the situation of debtor to the bank for two loans, in his opinion improperly so called, but for two loans, one of 3,000,000*l.* advanced without interest, the other of 6,000,000*l.* at an interest of four per cent. and which would soon become payable. Until these loans should be repaid, the bank had secured to themselves the undisturbed possession of a balance upon the public money deposited in their hands, which, for the last twelve years, had never fallen short, on the average, of 11,000,000*l.* or 2,000,000*l.* more than the sum which they claimed to be due to them from the public. *(Hear, hear.)* He was convinced that it would be highly advantageous to the public interests that the government of the country should be unfettered by these obligations; and what he wished on this occasion to inquire was, whether any arrangement was in progress, or had been concluded, either for discharging the loans in question, or placing them on a better footing; and if any, what arrangement?

The *Chancellor of the Exchequer* observed, that the first question put to him by the hon. gentleman involved the interests of so many individuals, that he felt it incumbent on him to guard against misapprehension, by the most explicit answer which the nature of the subject enabled him to give. He could assure the house, that he had the satisfaction of knowing, that the Bank had made ample preparations for resuming its payments in cash at the period fixed by parliament. He could at the same time add, that he knew of nothing either in the internal state of the country, or in its political relations with foreign powers, which would render it expedient to continue the restriction beyond that period. It was well known, however, that financial measures and pecuniary arrangements were in a course of proceeding amongst foreign powers, of such a nature as might, by possibility, make it a question for the consideration of parliament, whether the restriction ought to be further continued whilst the immediate effects of such arrangements should be in operation. Having so far replied to the hon. gentleman's inquiry, he felt that he should only embarrass his statement by any further attempt at explanation. With regard to the second question of the hon. gentleman he had no difficulty in stating, that he had it in contemplation to submit some measure providing for the discharge of the loan of 6,000,000*l.* bearing an interest of 4 per cent.; but as no interest was payable on the old loan of 3,000,000*l.*, and which might, therefore, in some respects be considered as a gift, he apprehended that the hon. gentleman himself would not feel disposed to relinquish it without obtaining some other advantage of corresponding value.

Mr. *Tierney* said, that what he understood from the right hon. gentleman was this—first, that the Bank was prepared to resume its cash payments, a fact which it gave him satisfaction to hear; but then he was immediately told that something might happen between this and the 5th of July next amongst foreign powers, which might, by possibility, render the preparations of the Bank unavailing. It was evidently impossible to say that any thing could be expected to take place at home to interfere with the performance of their engagements. He must say he had never heard more words employed in elucidating a subject, which left the subject more in the dark. The only inference which they enabled him to derive was this—that there were persons who wanted some excuse for still postponing the resumption, and that they now began to fear it would be necessary to look for that excuse abroad. Had the right hon. gentleman refused to afford any answer to the question of his hon. friend, he should not have been disappointed; but the one which had been given would not remove the evil complained of by his hon. friend, but would, in his opinion, consider-

ably increase it. Instead of finding speculation confined to the probability or improbability of one event, the right hon. gentleman's statement *was calculated to excite a spirit of curiosity as* to the contents of every foreign mail, that must necessarily lead to the enlargement and multiplication of gambling transactions. The right hon. gentleman's observation as to the loan of 3,000,000*l.* appeared to him to amount merely to this—that as the repayment of a loan was seldom very agreeable, he was disposed to defer that ceremony as long as possible. He certainly had looked for a much more full and satisfactory explanation, when he recollected the triumphant boasts and anticipations which had been indulged in during the course of last session. He had himself been twitted by the right hon. gentleman, for entertaining a slight doubt upon the subject, and was then told that the Bank had, for many purposes, already resumed their cash payments. All, however, that could now be said was, that we had a Chancellor of the Exchequer, whose utmost endeavours at distinctness, only served to shew that he had no one distinct idea upon the subject. *(A laugh.)*

COMMITTEE OF SUPPLY.] On the motion of the *Chancellor of the Exchequer*, it was ordered that the house should resolve itself into a committee of supply on Saturday next, and that the speech of the lords' commissioners be referred to the said committee.

NEPAUL WAR.—MARQUIS OF HASTINGS.] Mr. *Speaker* informed the house, that he had received a letter from the Marquis of Hastings, dated the 6th of February, acknowledging the letter of the late Speaker, which conveyed to him the thanks of that house, for his successful administration of the Nepaul war. (See vol. I. p. 116.) The noble marquis disclaimed every pretension to so exalted an honour, except an earnest anxiety to maintain the British interests in India, and uphold those military trophies which had been previously acquired by his countrymen in that distant quarter of the empire. He could not fail, however, to recognize in the vote of the house, that liberal policy which always induced them to favour with their approbation the indications of any zeal, however humble. He should carefully transmit the thanks of the house to General Ouchterlony, and the other officers engaged in the Nepaul war, who, although they could not set a greater than himself, would undoubtedly estimate at a proper value, the reward conferred upon their exertions.

ADJOURNMENT OF THE HOUSE.] Lord *Castlereagh* said, he had intended to move that the house at its rising should adjourn till Monday, but he now felt it proper to propose the adjournment only until Saturday, in order that the royal assent might on that day be given to the bill which had been passed this night, and with a view also of presenting on Saturday, if it should be then ready, the communication from government to which he had before alluded with regard to the state of the country. This communication would, he had no doubt, be laid before the house either on Saturday or Monday; *and he gave notice of his intention to propose* the usual course upon such a communication, namely, that it should be referred to a select committee.

Mr. *Tierney* asked upon what day the communication alluded to was most likely to be made, and also upon what day the noble lord's proposed motion would be brought forward?

Lord *Castlereagh* replied, that he proposed to submit his motion for referring the communication to a secret committee on Monday, but whether that communication would be laid before the House on Saturday or Monday, would depend upon the convenience of government.

It was then agreed that the house should adjourn till Saturday*.

HOUSE OF LORDS.

Saturday, Jan. 31.

REPEAL OF THE SUSPENSION ACT.] The royal assent was given by commission to the bill intituled, "An act to repeal an act made in the last session of parliament, intituled, An act to continue an act to empower his Majesty to secure and detain such persons as his Majesty shall suspect are conspiring against his person and government."

The commissioners were the *Lord Chancellor*, the Earl of *Shaftesbury*, and Lord *Melville*.

HOUSE OF COMMONS.

Saturday, Jan. 31.

On receiving a message to attend the lords commissioners, the House went; and being returned, Mr. *Speaker* reported the royal assent to the habeas corpus suspension act repeal bill. (See the lords.)

Mr. *Arbuthnot* moved, that there be laid before the house an account "of all Exchequer bills issued by virtue of the act of the 57th Geo. III. c. 2. intituled, 'An act for raising the sum of 24 millions by Exchequer bills for the service of the year 1817,' outstanding and unprovided for." Also, an account "of all Exchequer bills issued by virtue of the act of the 57th Geo. III. c. 80, intituled, 'An act for raising the sum of nine millions by Exchequer bills for the service of the year 1817,' outstanding and unprovided for."

The accounts were immediately brought up, by which it appeared, that bills for "24 millions," and "nine millions," had been issued.

CONVICTS UNDER SENTENCE OF DEATH IN

* In consequence of this adjournment, the Lord Chancellor and Mr. Speaker did not attend on the 30th of January, (being the day of the martyrdom of King Charles I.) to hear the usual sermon preached. They are the only members whose duty it is to attend.

NEWGATE.] Mr. *Bennet* moved that there be laid before the house, a return "of the number of persons, male and female, now under sentence of death in Newgate; distinguishing each, and stating their respective ages, the date of their sentences, and the crimes for which they have been convicted." He was induced to make this motion in consequence of there being at this moment 65 or 66 persons under sentence of death in the gaol in question; and from his having understood from his Majesty's ministers, during the last session, that an arrangement would be made for reporting the persons convicted in one session before the other commenced. The situation of the unhappy persons to whom he alluded was truly miserable, and their treatment more than inhuman. They were confined together in cells 9 feet 5 inches long, by 7 feet wide, and in these places they were shut up sixteen hours out of the four-and-twenty. They were all mixed together indiscriminately, the young with the old, and thus the young had the opportunity of learning nothing but the trade of preying upon their fellow-creatures. He could not help thinking that the house had a right to expect that his Majesty's ministers would have attended to their pledge. If there was not room sufficient in the gaol for the accommodation of its inmates, application should be made to parliament on the subject. He did not want to interfere with what might be considered the province of the city of London; but if they did not think proper to bring the matter forward, he should feel it his duty to do so. He desired to be distinctly understood, as not meaning, by his present observations, to cast the least reflection on Mr. Brown, the present gaoler of Newgate, who, he verily believed, had done more to ameliorate the situation of his prisoners than had been done since the time of the benevolent Howard.

On the question being put from the chair,

Alderman *Atkins* said, it was extremely to be regretted that the condemned cells in the gaol of Newgate were not calculated for the reception of more than 40 persons. It never was anticipated that there would be occasion for greater accommodation. With regard to making reports of one session before the other commenced, he begged to state that this was impossible. The interest of the unhappy criminals frequently required that time should be taken to deliberate on their cases, and to make inquiries as to their characters, often in distant parts of the country. The reports were made as often as it was expedient.

Mr. *Bennet*, in answer to the last observation of the hon. gentleman, stated, that the Recorder had been ready for some time with his last report; the delay took place on the part of his Majesty's government.—The motion was then carried.

BANK TOKENS.] Mr. *Curwen* begged to know, whether any steps had been taken to secure those persons from loss who might chance to have Bank of England tokens, which had been of so much use to the public, in their possession after the period appointed by the Bank for their recall, and whether they would not be received in payment by the receivers of taxes?

The *Chancellor of the Exchequer* said, the receivers of taxes would no doubt receive the Bank tokens so long as the Bank would receive them, but he was not prepared to say they would do more. He understood there had been some communication from the Bank of England on the subject to the country bankers, with a view to facilitate the exchange of the tokens for other money.

Mr. *Curwen* said, he only wished that means should be taken to secure the public from loss.

COMMITTEE OF SUPPLY.] The *Chancellor of the Exchequer* moved the order of the day for the house to resolve itself into a committee of supply. The object he had now in view was merely to adopt the usual form of taking into consideration that part of his Majesty's speech which referred to the supplies for the year. It was always customary to refer this subject to a committee of supply the day succeeding that on which the speech itself had been taken into consideration. He had adopted the earliest opportunity of pursuing this course. If it were intended to enter into any discussion, it would perhaps be fitter to defer the question till Monday.

Mr. *Sharp* said, he merely rose for the purpose of referring to the circumstance, that in the speech to which the right hon. gentleman had alluded, there was not one word said of economy or retrenchment. There was not the same regard even to appearances that was observable at the opening of the preceding session. (*hear.*) On the contrary, it seemed to be the intention of his Majesty's government to raise the income of the country to the expenses, rather than to reduce the expenses to the income. (*hear.*) It was important, especially as that period approached when they were to meet their constituents, and when they would be called upon to describe what the state of the country was, that it should be understood to which class they belonged—whether to that class which had assisted in adding to the intolerable taxation of the people, and to the lavish expenditure of ministers, or to that class which endeavoured to lessen the burdens of the people, and to oppose a further extension of extravagance.

The *Chancellor of the Exchequer* thought, after the pledge he had given to bring the state of the finances of the country before the house in a substantial shape, that the hon. gentleman might have spared his observations. The house would, no doubt, be as much alive to economy, and pay as great a regard to the public interests at the present season as at any former period.

Mr. *Brougham* could not agree with the right

hon. gentleman that his hon. friend's observations were uncalled for. It was true that they were to have a committee of finance, but when they recollected how much they had benefited from that committee before, he was not disposed to place much reliance upon its exertions. *(hear.)* In the speech which had been delivered from the throne, as his honourable friend had justly stated, there was no allusion whatever to retrenchment or economy. All they had to do, therefore, was to avail themselves of the experience of last year, when economy and retrenchment were recommended by the Prince Regent; and, comparing that with the present year, when there was no such recommendation, form a conclusion as to what their expectations might fairly be. *(hear.)* He trusted that the house and the country would keep a watchful eye upon those gentlemen (his Majesty's ministers,) and that they would, by a strenuous effort, during the few weeks which yet remained to them, endeavour to reduce the intolerable burdens under which the people groaned.

The house then resolved itself into a committee. The estimates for the current year were laid before it, and on the motion of the *Chancellor of the Exchequer,* it was resolved, "that a supply be granted to his Majesty."—The house then resumed, and the resolution was ordered to be reported on Monday.

PROPERTY TAX.] Mr. *Brougham* wished to be informed whether any steps had been taken for destroying all remains of a tax which had been justly odious to the people, and which had been abolished through the exertions of that house and of the country at large—he meant the property-tax?

The *Chancellor of the Exchequer* said, he was not prepared to answer the question in detail; he would inquire more particularly, and give an answer on Monday.

GRIEVANCES UNDER THE SUSPENSION ACT.] Mr. *Bennet* presented the following petition of William Benbow, late of Manchester, which was read, and ordered to lie on the table. "That the petitioner on the 16th of May 1817, was arrested in the city of Dublin without apparent legal authority for that purpose, and detained in custody after examination for four days, without being able to obtain any information as to the cause of his arrest or detention in custody; that on the 20th of May 1817, the petitioner being still in custody, a messenger arrived from England and re-arrested him, by virtue of a warrant from Lord Sidmouth, upon a pretended suspicion of high treason, and the petitioner was conveyed in irons from Dublin to London, and committed to the house of correction in Cold Bath Fields, there to remain until delivered by due course of law; that the petitioner was then promised a fair trial, and that the list of witnesses intended to be brought against him, with whatever other information might be necessary, should be furnished him in due time: that the petitioner was confined for the space of eight months in the house of correction as aforesaid, and treated with much unnecessary cruelty and insult, and exposed to much studied deprivation of those comforts that his situation required; the petitioner not being permitted to correspond freely even with his wife, the letters of the petitioner to his wife being detained by Lord Sidmouth, and those of his wife to the petitioner by the jailer of the house of correction, as if it were necessary to add all the pain to the petitioner's miserable situation, of which his persecutors were capable; the petitioner's letters, or rather such of them as Lord Sidmouth thought proper, were forwarded free of expense, this was not requested by the petitioner, but afterwards the petitioner was informed that no more correspondence could be franked for state prisoners; that the petitioner requested the Secretary of State to furnish him with such necessaries as the deprivation of liberty prevented him from procuring for himself, when he was insulted by being told he might have such things as were provided for persons committed on felonious charges; that after eight months of such unmerited confinement and violent treatment, the petitioner was offered his liberation upon terms which he deemed himself bound to reject, as degrading, oppressive, unjust, and calculated to shield his persecutors from the consequences of their despotic conduct; that the petitioner therefore refused to accept his liberty upon any other than an unconditional discharge, and a full admission of the unnecessary violation of the laws which had taken place in his person; that the petitioner did receive such unconditional discharge on the 20th of this month, and after having been thus confined and ill-treated by his persecutors, is now discharged without trial, and thrown upon the world without means, at a distance of nearly two hundred miles from his home and family, without the least assistance to carry him thither, or to compensate in any way his losses and privations by such a wanton violation of the principles of justice, and the constitutional laws of the land; the petitioner therefore feels himself in duty called upon to lay his sufferings and his grievances before the house, and to call upon its honourable members for such redress as may become their regard for the liberty of the people, and the sanctity of the laws, both of which have been violated in the treatment experienced by the petitioner."

IRISH GRAND JURY PRESENTMENTS.] The Irish grand juries act suspension bill went through a committee. The report was brought up, and the bill was ordered to be read a third time on Monday next.

HOUSE OF LORDS.

Monday, Feb. 2.

HER MAJESTY'S ANSWER TO THE MESSAGE

OF CONDOLENCE.] Lord *St. Helens* reported, that he and the Lord *Arden* had waited on her Majesty with their lordships' message of condolence on the melancholy event of the death of her Royal Highness the Princess Charlotte of Tuesday last, and that her Majesty was pleased to receive the same very graciously.

PRINCE LEOPOLD'S ANSWER.] The Earl *De Lawarr* reported, that he and Lord *Amherst* had waited on his Serene Highness with the message of condolence on the melancholy event of the death of his Serene Highness's consort, her Royal Highness the Princess Charlotte, and that his Serene Highness was pleased to return the following answer:

"My Lords,—I feel most sensibly the interest which the House of Lords have shewn in my affliction. I thank them for this instance of their attention, and receive their condolence with sincere and earnest satisfaction."

CLERK OF THE PARLIAMENTS.] Earl *Grosvenor* rose to inquire, whether any thing had been done in consequence of what passed on the first day of the session, on the subject of the appointment, by reversion, to the office of clerk of the parliaments. It was his intention to move for an account of all offices held in reversion.

The Earl of *Liverpool* said, that the committee to which the patent granting the reversion was to be referred, would have several objects submitted to its consideration, the investigation of which might occupy some time. It was, however, his intention, in the course of the present session, to propose, relative to the office of clerk of the parliaments, some legislative measures which would operate prospectively. To fulfil this intention, a bill would be necessary, which he should introduce.

The Earl of *Lauderdale* observed, that the object which his noble friend had in view was to render the office of clerk an efficient office. In that respect the motion had his approbation.

Earl *Grosvenor* wished an inquiry to be instituted into the nature of all offices which were granted in reversion, and would be glad to obtain an official account of their salaries and their duties. He did not know how far the noble lord meant his measure should extend, but he apprehended he did not intend to go the length of abolishing the office of clerk of the parliaments. Nothing more strikingly shewed the impropriety of granting offices in reversion than what had occurred with respect to that at present under consideration. He was persuaded, that the gentleman who lately held the office of clerk of the parliaments would never have asked the reversion for his son, could he have foreseen that that son would have filled the situation of ambassador to a foreign court at the time that the duties of his office as clerk of the parliaments required his presence in that house. It was his intention to propose the abolition of the practice of granting places in reversion, and that the abolition should be extended not only to grants from the crown, but to those made by the judges, and indeed to grants in reversion of every description connected with the public service or the institutions of the country. In the mean time he moved an address to the Prince Regent, praying that he would order to be laid before the house an account of all grants in reversion of offices held immediately from the crown, and also all grants in reversion of other public offices.

The Earl of *Liverpool* objected to the general nature of the motion. If the noble earl confined it to those offices held under the crown, he should be ready to agree to it.

The *Lord Chancellor* thought the noble earl might divide his motion, if he continued of opinion that he ought to call for information as to both species of offices. For his own part he had on a former occasion stated his sentiments to the house on this question, and he still continued of the same opinion as to the utility of the offices referred to in the latter part of the motion.

The Earl of *Lauderdale* could not see any necessity for his noble friend pressing his motion in its present shape, nor could he understand the motive of the noble earl opposite in rejecting it, as the information asked for was, in fact, already before the house. At all events, he thought it would not be necessary for his noble friend to adhere to his large motion, and, therefore, he recommended it to him to divide it.

The *Lord Chancellor* said, he should be very well pleased to see a statement of all grants in reversion laid before their lordships, and probably should himself shape a motion calculated to attain that object. His opinion with regard to offices granted by the judges, as he had already intimated, remained unaltered. Many offices formerly bestowed by the Chancellor were now in the gift of the crown; but with regard to the judges in the other courts, the power of giving those offices was necessary, as a part of their emoluments arose from those gifts. Were it not for this, the incomes of the judges would be totally inadequate to the laborious and important duties they had to perform. When the subject was last before the house, he had convinced their lordships of the utility of the offices in the gift of the judges, as well as of others of a similar nature; and he had no doubt that he should be equally successful when the question came again before them. He had, however, no objection to an account of all grants in reversion by the crown being laid before their lordships; and when it was produced, he should perhaps think it right to call for an account of all landed property, held in virtue of grants from the crown, previously to the act passed respecting those grants.

Earl *Grosvenor* said, that all that had occurred since the subject was last discussed had only tended to fortify him in his opinion, that nothing could be more injurious to the interests

of the public than granting offices in reversion. In saying this he by no means meant to suggest, that he thought the noble and learned lord, or any of the judges, were overpaid for their services. What he objected to was, not the amount of their emoluments, but the mode in which they were obtained. With regard to the motion, he would consent to divide it, and to press, for the present only, the first part relative to grants from the crown.

The motion, thus altered, was put and agreed to.

STATE OF THE COUNTRY.] Lord *Sidmouth* presented a bag of papers, sealed up, which, he stated, he had it in command from the Prince Regent to lay before their lordships. They related to the state of the country, and the events that had happened since the second report of the committee of secrecy in the last session of parliament. It was his intention to have moved that night to refer these papers to a secret committee; but he was induced to postpone the execution of that intention, as two noble lords (the Marquis of Lansdowne and Lord Holland) who wished to be present, were prevented from attending by a melancholy occurrence (the death of the Earl of Upper Ossory.) He understood, however, that one of those noble lords (the Marquis of Lansdowne) might be expected to attend to-morrow. He would, therefore, on that day move for the appointment of a committee. In the mean time he moved, that the bag of papers remain in the custody of the clerk of the house, and that the lords be summoned for to-morrow.—Ordered.

HOUSE OF COMMONS.

Monday, Feb. 2.

The House met, and 40 members not being present at four o'clock, Mr. *Speaker* adjourned the House.

HOUSE OF LORDS.

Tuesday, Feb. 3.

BANK OF ENGLAND.] The Earl of *Lauderdale* moved for a series of accounts relative to the state of the revenue and the public debt, all of which were ordered. His lordship then observed, that though he was aware business of much importance was expected, he must trouble their lordships with some motions connected with a question of the greatest importance to the interests of the country. The time was fast approaching when the subject of the resumption of cash-payments by the bank must come before them, and when that great question must be decided one way or another. He trusted that parliament would not consent to continue the restriction without a full inquiry into the circumstances of the case, which alone could enable them to come to a right decision on the whole of this question, upon which more than upon any other the welfare of the country depended. In the mean time he should merely move for the following accounts, *viz.* the bank-notes in circulation during the years 1815, 1816, and 1817; the highest and lowest amount of the notes in circulation at different periods, between the 1st of January 1816 and 1817, distinguishing the notes above and below five pounds; the market price of gold and silver bars, and Spanish dollars, and the course of exchange on Hamburgh, from the 1st of January 1815 to January 1818, both inclusive. Also, the number of stamps issued during the same period for promissory notes, distinguishing the different kinds.

Lord *King* was induced to inquire of the noble Secretary of State what was really intended with respect to the resumption of cash-payments; for very considerable alarm had been excited by what had been reported to have been stated on high authority in another place. The reason which had been given for the continuance of the restriction on the bank, would, perhaps, appear to many perfectly unintelligible: but he was the more inclined to regard it with alarm, as he was certain that the reason which had been assigned was merely the ostensible and not the real one. The reason which had been given was, certain financial operations in the money-market, particularly great loans negotiating for another country. Now this, he was assured, ought not, and could not, be the real cause of delay in the resumption of cash-payments. Were the scene of this story to be changed, and were a French minister to say, that the bank of France had ample funds to answer every demand, was ready to pay all its notes, but that some loans which were making in Germany rendered it necessary to postpone the day of payment—were this to be said in a French legislative assembly, how would the minister who ventured such a paltry excuse be derided and scoffed at? Their lordships must, however, now see the necessity of strict investigation. Every moment that the resumption of cash payments was delayed was fatal to the welfare of the country. Their lordships were not ignorant of the great embarrassment and loss which had been sustained by the depreciation of paper during the war. Great distress had been since occasioned by the measures which had been taken to bring it to par. A difference had again been produced, and hence it was thought necessary that the bank should continue to refuse payment of their notes. The uncertainty of the measures of government in this respect produced fluctuations, which were destructive of every kind of property, and attacked the interests of all classes. It must therefore be obvious that there could be no stability in money transactions unless the currency of the country was placed upon a solid foundation, and the bank resumed the wholesome practice of paying its notes in specie.

The Earl of *Liverpool* said, that he should

not enter into any discussion of the topics on which the noble lord had touched. They were, it was true, questions which had given rise to much difference of opinion in that house and elsewhere, and he was also aware that there still existed great difference of sentiment as to the policy of the financial measures pursued in the course of the last war. He was not, however, called upon to vindicate that policy at present. With regard to the particular measure to which the noble lord's inquiry was directed, he had uniformly held, and still did hold, that it was both the interest of this country and of the bank, that cash-payments should be resumed as speedily as possible. In stating that he had always felt the force of this principle, he must also express an equal conviction, that the particular moment when the bank ought to resume the regular course of payment was a consideration of the greatest delicacy and importance. Whatever might have been stated during the war as to the resumption of payments on the return of peace, still the question as to the precise period for the adoption of that measure was always understood to be left to the decision of parliament on a full consideration of the circumstances which might exist at the time. Having said thus much he should only add, that he had ground for believing, and indeed knowing, that the bank had made every necessary preparation for answering the demands which might arise by the expiration of the restriction bill, and he saw nothing, either in the domestic situation of the country, or in the relations of our foreign policy, that was calculated to produce any undue delay in the resumption of cash-payments. It was possible, however, that there might be circumstances in existing pecuniary arrangements of foreign powers which would render it advisable for parliament to consider whether the act ought not to remain in force as long as these circumstances, which were not likely to recur again, continued to operate. If any supposition was entertained of the delay being occasioned by financial transactions between the government and the bank, he could assure their lordships it was perfectly groundless.

Lord *King* observed, that the measure had this relation to the financial transactions of government—that if the restriction act were allowed to take its course, the bank would be no longer able to take up the immense quantity of exchequer-bills brought into the market.

The Earl of *Lauderdale* remarked that the noble Secretary had stated, that the particular period for the resumption of cash-payments was a question of expediency which required great consideration. Now, only two years ago, the noble Secretary had treated with great derision all those who ventured to doubt that the bank would pay in cash within two years from that time. For his part, he had never expected that the bank would pay in cash at the period promised, nor could such an expectation be entertained by any one who fairly considered the nature of the connexion between the bank and the government. The noble Secretary of State had declared, that notwithstanding the intended delay, there was nothing in the situation of the country that need prevent the restriction act from being allowed to expire, and that the bank was perfectly prepared to pay its notes in cash at the time fixed by the act of parliament. He knew not on what information the noble earl had founded his opinion as to this ability of the bank. He derived it, perhaps, from some of the directors, but there might be different opinions among them. But though the bank had made ample preparation, the noble Secretary hinted, that still there might be something in the relations subsisting among foreign powers which ought to retard the resumption of cash-payments: but what that something was, he had not chosen to explain. From what he had said, however, this much appeared—that this most important of all measures to the welfare and prosperity of the country no longer depended upon the decision of the British parliament on what might be done by the government of France, or of any other foreign country. The noble Secretary had observed that such a circumstance was not likely to recur; but what security could be found for this assurance? Could the noble lord pledge himself that the governments of Russia or Prussia might not choose to negotiate a loan as soon as the effect of the present one making for France might cease to operate? Would not a loan for any of these powers be as good a reason for postponing the day of paying in cash, as that negotiated for France? Let the case be reversed, and suppose a French minister were to say to any assembly in that country, that the bank of France could not be allowed to pay, because a small loan was negotiating by this country, would he not be laughed at for giving such a reason? In fact, the cause of delay assigned by the noble earl was of so extraordinary a nature, that it called for the most serious consideration of their lordships. A full and complete investigation was necessary. It appeared to him, that the proper course would be to examine the bank directors, and indeed he thought that nothing short of an inquiry of that kind could satisfy parliament and the country. In the mean time he could not help observing, that if the noble earl and his colleagues persisted in proceeding in their present course, without any efficient investigation, they would expose themselves to a more serious responsibility than any ministers had ever ventured to encounter; for they now placed the country in this situation—that the resumption of cash-payments was no longer to depend on the wisdom of parliament, but on measures which any continental despot or foreign assembly might choose to adopt. Nothing could be more alarming to the landed interest, and indeed to all classes in the country.

The motions were then agreed to.

Secret Committee.] Lord *Sidmouth* remind-

ed their lordships, that he yesterday intimated his intention of proposing that the papers on the state of the country, which he had laid on the table by the command of the Prince Regent, should be submitted to the consideration of a committee chosen by their lordships. He accordingly now moved that the papers be referred to a secret committee.

The Marquis of *Lansdowne* said, he would not occupy much of their lordships' time; but when he considered what had been the nature of the early proceedings on the subject to which the papers proposed to be referred to a committee related, he thought it necessary to call the attention of the house to the course now proposed by the noble Secretary of State. The papers which he had laid on the table must have one of two objects—either it was meant to found on them some prospective measures, which, however, he hoped could not be the case; or else it was intended to make them serve to the house and the country as a justification of the past. If either of these objects were in view, or both of them, it was equally important that their lordships should have the opportunity, not only of examining the papers, but of investigating every circumstance connected with them, which might be necessary to elicit the truth. The mode of selecting the individuals to whom the papers were to be submitted was, therefore, a question of great importance: for it was most essential with a view to any measure that might be adopted, that the investigation should be full and complete. That was the only inquiry which could be satisfactory either to the house or the people. It was, therefore, an important question for their lordships, whether in choosing a committee, it ought not to be one so constituted as to ensure a full investigation of all the parts of the subject submitted to their consideration, and thereby to lay a foundation for measures which could not fail to be satisfactory. For this reason he submitted to the noble viscount, whether he ought not to state to the house the grounds which had induced him to propose the course of secret investigation which his motion implied.

Lord *Sidmouth* said, that in 1801 a committee of secrecy had been appointed in consequence of a message from the House of Commons, but that was not the mode they were called on to follow now, nor was it necessary by the practice of the house in that case more than when a communication was received from the Throne. The first communication last year was no more than a message, which, when sent, did not presume to state what the proceedings of the committee of secrecy were to be, but merely laid papers before the house to be submitted to their consideration. That was the course of proceeding which he called on their lordships to pursue at present; that was all the appeal he made to them. But in answer to the noble marquis, he had no hesitation to say, that the object of the papers laid before them was to put their lordships in possession of facts which tended to shew what had been the state of the country since the last report of the committee of secrecy, and the manner in which the discretionary powers vested in ministers had in the mean time been exercised. As to the larger powers which the noble marquis had desired for the committee, there was no power vested in a committee of that house, as in a committee of the House of Commons, to call for papers, persons, and records; if the committee wanted further information, they might, through their chairman, make a motion for the attendance of witnesses: but the course he had now proposed, was that which had always been followed by committees of that house.

The Earl of *Carnarvon* observed, that after the house had been told from the Throne that the country was in a state of perfect tranquillity, they could not be acting on the spur of any necessity, or feel the influence of alarm; there was, therefore, full time for deliberation. But if it was to be the province of the future committee to inquire how ministers had exercised the high discretionary powers that had been vested in them, the house must not delude itself or the country, by consenting to go into that inquiry upon such information as should be furnished by ministers themselves: the committee should have power to call for other evidence, and examine other facts. He would not then make many observations on the two reports of last session, but he entreated their lordships to compare those reports with the judicial proceedings that had followed them, and then to see whether they would still be so enamoured of secret committees as to be satisfied from similar documents to produce a similar report: he entreated them to consider whether such a report, grounded on such evidence, would be more than a solemn mockery, from which no benefit whatever could result to the country at large. The noble lord had referred to the precedent of 1801; that precedent led to a bill of indemnity for all the acts of power exercised by ministers; but after all we had seen and heard, after all ministers had pledged themselves to prove, and the number of verdicts they had subsequently recovered;* (*hear, hear*) after it had been repeatedly stated that there was but too great reason to believe that the servants of government had themselves excited the disturbances that had occurred, he thought they ought to be well satisfied, whether all the acts of insurrection proved, and there were none proved but at Derby, were not attributable to the very agents employed by ministers. If their lordships should be content, on a secret inquiry, completely to indemnify ministers for all that had passed, and by that means preclude all those who had been injured in fortune, health, and character, who had languished in dungeons, or groaned beneath the weight of fetters, from any hope of retrieving their losses, or establishing their character—if their lordships should be satisfied to give such an indemnity as should exclude these victims of power from all redress of

their wrongs—if their lordships should act thus, they would not do their duty to themselves or to their country. He would enter into the subject no further at that time; the question would be more fully discussed in the proceedings on the committee: but he must enter his caveat against instituting an inquiry on the conduct of ministers upon any mere shewing of their own, and making them at once their own accusers, witnessses, and judges. (*Hear, hear.*)

The Earl of *Liverpool* contended, that the simple question for the consideration of the house was, whether they would appoint a committee to examine the information laid before them, and follow the invariable usage on such occasions. He was aware that, in some instances, proceedings of this nature had originated in a message from the House of Commons, and, at other times, not; for it was optional in the crown to pursue which course it chose. But in all cases where the crown had made communications on the state of affairs, whether foreign or domestic, whenever that communication had been secret, it was usual to institute a secret committee to enter into the inquiry. The proceedings of that house were of a nature peculiar to itself, and the course pursued in them applied to all cases of proceedings on inquiries. Even where those proceedings were public, no power was delegated to committees of that house to call for witnesses, papers, or records, but they were compelled to come to the house, and through their chairman, to name the witnesses and papers they required, and then move for their production. This was the rule and invariable practice of the house. Under those circumstances, he did not think that the house could have any doubt as to the course it ought to pursue. That was not the time to discuss the merits of the two reports, or the measures that had arisen out of them, or the nature of the report which the present committee might make, or whether any or what measures should follow it. He should only say, that if the noble lord opposite thought him ready to admit, from the result of the trials that had taken place, that any facts in those reports had been contradicted, he was so far from making such admission, that he thought the result of the trials strongly confirmed all that had been laid before the committee. Not only had fifty true bills for treason been found by the grand jury, but thirty-six individuals had been convicted, or had admitted their guilt. He would not now discuss any further the reports of last year, but those reports had been, in that house at least, the result of unanimous opinion on the part of the committee, and, in the other house, the committee was also unanimous on the report, though there was a difference of opinion as to the measures that ought to be pursued in consequence. Not to prolong the discussion, he would repeat, that their lordships had had laid before them important information on the state of the country since the period of the last report up to the present time; and the question was, whether the house would refer the papers to a committee in the ordinary course? It would be open to that committee to determine how it should act on this information; it would be open to the house whether it should act on the representation of the committee, and it might then consider whether any further measures should be pursued.

The Marquis of *Lansdowne*, in explanation, stated, that he had made no objection to the motion, but had merely put it, whether, under all circumstances, it would not be more advisable to give the inquiry a more extended form. If, by the result of their lordships' determination, a door should not be open to information from all quarters, and to the interests of all parties, the inquiry would probably be not satisfactory to the house, and certainly not to the country.

The Earl of *Carnarvon* said, he had not asserted that the trials for high treason had falsified the reports of last year, but that they had not borne them out; and if the committee were to make out a case on such documents as ministers only should lay before it, the result could be no other than a report such as ministers might send forth without any committee at all.

The motion was then agreed to for referring the papers to a committee of secrecy, to consist of eleven lords, to be chosen by ballot. The ballot to take place at five o'clock on Thursday, to which day the House adjourned.

HOUSE OF COMMONS.

Tuesday, Feb. 3.

CONVICTS IN NEWGATE.] Mr. Brown, the keeper of Newgate, presented an account of the number of persons under sentence of death in that prison, pursuant to the order of the 31st of Jan. (See the Appendix.)

DROPPED ORDERS.] Mr. *Speaker* addressed the house on the subject of the dropped orders and notices of yesterday. He wished them to consider the expediency of disposing of those orders and notices for future days, before they proceeded to the orders and notices of this day.

Mr. *Wynn* said, that the whole doctrine of notices was founded on nothing like right; but a custom had grown up of late years, which had acquired a degree of authority, that when a notice was given for a particular day, it should have precedence on that day. As to dropped notices, he always understood the practice to be, that a member who had given notice for the day, should have precedence over those which had been dropped.

The *Speaker* observed, that what he desired was, to collect the sentiments and wishes of the house. In former times, a notice for a particular day certainly had precedence on that day. Perhaps, if that were the rule, it might be better to adhere to it.

FINANCE COMMITTEE.] Lord *Castlereagh* rose to call the attention of the house to a subject of which all must feel the importance. There could be but one opinion as to the usefulness and the merits of the committee on finance last session. Their activity and fidelity in the execution of their duties were exemplary. The general view and scope of their inquiries into the state and management of public affairs were conducted in the true spirit of their parliamentary instructions. They had presented six laborious and indefatigable reports. The chief object was to investigate the public business, and the affairs of the country, so as to see what offices in the different departments of public importance could be reduced or abolished.— They had gone through the departments of the army, the navy, and the ordnance; they had made clear, and perspicuous, and just reports, mixed with observations of a useful nature, which would be found very beneficial in the future considerations of Parliament. His present intention was, merely to propose what he conceived to be the duty of government; he did not wish to go into the subject in detail, but merely to make an outline. If the committee should be again appointed, he should be prepared to shew that government had done every thing that was intended, or generally supposed that it would or could perform.— He had told the house originally, that he did not think that the labours of the committee could be brought to a close in one session, for it was probable that two or three sessions might be requisite for going through such inquiries fully, as to the public income and expenditure. The consideration was one of great extent and magnitude. Doubts had been expressed respecting the intentions of government, and an hon. friend of his, the member for Bramber, (Mr. Wilberforce), had seemed to think that government might do little in the mean time; but he could say, that in the mean time government had done a great deal, and anticipated much of the expected benefit. Many things yet remained to be considered; but the labours of the committee had reduced the question into a narrower compass. The situation of affairs in Ireland was not weakened, but, on the contrary, he believed that the internal tranquillity of that portion of the empire was improved. He had reason to think and to trust, that the charity and benevolence of the opulent and higher classes of society in Ireland, had tended to draw together more closely, and better to unite, all the social attachments. These benefits and reliefs from the higher to the poorer had been afforded without being compelled by law. He did not wish to occupy the time of the house any longer, and should therefore conclude by moving, "that a select committee be appointed to inquire into and state the income and expenditure of the United Kingdom, for the year ending the 5th of Jan. 1818; and also to consider and state the probable income and expenditure, so far as the same can now be estimated, for the years ending the 5th of Jan. 1819 and the 5th of Jan. 1820 respectively, and to report the same, together with their observations thereupon, to the house: and also to consider what further measures may be adopted for the relief of the country from any part of the said expenditure, without detriment to the public interests."—This motion being agreed to,

Lord *Castlereagh* moved that the committee consist of the following twenty-one members:—

Lord V. Castlereagh	Mr. Peel
Mr. Nicolson Calvert	Lord Viscount Clive
Mr. Bankes	Mr. Hart Davies
Mr. Davies Gilbert	Mr. Gooch
Mr. Chancellor of the Exchequer	Sir George Clerk
	Sir Thomas Acland
Mr. Cartwright	Mr. Frankland Lewis
The Lord Binning	Mr. Robert Smith
Mr. Holford	Mr. Huskisson
Mr. Bootle Wilbraham	Mr. Calcraft
Mr. Littleton	Mr. Tremayne.

These names being read,

Mr. *Bankes* observed, that a right hon. gentleman, of great knowledge in matters of finance, (Mr. Tierney) was appointed on the committee of last year, but his name was afterwards struck off the list, at his own request, as he could not attend from indisposition. (See Vol. I. p. 457.) The health of that right hon. gentleman was now re-established, and, therefore, it might be expedient that he should be placed on the committee.

Mr. *Tierney* said, that though he was somewhat recovered, his health was not such as he might desire: he was still in too weak a state to attend to business in the morning, and in the evening also. He begged, therefore, to be excused from serving on the committee.

Lord *Castlereagh* said, that the manner in which the committee had proceeded was, to invite the attendance of any member of the house, who had peculiar information in any particular branch of public business. This was the case with the heads of the official departments, and he did not think a better course could be pursued this session. He should be unwilling to make any alteration in the names of the committee, as most of them were intimately acquainted with the former part of the investigation; but the occasional assistance of any other member might be obtained.

The motion was then agreed to, and the committee were empowered to send for persons, papers, and records: seven to be the quorum; to report observations from time to time, and to sit notwithstanding any adjournment of the house.

BANK OF ENGLAND.] Mr. *Grenfell* rose and said, that he would not affect any surprise at what had lately been announced to the house by the Chancellor of the Exchequer, on the subject of renewing the bank restriction act— for it was nothing more, than he had, himself, always expected from the right hon. gentleman.

But it was fit to call the recollection of the house to the hopes and expectations which had been held out, as to the termination of the bank restrictions, that they might see how, of late years, they and the public had been deluded on that subject. It was fit to recollect the promises held out, not only by the Chancellor of the Exchequer, but by other members of administration; and particularly by a right hon. gentleman at the head of the department of the land revenue, who had looked to July next as the period which it was probable to rely upon for the ceasing of the restrictions. Expectations on this point had been given with considerable confidence and boldness. These fair promises were accompanied by the assurances of gentlemen connected with the Bank of England, who had expressed the readiness and willingness of the bank to renew cash payments, and their wish only to have permission to do so. He would not express any doubt as to the sincerity of such declarations on the part of the directors of the bank. He had heard, within a few days, that such was the opinion of a gentleman, a director, but not a member of that house (Mr. Harman). He was disposed to give every proper degree of credit to such opinions. But might not the bank, under such circumstances, say to government, "relieve us from the restrictions." From 1797, the situation of the bank was altered, and was in a state completely anomalous, when compared with other public bodies. What was ruin to others was wealth to the bank. There was, in fact, a stoppage of payment for 21 years. What would have destroyed other establishments, had been prosperity to the bank. Some of the directors had stated, that the restrictions had originated with government, and were entirely measures of state policy, and for the benefit of government and the community. It was a curious subject to look back at the effects produced by the change of system. The restrictive system had been resorted to eight times. The reasons for restriction were founded, first, on the nature and character of the war with revolutionary France; then on the war waged by Buonaparté against the finances of this country; and then, on the high price of bullion. Thus had they gone on, under different pretexts; but the pretexts became flimsy, indeed, if it were attempted to continue the restrictions on account of certain supposed foreign loans in negotiation in this country, through Mr. Rothschild or other gentlemen. It was possible, indeed, that if cash-payments were renewed, not a shilling would go for foreign loans. He was adverse to the principle of restrictions in any of the branches of trade, as well as in that of money. Neither did he desire to prevent the investment of money in foreign securities. He wished the trade in money to be free and unshackled, which could not be the case while the bank restrictions remained; yet in every view of the subject, he should prefer cash-payments to foreign loans. He considered an extensive paper currency as of incalculable advantage to the country, and in this view he thought country banks founded upon solid principles, and all other modes by which an extension could be given to that circulation, ought to be fostered and encouraged; but in order to render that currency permanent and safe, it appeared to him indispensable that it should be founded upon, and referable to, some fixed definite standard, and gold and silver appeared to him to be the best, if not the only standard, hitherto discovered by mankind, adapted for that purpose. If he were wrong in his ideas, he had the consolation of being erroneous with all the great writers and thinkers on the subject, from Mr. Locke to Mr. Adam Smith, and the late Lord Liverpool. He would trouble the House no longer than to move for the following accounts:—

1. "Of the total weekly amounts of bank notes and bank post bills in circulation from the 1st of Jan. 1817 to the 3d of Feb. 1818; distinguishing the bank post bills, and distinguishing the amount of notes under the value of five pounds, and stating the aggregate amount of the whole."

2. "Of the amount of bank notes in circulation on the 7th and 12th of each month, from Jan. 1817 to Jan. 1818, both inclusive; distinguishing the bank post bills, and the amount of notes under five pounds, and stating the aggregate amount of the whole."

3. "Of the highest and lowest aggregate amount of bank notes, including those of every kind, at any one time in circulation, from the 1st of Jan. 1817 to the 3d of Feb. 1818, both days inclusive; specifying the date of every such amount, and distinguishing the amount of bank post bills, and that of notes above or below the value of five pounds, of which it is composed; also an account of the highest and lowest amount of each separate kind of notes, at any one time in circulation for the same period, specifying and distinguishing as before."

4. "Of the weekly amount of bank notes in circulation of the value of five pounds and less, from the 1st of Jan. 1817 to the 3d of Feb. 1818, both inclusive; distinguishing the amount of notes of 5*l.* and of 2*l.* and of 1*l.*"

5. "Of the market prices of standard gold in bars, Portugal gold in coin, standard silver in bars, and Spanish dollars, or pillar pieces of eight, with the course of exchange with Hamburgh, Lisbon and Paris, from the first of Jan. 1817 to the 3d of Feb. 1818."

6. "Of the balances of cash in the hands of the Bank of England on the 1st and 15th days of each month, between the 1st of Jan. and 15th of Dec. 1817 inclusive, resulting from payments under the head of customs, and of all other branches of the public revenue, stating the average balances of the year, made up from the said days."

7. "Of the balances of cash in the hands of the Bank of England on the 1st and 15th days of each month, between the 1st of Jan. and the 15th of Dec. 1817 inclusive, resulting from the

post-master-general's account with the bank, stating the average balance of the year, made up from the said days."

8. "Of the balance of cash in the hands of the Bank of England on the 1st and 15th days of each month, between the 1st of Jan. and the 15th of Dec. 1817 inclusive, belonging to the different departments of the government, including the balances of the accountant-general of the Court of Chancery, and stating the average balance of the year, made up from the said days."

9. "Of all public balances not particularly specified in the three preceding accounts with the Bank of England, on the 1st of Jan. 1818; distinguishing the amount under each head respectively, and stating the aggregate amount of the whole."

10. "Of the total amount of unclaimed dividends, including lottery prizes, in the hands of the bank on the 1st and 15th days of every month in the year 1817 inclusive; distinguishing the unclaimed dividends from lottery prizes, and stating the average balances of both in the year, made up from the said days."

11. "Of the Exchequer bills and bank notes deposited by the governor and company of the Bank of England, as cash in the chests of the four tellers of his Majesty's Receipt of Exchequer, on the 10th of Jan. 1817, and on every 28th day subsequent to that period, down to the 1st of Jan. 1818; distinguishing the amount of all such Bank of England notes as exceeded in value one thousand pounds each, known at the Exchequer under the title of *special notes*, and stating the average balances of the year, made up from the said days."

12. "Of all allowances made by the public to the bank, or charged by the bank against the public, exclusive of the charge for the management of the public debt, for transacting any public service in the year 1817; describing the nature of those services, and the amount charged thereon in the said year, and including the sum of 5,898*l.* 3*s.* 5*d.* paid to the bank under the denomination of *charges of management*."

13. "Of the advances made by the Bank of England to Government, on land and malt Exchequer bills and other securities, on the 10th of Oct. 1817, and on the 5th of Jan. 1818; distinguishing the various heads under which such advances have been made."

14. "Of the bank notes in circulation on Saturday nights in each week, from the 1st of Jan. 1817 to the 3d of Feb. 1818; distinguishing the bank post bills, and distinguishing the amount of notes under the value of five pounds, and stating the aggregate amount of the whole."

The *Chancellor of the Exchequer* said, it was not then his intention to enter upon the subject at length: but to reserve himself for such opportunities as should thereafter arise. He had on a former night alluded to the restriction as a measure merely probable. If, however, it should turn out that recourse to this measure should be found necessary, he should then take the opportunity of giving his opinion more in detail.

The motion that the several documents respecting the bank be produced, was then put and carried.

STATE OF THE COUNTRY.] Lord *Castlereagh*, by command of his Royal Highness the Prince Regent, presented a bag of secret papers, sealed up, containing information respecting the internal state of the kingdom. It was ordered to be kept in the custody of the clerk of the house.

PROPERTY TAX.] Mr. *Brougham* rose to inquire whether the right hon. gentleman opposite (the Chancellor of the Exchequer), was now prepared to answer a question put by him on Saturday night, whether all the papers connected with the property-tax had been destroyed?

The *Chancellor of the Exchequer* replied, that distinct and positive orders had been given some time ago, that the papers alluded to should be destroyed, and he had no reason to think that those orders had not been obeyed.

Mr. *Brougham* said, he understood that copies of those papers had been taken, and as those copies were as dangerous as the originals, he wished to be informed if they too had been destroyed?

The *Chancellor of the Exchequer* replied, that all those papers, whether originals or copies, had been ordered to be destroyed.

EX-OFFICIO INFORMATIONS.—MR. HONE.] Mr. *William Smith* moved, "that there be laid before this house, an account of the sum received at the crown office from Mr. Hone, for the copies of the informations filed against him by the Attorney-General, with the authority on which the same was demanded, and the use to which the same was applied." At the same time he thought it proper to mention, that the case of Mr. Hone was rather the incidental occasion than the reason of this motion. He had for more than 20 years been of the same opinion respecting the expediency of reform on this subject; and he now took shame to himself that he had been so remiss in bringing it under discussion. Had the question been repeatedly agitated, it was impossible that some amelioration should not have taken place. In considering the recent prosecutions instituted against Mr. Hone, he could not help admiring the intrepidity, sagacity, and skill, with which he had conducted his own defence. He had since had an opportunity of conversing with him in private, and he must declare, that he discovered nothing that could tend to give him an unfavourable impression of his character, nothing unbecoming the manners of a gentleman. As for the parodies published by Mr. Hone, his opinion perfectly coincided with that of the public in general, that they were highly censurable; and it was not the least honourable part

of Mr. Hone's conduct, that immediately on finding that such was the public impression respecting them, he used every means to prevent the circulation. But those parodies, however censurable, were not a fit subject to be animadverted on in a court of justice. It appeared to him, that the free operation of public opinion was the only adequate and proper check to their popularity.—The hon. member said, he had little more to trouble them with on the subject, and disclaimed any intention of complaining of any party. He had the authority of Mr. Hone to state, that the conduct of the Attorney-General towards him was that of a man of urbanity, politeness, and justice. If any blame could attach to the conduct of that gentleman, Mr. Hone conceived it was in not including the three informations in one; in every other respect he had shewn himself a gentleman and a man of humanity. It was of the law itself, as it at present stood, that he had to complain. From the officers of the crown he had received every attention. Neither did he (Mr. S.) mean to reflect on the conduct of the learned lord on the bench, (Lord Ellenborough), in refusing to furnish copies, as he found that, according to law, he could not have acted otherwise. It was in the law itself, therefore, that reformation was required, and this motion appeared to him to be the proper parliamentary mode of bringing the subject under their notice.

The *Attorney-General* observed, that with respect to the fees exacted at the crown-office, there was no cause of complaint peculiar to this case, as no fees had been required from Mr. Hone but such as would be required from any other defendant. It was, therefore, to the shape in which the motion was brought forward that he objected, inasmuch as it seemed to imply that Mr. Hone had been exposed to hardships peculiar to himself. Had the motion been directed to ascertain the fees required from defendants in general in the crown-office, he could not object to such a motion when brought forward on general principles. In the present case, however, it appeared that such a motion would be unnecessary, as it was in the power of any of them to satisfy themselves on this subject, by referring to the records of Parliament. From these it would appear, that since the year 1693 those fees had ever continued the same as now. In the case of Mr. Hone, there was no innovation upon this immemorial law and practice; and on this ground, therefore, the present motion was unnecessary.

Sir *F. Burdett* said, that if the doctrine advanced by the learned gentleman were to regulate the proceedings of the house, they would have very little business to go through. Every member knows perfectly well the subject on which he moves for papers previously to their production, but he calls for their production in order to lay a clear and distinct foundation for ulterior steps. (*Hear, hear.*) In all matters of complaint or reform it was, if not in itself necessary, at least always required, that official authority be produced to prove their existence. But the great grievance in the case now before them, was the absolute refusal of justice to the poor, by means of the enormous expense imposed on its administration. (*Hear, hear.*) He should like to know of what avail the best political and legal institutions could be, if they were thus rendered inaccessible. The great grievance therefore was, that the insatiable thirst of taxation had made the administration of justice a cruel insult and mockery to the people. (*Hear, hear.*) The hon. member proposed to bring forward some legislative remedy for this grievance. The reason on which he wished to found this measure was no reason, according to the Attorney-General, because it was perfectly notorious to the whole world! The grievance was indeed notorious, and therefore the motion was not only reasonable but necessary.

Mr. *Speaker* here read the motion, and the *Attorney-General* moved the previous question.

Mr. *W. Smith* thought the mode of opposition now adopted the most singular he had ever known. If his motion was improper, let its impropriety be stated, and let it be rejected. (*Hear.*) But the objection was, that he had connected his motion with Mr. Hone, and not brought it forward in an abstract shape. He could give a clear, short, and specific answer. Mr. Hone's case was rather the occasion than the reason of bringing forward his motion; but it was so, because it was the most striking case of this intolerable exaction that had occurred in his recollection. Mr. Hone informed him, that he was obliged, in order to obtain information, accurate information of the crime laid to his charge, so as to be prepared to defend himself in a court of justice, to pay the sum of 9*l.* To obtain this sum, he was obliged to sell, at a great loss, part of his property. To many in that house, to all of them, indeed, this sum must appear very trifling. But to a poor man, to whom the expenditure of a shilling was matter of painful calculation, it was a heavy exaction. The accusation itself was very unjust, and this was a great aggravation of the injury. He founded his motion on the case of Mr. Hone, because he had been obliged to sell property greatly under value; the independence of his spirit not suffering him to apply to his friends for the money exacted from him. If the information were given in consequence of an abstract motion, it would not be the information wanted. It would let them know how much was charged per sheet, but it would not shew how many sheets a poor man must pay for, in order to meet an unjust accusation. If the Attorney-General should move an amendment that would in any other way procure this information, instead of moving the previous question, he would willingly adopt it. He took the present mode of introducing the subject, because he thought it the most formal, the most authentic, and the most parliamentary mode; but if he failed in his

present motion, he would introduce the subject in a less formal, authentic, and parliamentary mode, by moving at once the reform of the abuses alluded to.

Lord *Castlereagh* felt himself bound to give his negative to the motion, because its professed object was different from the real one. The professed object was to lay a foundation for some legislative remedy as to fees paid in the crown-office. This object would be effected by a general motion on the subject. The information thus obtained would by the rule-of-three at once shew the charges in any particular case. But the real object was to give the public an exaggerated view of the question, by connecting it with Mr. Hone. The trial of Mr. Hone having taken place, and the Attorney-General having displayed all the qualities which belonged to him in the discharge of his duty, he would say nothing now on the subject; but he must give his negative to the motion for the reason which he had assigned.

Mr. *Brougham* defended the mode adopted by the hon. member for Norwich. His object was merely to obtain a foundation for a legislative proceeding. He said, in effect, "Give me certain documents, and I will shew you the foundation of such a measure." "No," said the noble lord, "but we will tell you that so much is charged per sheet." After such information should be laid before them, they would remain quite ignorant of the sum paid by each individual. The knowledge of this could not be obtained but by such a motion as was stated by his hon. friend. Let the amount paid in the case of Mr. Hone be given, and, if they chose, in the case of five or six others, in order to avoid attaching the question to any particular case, and they would then have a proper foundation for further proceedings.

Mr. *B. Bathurst* contended that if the general expenses were given, the hon. gentleman could ascertain the expense in any given instance. He would beg leave to tell the hon. gentleman, that although Mr. Hone could not get copies of the informations against him, he had a right to go to the crown-office, and to read them there as often and as leisurely as he pleased. So much for that point of complaint. The second point to which he would advert was, that the particular object of the motion was, not to bring the question of general reform, on this point of law, before the house, but to bring this particular case of Mr. Hone before them. This was a reason for which he would oppose the motion. He would say nothing of the trial. All allowed that the parodies were improper. The expenses in law processes were very great, but the unfortunate state of the country made them necessary. But Mr. Hone's expenses were trifling compared to the expenses of suits in Chancery. The hon. gentleman had told them the amount of fees paid by Mr. Hone, but he had not told them what profit he made by those publications. This information was withheld, although the profit must have been great, since the publications extended to all parts of the country. He was sorry that, since he was acquitted, he had been subjected to expense. But as he had been confessedly guilty of a moral, if not of a legal offence, there was no reason for making his particular case the ground of the motion. If the motion were for the production of charges for any given period, however short, he should make no objection to it. The rate of fees might, however, be ascertained from the report of the commissioners appointed to inquire into the fees paid in courts of justice.

Lord *Folkestone* thought a particular instance of grievance the best foundation for a general remedy. When any complaint came from his side of the house, they were generally called upon to give a particular case. He was therefore surprised to hear those on the other side now object to a motion merely because it was founded on a particular case. He had, however, no objection, indeed he wished that twenty or thirty cases should be stated, as that would form a better foundation. But the only reason of his rising to say any thing on the subject was, the assertion of the right hon. gentleman, that Mr. Hone had a right to go into the crown-office, and to read the informations against him. This, truly, was a very valuable right to Mr. Hone, confined as he was at that time in the King's-Bench prison. By an act of parliament introduced by Sir Vicary Gibbs, the present Chief Justice of the Common Pleas, when he was Attorney-General, the Attorney-General was entitled to call upon any man to find bail, and failing to do so, to commit him to prison. Mr. Hone was, according to this act, called upon to find bail; he did not, indeed he would not, find bail, and he was in consequence committed to the King's-Bench by order of the court, and on the motion of the Attorney-General. How could he in this situation walk into the Crown-office to read the informations against him? Besides, even if he could go into the Crown-office, could a man, by the cursory perusal he could give the information there, prepare himself for his defence? (*Hear, hear.*)

Mr. *W. Smith* said he had no objection to withdraw his motion, if the right hon. gentleman would bring forward a general one to the same purpose.

The *Speaker* ordered strangers to withdraw, supposing the house would divide upon the motion.

Mr. *B. Bathurst* said, he could have no objection to a general motion on the subject.

Mr. *W. Smith* then withdrew his motion, and gave notice that he would move again on the subject to-morrow.

THE PRINCE REGENT'S ANSWER TO THE ADDRESS.] Lord *George Beresford* reported the Prince Regent's answer to the address on the Lords Commissioners speech, as follows:—" I thank the House of Commons for their loya

and dutiful address.—Their affectionate condolence on the heavy domestic calamity which has recently befallen me, is highly consoling to my feelings; and I thank them for the cordial assurances which they have afforded me of their attachment and support."

LUNATIC ASYLUMS (SCOTLAND.)] Lord *Binning* moved for leave to bring in a bill for establishing district asylums for lunatics in Scotland. He proposed merely to have the bill introduced, and ordered to be printed. It might thus be subjected to examination till after Easter.

Lord *A. Hamilton* said, two-thirds of the people of Scotland had disapproved of the noble lord's former bill on this subject. He was connected with a part of the country where a lunatic asylum had been lately erected, which he considered a model for such buildings. He hoped this bill would be subjected to the same examination in Scotland as the former bill.

Sir *R. Fergusson* said, he had several objections to the measure, but he should reserve them for a future opportunity.

Lord *Binning* admitted that objections to the former bill were very generally entertained in Scotland. His object in delaying any proceedings till after Easter, was to give the people of Scotland time to examine the bill, and to consider the very material changes he had made in the measure. He proposed to enact, that Scotland should be divided into four districts; that an asylum for the reception and care of fatuous and furious or insane persons should be erected in each; and that in each county or stewartry, commissioners should be elected, who should name one or more person or persons to be a general commissioner; which persons so named, together with two persons to be named by his Majesty's principal Secretary of State for the home department, should be general commissioners for carrying the act into execution.

Mr. *Wynn* took that opportunity of expressing his astonishment that any man could be able to read the horrors disclosed by the commissioners, who had some years ago reported on the state of lunatic institutions in England, without attempting to obtain some remedy of the evil. For three years the subject had been before them, and hitherto nothing was done. A bill had been brought forward every session, but it was regularly allowed to sleep till the end of it. If no other person undertook this matter, he would himself, however inadequate, introduce a bill on the subject.

Lord *Binning* added, that formerly parochial assessments had been objected to; for these, county assessments were now substituted.

Leave was given to bring in the bill.

PARLIAMENTARY REFORM.] Mr. *Bennet* presented a petition of certain inhabitants of Liverpool, praying "that the house would take an early opportunity of restoring to our beloved country, the indispensable right of fair representation."—Ordered to lie on the table.

PRESERVATION OF THE PEACE (IRELAND.)] Sir *H. Parnell* presented the following petition of the High Sheriff and Grand Jury of the Queen's County, assembled at summer assizes in 1817. "That the petitioners have anxiously expected that among the various measures which have been proposed to parliament for the better preservation of the peace in Ireland, and the due execution of the laws, the general state of the civil power, as provided by several statutes, would have been fully examined and revised, with the view of rendering it adequate to the administration of the law, without the necessity which has hitherto existed, and still exists, to have frequent recourse to a military force even in the most trivial cases; that the want of such an efficient power leads in the first instance to that impunity with which every species of crime is universally committed, and to those revengeful habits of injuring and destroying all persons who come forward in endeavouring to assist in the administration of the laws, and finally to those systematic confederacies to extend secret associations, which produce disturbances formidable to the existence of all government, and which occasion the necessity of very severe laws and a large and expensive military establishment; and that it is impossible for the magistracy, with the assistance which the law now affords them, to administer the laws by the aid only of the civil power." They prayed, therefore, that the house would adopt such measures as may be necessary to reform the civil police of Ireland, and to increase its authority in such a manner, as to put an end to the system which now prevails very generally, of disobedience to the laws on the part of the people, or of the administration of them by means which are extremely inconvenient and embarrassing to the magistrates, and at variance with the best principles of the constitution.

Mr. *Peel* took this opportunity to say that the military were never more seldom recurred to than during the last two or three years. The establishment of constables was twofold: there were some appointed by the executive in counties where any extraordinary disturbance took place; the rest were appointed in each county by the grand jury, who settled their salaries, and could remove them at pleasure. If those constables were inefficient in the Queen's county, it was the fault of the very grand jury who sent this petition.

Mr. *V. Fitzgerald* said, that the lord lieutenant had lately been enabled, by an act of Parliament, to appropriate money from the treasury to the establishment of constables. The people had previously been grateful, but, in consequence of that appropriation, they had become much more grateful.

The petition was read and ordered to lie on the table.

EXCHEQUER BILLS.] On the motion of Mr. *Arbuthnot*, an account was ordered "of all exchequer bills issued by virtue of the act

56 Geo. II. c. 14. intituled 'an act for empowering the governor and company of the Bank of England to advance the sum of six millions towards the supply for the service of the year 1816,' outstanding and unprovided for."—The account was brought up, by which it appeared that bills had been issued for the sum of "six millions."

COMMITTEE OF SUPPLY.] Mr. *Brogden* brought up the report of the resolution "that a supply be granted to his Majesty," which was agreed to, *nemine contradicente.*—The committee was then appointed for to-morrow.

ESTIMATES.] The *Chancellor of the Exchequer* moved an address for the following estimates and account:—

1. "An estimate of the ordinary of the navy for the year 1818, with an estimate of half-pay of officers of the navy, and such of the officers of the royal marines as were employed in the last war."

2. "Of the charge of what may be necessary for the buildings, rebuildings, and repairs of ships of war in his Majesty's yards, and other extra works over and above what are proposed to be done upon the heads of wear and tear and ordinary, for the year 1818."

3. "Of the charge for guards, garrisons, and other land forces, for the year 1818."

4. "Of the charge of the office of ordnance for land service, for the year 1818."

5. "Account of services incurred and not provided for by parliament."

6. Estimates—"Of the probable expense of the transport service, for the year 1818."

7. "Of the money that will be wanted for the payment of the hire of transports, between the 1st day of January and the 31st day of December, 1818."

8. "Of the debt of his Majesty's navy, to the 31st day of December, 1817."

IRISH GRAND JURY PRESENTMENTS.] Mr. *Fitzgerald* moved the third reading of the Irish grand juries act suspension bill.

Sir *F. Flood* made a few observations for the purpose of vindicating grand juries in Ireland from an insinuation which, he said, had been thrown out against them, as to their presentments being often founded in perjury and fraud.

Mr. *V. Fitzgerald* declared that he had never heard of this imputation upon grand juries till the hon. baronet rose to defend them from it. The perjury and fraud alluded to had been described as taking place, not in framing the presentments, but in the expenditure of money raised under their authority, by subordinate agents.

Sir *H. Parnell* entered into a similar explanation, with regard to the misconception under which the hon. baronet laboured; after which the bill was read a third time and passed.

HOUSE OF COMMONS.

Wednesday, Feb. 4.

LUNATIC ASYLUMS (SCOTLAND) BILL.] Lord *Binning* brought in his bill "for the erection of district asylums in Scotland for the cure and confinement of lunatics." It was read a first time, and ordered to be printed.

EX-OFFICIO INFORMATIONS.] Mr. *W. Smith* said, he had now so modified the motion which he had brought forward yesterday, respecting the expense of obtaining copies of informations from the crown-office, that it was not open to any of those objections which had been urged against it. He moved, that an account be laid before the house "of the fees which have been taken by the clerks in the crown-office for office copies of informations *ex-officio* for libel, given to persons accused, or to others in their behalf, applying for the same, during the years 1816 and 1817: specifying the rate according to which the charge is made, the total sum in each particular case, and to whose or what use the same is applied."—This motion was agreed to.

VOTES OF THE HOUSE.] The *Chancellor of the Exchequer* moved, that the house resolve itself into a committee of supply.—On the question that the Speaker do leave the chair,

Lord *Folkestone* rose and said, that, according to the ancient usage of the house, he took this opportunity of pointing out a recent alteration, by which the public were aggrieved; he meant the alteration which had lately taken place in the proceedings of the house with respect to the printing of votes. He had neglected to refer to it at the time of the renewal of the sessional orders, and he took this as the most proper remaining opportunity for doing so. The house would recollect, that in the last session a change was made in the manner of publishing the votes, with a view to the convenience of members, and, on the whole, that change was beneficial. But there was one part of that arrangement which was injurious to the public; and that was the circumstance, that no petitions were printed in the votes, except such as were expressly ordered to be printed by a specific vote, which were published in an appendix. He was aware that a great number of petitions had been presented in the last session, and that the accumulation of these documents had been the chief cause of the extent to which the votes had been swelled, and the consequent delay which occurred in the publication of them. But he thought it a matter of respect which the house owed to its constituents and to the people, to publish those complaints which were transmitted to it, and delay might be equally avoided by the publication of these petitions, as a matter of course, in the appendix, as the select ones now are. It was true, that in every instance in which any member had moved that a petition be printed, no objection had been made; but the very fact, that a question was necessary previous to the printing, made an opening for objections; and it was a fair matter of complaint, on the part of the people, that their requests, when received by the house, were not printed as a matter of course. The votes of the house were the only

regular way in which proceedings were made public; and the old votes seemed to be adapted to that purpose. He had not made up his mind to submit any motion to the house; but he had thought fit to put them on their guard against the consequence of a measure which might lead to an imputation, that they did not attend to the prayers of the people.

NAVY ESTIMATES.] The house then went into a committee of supply, and

Sir *George Warrender* rose to move the navy estimates.—He said, there was this year a small increase in the supply for this branch of the public service. The committee of finance had foreseen the possibility of such an increase. The addition this year was 1000 men. The whole amount of men now was 20,000 sailors and marines. Among the causes of this small increase was the necessity of keeping up an establishment at St. Helena, and the state of South America. The rate of pay was somewhat higher in peace than war, because the proportion of able seamen to landsmen was greater in time of peace, in order that the fleet might be more speedily put on a good footing, in case of emergency. The rate of charge for ordnance was also somewhat increased. This estimate was always formed at a certain sum for each man, and the complement of a ship of war being much smaller in peace, the number of guns continuing the same as in war, a necessary increase of charge under this head of service arose. The whole estimates had been formed on the most mature consideration, and after communication with the different departments who had peculiar means of information on each head of service. The hon. baronet then concluded by moving the following resolutions:

1. That 20,000 men be employed for the sea service, for thirteen lunar months, from the 1st day of January, 1818, including 6,000 royal marines.

2. That a sum, not exceeding 611,000*l.* be granted to his Majesty, "for wages of the said 20,000 men, for thirteen lunar months, at the rate of 2*l.* 7*s. per* man, *per* month."

3. That a sum, not exceeding 520,000*l.* be granted to his Majesty, "for victuals for the said 20,000 men, for thirteen lunar months, at the rate of 2*l. per* man *per* month."

4. That a sum, not exceeding 559,000*l.* be granted to his Majesty, "for the wear and tear of the ships in which the said 20,000 men are to serve, for thirteen lunar months, at the rate of 2*l.* 3*s. per* man *per* month."

5. That a sum, not exceeding 91,000*l.* be granted to his Majesty, "for ordnance for sea service on board the ships in which the said 20,000 men are to serve, for thirteen lunar months, at the rate of 7*s. per* man *per* month."

These resolutions were agreed to.

EXCHEQUER BILLS.] The *Chancellor of the Exchequer* said, he had to propose a vote of exchequer bills to provide for other exchequer bills which were now outstanding. He should take this opportunity to give a brief view of the state of the unfunded debt. At an early period in the last session 24 millions were issued, which were still outstanding. This sum he now proposed to provide for. After that another sum of 18 millions was issued, which was outstanding, which he did not now intend to replace. There was in the last session another sum of 9 millions issued, and 6 millions had been issued in 1816. For both these sums he intended to provide, and these votes, and the usual annual taxes, land and malt, were the only ones which he intended to propose at this early period of the session. The amount of exchequer bills now outstanding was smaller than had been anticipated, not only by some gentlemen on the other side of the house, but even somewhat smaller than that which was anticipated in a resolution proposed by an hon. friend of his (Mr. Charles Grant, junior,) who had assumed that on the 5th of January, 1818, the amount outstanding might be 60 millions. It was, in fact, scarcely 57 millions and a half. At the same time, in 1817, the amount was 44,400,000—so that there was an increase of a little more than 12 millions. This was all that was added to the debt, though there were variations in other branches of the unfunded debt, the accounts of which had not yet been made up. The reduction of the unfunded debt amounted to 19 millions of stock, which was equal, at the present prices, to 15 millions in money—so that instead of any addition being made to the debt in this year, on the total amount of funded and unfunded, there was a diminution of about 3 millions.—The right hon. gentleman concluded by moving, "that a sum not exceeding 24 millions be granted to his Majesty, to pay off and discharge exchequer bills made out by virtue of an act of the 57th year of his present Majesty, for raising the sum of 24 millions by exchequer bills for the year 1817, outstanding and unprovided for."

Mr. *Curwen* said, he should heartily rejoice if, when the accounts were laid before the house, the statement of the Chancellor of the Exchequer should not be found to be fallacious. From the best consideration which he had been able to give the estimates, there had been a deficiency in Ireland of 5 millions (the receipts being 6 millions—the expenditure 11 millions), and in England of 9 millions, making in all 14 millions.

The *Chancellor of the Exchequer* said, that comparing the actual state of the debt at the beginning of each year, the hon. gentleman, than whom no one was more competent to inquire into this subject, would see, when the accounts were presented, that there was a decrease of the debt of near 3 millions.

Mr. *Tierney* wished to know how the hon. gentleman, the colleague in office of the Chancellor of the Exchequer, was mistaken in the quantity of exchequer bills which would be outstanding at the commencement of the new year. As to the assertion that 15 millions of the national

debt had been reduced, it was not possible, as so much money had not been in the hands of the commissioners. He did not blame the Chancellor of the Exchequer for taking the first opportunity of sounding a kind of bugle, as to the prosperous state of the country, and before the accounts were presented there would be little possibility of contradicting him.

Mr. *C. Grant*, jun. said, that he had stated in his resolutions, (see vol. I. p. 1816.) that the utmost amount of exchequer bills would be 60 millions—he had taken it as unfavourable as possible to the cause which he had argued, but he had guarded against the possibility of an inference that the sum must necessarily be so high.

The *Chancellor of the Exchequer* said, that he had given a short and necessarily superficial view of the state of the debt; but if he had not done so, no one would have been more ready to blame him than the right hon. gentleman (Mr. Tierney.) He admitted that a part of the services of last year were as yet unperformed, and that, consequently, so large an amount of exchequer bills was not issued as the Treasury was enabled to issue. But he deemed it perfectly fair to take a comparison of the amount of the debt on the same day in each year.

In answer to questions from Mr. *Tierney*, the Chancellor of the Exchequer admitted that the navy debt was not paid off; also, that the exchequer bills issued to supply the deficiencies of the revenue were not included in his account.

Mr. *Tierney* wished to know what was the amount of the exchequer bills outstanding which had been issued for this latter purpose?

The *Chancellor of the Exchequer* said, he did not know the exact amount. It did not exceed a million.

The resolution for the 24 millions was then carried; after which the Chancellor of the Exchequer moved the following resolutions:

That a sum, not exceeding 9,000,000*l.* be granted to his Majesty, "to pay off and discharge exchequer bills made out by virtue of an act of the 57th year of his present Majesty, for raising the sum of 9 millions by exchequer bills, for the year 1817, outstanding and unprovided for."

That a sum, not exceeding 6,000,000*l.* be granted to his Majesty, "to pay off and discharge exchequer bills made out by virtue of an act of the 56th year of his present Majesty, for empowering the governor and company of the Bank of England to advance the sum of 6,000,000*l.* towards the supply for the service of the year 1816, outstanding and unprovided for."

These resolutions were agreed to: the report was ordered to be received to-morrow, and the committee to sit again on Friday.

POOR LAWS.] Mr. *Sturges Bourne* rose to move the reappointment of the committee on the poor laws. The committee, notwithstanding great assiduity, had been unable to get through its business in the course of the last session. He proposed to move the insertion of as many of the former names in the committee as circumstances would permit. Unfortunately since that time, the house had lost two of the members of that committee. Mr. Hall, the late member for Glamorgan, brought to the consideration of the subject an enlightened mind, and great experience of the state of a distressed part of the country. He was cut off in the prime of life. Mr. Rose, too, had been taken from them. He had given a great degree of attention to the subject, and the loss was severe to the committee, and to the house. His mind was anxious to the last hour of life on those subjects to which he had applied himself—the commerce and finances of the country. Whatever difference of opinion there was as to the great measures which he had supported, no one could doubt the depth and capacity of his mind, and the activity and indefatigableness of his exertions. In the country where he lived his loss would be more severely felt. He was ready to promote every measure that might be beneficial to those about him, and his bounty and liberality endeared him to all. The saving banks act, his last measure, would remain an endearing testimony, *monumentum ære perennius*, to his sagacity and benevolence.—The hon. member concluded by moving that a select committee be appointed "to consider of the poor laws, and to report their observations thereon to the house."

Mr. *Curwen* said, he had no opposition to make to this motion. He agreed in opinion with the members of the committee, who thought that no partial measures would be of use. The house ought not to shrink from the odium which the enactment of the necessary measures would entail on them, as any measures must be attended with suffering to some individuals. All expedients which had been adopted to mitigate the evils of the operation of the poor laws, had been ineffectual. Badging had first been resorted to in King William's time, and produced a temporary effect. Poor-houses were then built, and the objection of the people to be confined in them also had its effect. But in the course of years the evil had gone on increasing, notwithstanding these expedients. The inadequacy of wages, and the practice of supplying the deficiency of them from the parish funds, destroyed the spirit of independence among the poor. Labourers in many instances had not more than 9d. or 10d. a day. In Scotland, it had been found, that in manufacturing towns compulsory relief was necessary—and he feared that some such system must always prevail in places where the manufactures had destroyed the morals of the people.

Sir *F. Burdett* said, he expected no benefit from the appointment of the committee. They would, he had no doubt, expend much labour, but it would be labour in vain. There had been no change in the character of the working men in England. There was not less industry, less energy, less desire of independence, than there

always had been. The evil was, that people so disposed had no means of supporting themselves. There were not the funds to employ them with profit to the employers. That the wages of labour were low was no subject of complaint against any class. No one gave less for labour than it was the interest of the labourer to receive. The employer knew whether the exertions of the labourer would repay him. The whole case had, therefore, been stated on unfair grounds. The people of England were the most energetic, the most unremittingly industrious people on the face of the earth, and the cause of the condition to which, notwithstanding their qualities, they were reduced, was obvious to his mind; and it was also obvious to him why many others did not wish to perceive it. It was the pressure of the enormous taxation on the country. If the poor laws had been the cause of the present condition of the people, how did it happen that at no former time they had produced the same effects, though they had existed for centuries? We had seen no such effects but within the few last years. He remembered, when he was a boy, before the late war, when he was playing with the labourers at his father's house, that the spirit of independence was universal—that it was a common boast with the English labourer, that neither he nor any of his family had ever asked relief from the parish. The general state of the people was now changed. The committee which was appointed, with a view to a remedy, would be little disposed to look to the real remedy, economy: a word which, at the beginning of this session, for the first time, had been never mentioned by the King's ministers, economy in the public expenditure. It was the weight on the industry of the country, to pay debts contracted in the prosecution of the war, which could not be borne, and the remedy was, to reduce all salaries and pensions which augmented this burthen unnecessarily—to reduce the wages of overpaid labour, or rather no labour which had been overpaid, while the labour of the people was so wretchedly underpaid. Such a measure would have more effect in relieving the labouring classes than all the expedients which the committee could suggest. It was an immense taxation which dried up the resources of the country, and he was persuaded, that it was of little consequence out of the pockets of what class the taxes were raised—whether on the consumers, or on the richer classes, in the shape of income tax. If it was taken out of the rich man's pocket, he was the less able to employ the labourer. He should only prefer that tax which was least oppressive in the collection, that is to say, which returned the largest proportion to the public treasury of that which was taken out of the pockets of the contributors. It was indifferent to him whether it was on salt, on leather, or other articles, or on income. That was best which produced most with least expense, with one exception—the tax on stamps on law proceedings, which was detestable on this ground, that a man was made to pay by it for that which he paid all other taxes to be entitled to: it was for personal protection—in short, for safety and liberty, that every man paid taxes according to his means; and it was a wicked and a cruel proceeding in any government to endeavour to shut out many from the benefit of that protection, by creating this artificial and unequal expense. He hoped the delusion as to the state of the country would not last for ever. They were now told that the country was in a mending condition, and as a proof, the wages of labourers were, as the hon. gentleman (Mr. Curwen) said, in some instances 9d. a day, and the families were supported out of parish funds. At such a time was it that economy had never once been mentioned.—As for the relief afforded by the parish, those who knew what it was, knew also that men would use all possible exertions before they were compelled to depend upon it. With regard to the observation which he had often heard, that the poor rates held out a great encouragement to idleness by the comforts which they afforded, and that many people were anxious to participate in those comforts, he firmly believed that that observation was unfounded, and that the mass of the people contemplated it as one of the greatest calamities to be reduced to the necessity of having recourse to the poor rates.—The hon. baronet concluded with stating that he would not oppose the motion.

Lord *Castlereagh* said, that the hon. baronet's observations were more connected with the general policy of the country, than with the particular subject of the poor laws. As many opportunities would afterwards occur of combating such general remarks, he would not now advert to them. He hoped that neither the house nor the public would entertain the same desponding views of the poor laws with the hon. baronet. Great good had already been done by the committee. The distinct and clear view which they had given in their report, of the various branches of this complicated subject, and the wide circulation of this report through the country, had been productive of the happiest effects. He had given his attendance in the committee as much as was in his power, and had often borne a part in the discussion: he could therefore confidently affirm, that although different opinions necessarily prevailed on a subject so difficult and so complicated, the committee were unanimous on many leading points. Besides, should it be impossible to agree in opinion, or to adopt any legislative measure on the subject, he had frequently observed much good to arise from the mind often working on a subject by way of discussion. The further discussion of this subject in the committee, and in the house, would thus do good, by ascertaining principles, and suggesting improvements which would be acted

upon in the several parishes, although no legislative act should pass on the subject. He hoped, therefore, that the hon. baronet's desponding representation of the inutility of investigation, would have no weight in that house or with the public.

Sir *F. Burdett* explained. He had not disapproved of investigation, but had said, what he would now restate, that no investigation or discussion would ever afford any relief, without such a reduction of the establishments of the government, and such a rigid economy in the expenditure, as would reduce the enormous taxation of the country to a scale compatible with the fair employment of the industrious population, and the full enjoyment of the fruits of industry.

Mr. *Calcraft* had not very sanguine expectations from the labours of the committee. The report, he would admit, had done some good, but no effectual relief could be expected without the powerful co-operation of government. Two points of great importance and considerable nicety would deserve the attention of the committee. The one was, whether funded property should not be subjected to poor rates as well as landed property. The other was, whether petty sessions might not be invested with the consideration of many subjects which, at present, devolved upon the quarter sessions. More good could be done by county magistrates than by any act of legislation. He had heard much said of the advantages of permanent overseers; but the principal cause of mismanagement was, that those who had a right to attend and inquire into the system of management in their parish neglected to do so. Why did they not attend and satisfy themselves of the necessity of every burden imposed upon them, and detect every attempt at imposition or peculation?

The motion was then agreed to, and the following members were named on the committee.

Mr. Sturges Bourne.	Sir John Simeon.
Mr. Curwen.	Mr. Estcourt.
Lord Vis. Castlereagh.	Mr. Thos. Courtenay.
Mr. Frankland Lewis.	Mr. Robert Smith.
Mr. Bathurst.	Mr. Davies Gilbert.
Sir Thos. Baring.	Mr. Holford.
Mr. Brand.	Mr. Cartwright.
Mr. Huskisson.	Sir Egerton Brydges.
Mr. Wood.	Sir Thomas Acland.
Mr. Morton Pitt.	Mr. Morritt.
Mr. Legh Keck.	Mr. Charles Dundas.
Mr. Lockhart.	Mr. Holme Sumner.
Mr. Dickinson.	Lord Vis. Cranbourne.
Lord Vis. Lascelles.	Mr. Littleton.
Mr. Ashurst.	Mr. Osborn.
Sir James Shaw.	Sir W. Rowley.
Lord W. Bentinck.	Mr. Chas. Grant, jun.
Mr. Fitzhugh.	Mr. Shaw Lefevre.
The Lord Stanley.	

Power was given to send for persons, papers, and records; five to be the quorum; leave to report from time to time, and to sit notwithstanding any adjournment of the house.

Mr. *Speaker* acquainted the house, that the clerk had prepared and laid on the table, an abstract of returns of the assessment for the relief of the poor in the years 1718, 1749, and 1750.—Ordered to be referred to the committee on the poor laws.

ELECTION LAWS AMENDMENT.] Mr. *Wynn* moved for leave to bring in a bill "to alter and amend the laws concerning the election of members to serve in parliament, and for further limiting the duration of polls" The great objects he had in view were, first, to shorten the period for polling; next, to enable the magistrates to regulate the number of booths; then to prohibit the use of cockades, and in certain cases to authorize the returning officer to declare a candidate duly elected, although another candidate should demand a poll. Leave being granted, the bill was brought in, read a first and second time, committed, reported, and the further consideration of the report ordered for Friday the 13th of February. The bill was ordered, in the mean time, to be printed.

PARLIAMENTARY REFORM.] Sir *F. Burdett* presented a petition of certain inhabitants of Bath, setting forth, "that defective representation being the nation's bane, the petitioners pray that all male persons (infants, insanes, and criminals excepted) may equally share in annually electing representatives to serve in parliament."—It was ordered to lie on the table, and to be printed.—The hon. baronet then presented eight petitions of inhabitants of Bath, to the same effect.—Ordered to lie on the table.

COMMITTEE ON THE STATE OF THE COUNTRY.] Mr. *Brougham* said, he was anxious to ask for some information respecting the select committee to be appointed. Did the noble lord intend to accede to the proposition which he had taken the liberty to make on the first night of the session? Having then obtained no satisfactory answer, he now again asked, whether the committee to be appointed would be furnished with powers to call for witnesses, papers, and every necessary source of accurate information?

Lord *Castlereagh* replied, that it was intended to follow the precedent of former cases of a similar nature. Such powers as the hon. gentleman alluded to, had not been conferred on such occasions.

Mr. *Brougham*.—Does the noble lord then reply in the negative? Am I entitled so to understand him?

Lord *Castlereagh* said, that he had replied in the negative.

Mr. *Brougham* asked again, whether the committee was to be chosen by ballot, and if so, when the ballot was to take place?

Lord *Castlereagh* said, that the usual mode was to choose by ballot the next night after the motion should be agreed to.

Mr. *Brougham* stated, that an hon. friend of his would, in these circumstances, submit a motion to the house on the subject.

SLAVE-TRADE.] Dr. *Phillimore* moved for a return "of all vessels engaged in the slave trade and detained by his Majesty's cruizers, for which claims have been given by Spanish subjects, and appeals have been prosecuted to the high court of Admiralty, or to the court of Appeals (before his Majesty's privy council), since the 1st of January 1815; specifying which of the said ships have been restored, which condemned, and the cases in which appeals are still pending, and also the number of slaves which have composed the cargo of each vessel."—Ordered.

NEW STREET ACT.] Mr. Serjeant *Onslow* presented a petition of Thomas Wakeman, setting forth, that he had been removed from his house under the new street act, and, in consequence, had lost his business.

Mr. *Huskisson* had no objection that the petition should lie on the table, as a respect due to petitions to that house; but if it was intended to be followed up by any further proceeding, he would, in the name of the commissioners, object to it The hon. and learned gentleman neverhesitated to give his legal advice to persons in an inferior situation. If, then, he should bring the question into a court of law, the commissioners would readily meet it.

Mr. Serjeant *Onslow* said, that the petitioner had sustained an injury not in the immediate contemplation of the act, and therefore he applied to the house to consider his case and recommend it to the attention of the commissioners.—Ordered to lie on the table *.

* On the 10th of February, 1818, the following case was determined in the Court of King's Bench.

Leader v. *the Commissioners for the New Street.*

A rule had been obtained last term by Mr. Serjeant Onslow, calling on the commissioners for making the new street from Pall-Mall to Piccadilly to shew cause why they should not, in compliance with the terms of the act of parliament, desire the High Bailiff of Westminster to empannel a jury, for the purpose of ascertaining what compensation the plaintiff should receive, in consequence of his being obliged to remove from the premises he occupied in St. James's-market.

Mr. Gurney now shewed cause against the rule, in doing which he read the substance of an affidavit, sworn by the plaintiff, which stated that, in the year 1812, he rented a shop in St. James's-market of the Duke of Leeds at the rate of 18*l.* a quarter, and that in January, 1815, he took a house in the same market of the Duke of Leeds, at the rate of 35*l.* a-year. It was further stated, that when the plaintiff obtained possession of this house, Mr. Rickham, the agent of the Duke of Leeds, assured him that he should have a lease in return for the expense he was put to on account of repairs, and that Mr. Mill, acting under the commissioners, had offered him 50*l.* as a compensation for his loss. Mr. Gurney observed, that his learned friend, Mr. Serjeant Onslow, had obtained his rule last term with great difficulty, by urging the principle that the applicant had an interest under the act, and that the commissioners had recognized that interest by the offer of 50*l.* which Mr. Mill had made to him. It was therefore contended, that he was entitled to have the amount of his alleged damage assessed by a jury. The affidavit of Mr. Rickham gave a very different account of the case. It appeared from it, that a Mr. Mintram, the father in-law of the present tenant, who rented the shop in question by the week, long before the year 1812, had, along with other tenants in the same situation, made application to Mr. Rickham to allow them to pay their rents quarterly, instead of weekly, alleging that the weekly payments were very inconvenient to them. Mr. Rickham, on hearing their representations, said, he had no objection to take the payments quarterly, to relieve them from the trouble they complained of, but that they were not on that account to consider themselves in any other situation than as weekly tenants. He then calculated Mintram's weekly payments, and found that they came to a fraction more than 18*l.* upon which he agreed to drop the odd money, and to take the 18*l.* In the year 1812, Mintram, being about to leave the shop, introduced Leader as his son-in-law, and Mr. Rickham accepted of him as a tenant, with an express understanding that he was to occupy the shop on the same terms as his father-in-law, namely, to consider himself a weekly tenant, paying quarterly. In 1815, a year and a half after the passing of the act for making the new street, and when every one knew that the houses in St. James's-market would be purchased by the commissioners, the plaintiff took the house in question, from Mr. Rickham, for one year, and it was let to him at a very low rent, on account of the repairs. At the expiration of the year he made application for a lease for seven years, but instead of making him any promise to that effect, Mr. Rickham told him, that he could not grant his request, as the house would be taken by the commissioners, and that to grant a new lease would be creating new claims against the commissioners, which would be fraudulent and unjust. This affidavit was supported by those of the person who collected the rents for the Duke of Leeds, and the Secretary of the commissioners. From the latter it would be found, that some offer to the plaintiff was proposed to be given to him as a gratuity, and that he was distinctly informed it would not be given to him as a right. The whole claim, then, was an imposition from beginning to end. The commissioners, by succeeding to the Duke of Leeds, were clothed with the same rights which he possessed, and, therefore, the tenants were bound to go out upon receiving regular notice from the new landlords.

Mr. Serjeant *Onslow* contended, that though the plaintiff had no lease, he was entitled to claim under the clause of the act, which directed compensation for "any such interest or damage whatever." It had been said, that when the plaintiff took the house in St. James's-market, he was aware that it would be wanted by the commissioners. Such, he believed, could not be the fact; for if his client then knew that the new street would take that line, he had more foresight than any man in London. The plaintiff had to claim compensation for two interests, the shop and the house. With regard to the shop, his learned friend had said, that the plaintiff was only a weekly tenant; but whatever his interest was, it was now standing for trial. Would his learned friend, then, ask the court to determine, on affidavit, an in-

HOUSE OF LORDS.

Thursday, Feb. 5.

The Bishop of *Derry* took the oaths and his seat.

IRISH GRAND JURIES ACT SUSPENSION BILL.] This bill was brought from the Commons, and read a first time.

GOLD AND SILVER COIN.] The Earl of *Lauderdale* moved for accounts of the gold and silver coined in the Mint, for the two years preceding the 1st of January, 1818, distinguishing sovereigns and half-sovereigns, crowns and half-crowns, &c.—Ordered.

SECRET COMMITTEE APPOINTED.] At five o'clock the order was read for the appointment by ballot of a secret committee, to consider and report on the papers relative to the state of the country, which had been laid on the table by the Prince Regent's command.

Glasses, which had been placed on the table, were then carried round the house, in order that the lords might deposit their lists. Most of the lords present put in lists; the Earl of Grosvenor did not deposit one. After the lists had been collected the glasses were removed, and several of the lords withdrew to form a committee for the examination of the lists. On their return the names of the peers elected for the secret committee were read, viz:—

The Lord Chancellor,	Marquis of Lansdowne,
The Earl of Harrowby,	Earl Fitzwilliam,
The Duke of Montrose (as Earl Graham),	Earl of Powis,
Earl of Liverpool,	Viscount Sidmouth,
Marquis Camden,	Lord Grenville,
	Lord Redesdale.

Earl *Grosvenor* took this opportunity of making some observations on what had passed the other night, when a noble marquis, not now in his place, (the Marquis of Lansdowne) had stated, that it was desirable for the committee to have power to send for persons, papers, and records. His noble friend had been answered, that such a power was inconsistent with the practice of the House of Lords, and that the course proposed to be followed was justified by precedent. He thought, however, that in a case like the present, when the investigation to be instituted was of so important a nature, the power recommended by the noble marquis ought to have been given, though it might not be according to the general practice of the house. On the present occasion their lordships would, in his opinion, be perfectly justified in departing from their usual course, and enabling the committee at once to call for persons, papers and records, without waiting until the chairman of the committee might apply to the house for further information, or new evidence. But such a power, it seemed, would be contrary to precedent, and the noble secretary of state for the home department, had referred to the proceeding of 1801, as a case in point, to shew that this power ought not to be given. Now the pro-

terest which was to be tried by a jury after term? With regard to the house, the plaintiff was, according to the affidavit of the other side, a tenant from year to year; but whatever interest he had, whether weekly, quarterly, or yearly, he was entitled to compensation under the act.

Mr. *Scarlett*, who followed on the same side, after dwelling on the hardship of the clause of the act of parliament which makes it lawful for the commissioners to enter upon lands or premises in such manner as they may think proper, without being deemed trespassers, proceeded to argue, that the notice they had given proved that they considered the plaintiff as holding an interest.

Court.—They did not give the notice as commissioners, but as landlords, having purchased the interest and right of the Duke of Leeds.

Mr. *Scarlett* conceived that they could have no power except under the act. They could only purchase as commissioners, and it would be very unjust if they were, in that character, to purchase the rights of the landlord with a view of doing what the landlord never intended to do, and never would have done. The Duke of Leeds never meant to eject his tenants. To do so was getting possession of one interest by the act, and using that interest to destroy another.

Mr. Justice *Abbott.*—Would any man give 600*l.* (the compensation claimed) for a shop out of which he might be turned on a week's notice?

Mr. *Scarlett* did not know what sum might be given, as the value depended on the probability of the occupant being turned out; very large sums were given for good-will; but whatever the value might be, what he meant to contend was, that the commissioners had no right to treat with the Duke of Leeds first, and then to turn the power they had thereby acquired against the tenant, in the way they had done.

Lord *Ellenborough.*—Could it be said that there were any words in the act which prevented the Duke of Leeds from disposing of his property in the same manner as he might have done before it passed? In purchasing his property, the commissioners made a compensation for every interest. They purchased the major right, which included every other.

Mr. *Scarlett* said, he might be wrong in the view he had taken, but, according to his sense of justice, parliament could not have intended the act to operate in a way so hostile to the interests of the tenant. He was convinced that, if the Duke of Leeds had foreseen that such consequences were to be drawn from his bargain with the commissioners, he would not have made it.

Lord *Ellenborough.*—A bargain has been concluded, and our business is only with its legal effect, which is this:—The commissioners having purchased certain shops and houses, stand precisely in the situation of the former landlord.—It was to be regretted that a fuller display of the act of parliament had not been made on the application for the rule, which, in that case, perhaps, would not have been granted; for the court was often under the necessity, in granting a rule, to rely on the statement of the applicant. In cases of this nature, the public frequently suffered by the claims which were advanced. He had observed, that under all compensation acts, there were always a number of parties anxious to acquire an interest. They went to the nuisance, instead of the nuisance coming to them.—Rule discharged.

ceeding of 1801 was on a report communicated to their lordships from the House of Commons. It was not, then, a measure instituted either on a communication to their lordships from the throne, nor did it resemble a committee appointed in consequence of a measure originating among themselves. The example which the noble viscount had referred to was evidently of no authority; but if the precedent were complete still he should consider himself fully justified in calling on their lordships to go out of their way and agree to the resolution which he was about to propose. He was convinced, however, that those who thought as he did, on the whole of the question which had given rise to the present committee, who were like him convinced that there had been no occasion for depriving the people of this country of the most important of their rights, no ground for the alarm spread by ministers, and that the ordinary course of law would have been perfectly sufficient for the repression of any disorders or offences which might have existed, would perhaps not be surprised that ministers endeavoured to shelter themselves, and sought to avoid a full investigation That their pretences for suspending the habeas corpus act were groundless, had been his conviction at the time they proposed that measure, and every thing which had since occurred had tended to fortify and confirm that opinion. He did not expect, however, that they would go the length of asking their lordships to appoint a committee so constituted, and with powers so limited that it must obviously appear to be framed for the purpose of white-washing them. When he recollected, too, the lofty language of the secretary of state on this subject in the last session of parliament, he little thought that he would be the very individual who should come down to their lordships with a proposition of the nature which he had made, and which was nothing more nor less than asking them to pronounce, without sufficient inquiry, the justification of himself and his colleagues. They needed absolution for their sinful deed, and this committee was to be their extreme unction. If they really thought that they had sufficient grounds of justification for their conduct, why did they not propose a committee which would give full satisfaction to the country? The noble marquis who had objected to the limited powers of the committee, he observed, was chosen one of its members. Whether, restricted as it was, his noble friend would attend or not, he did not know; but the task would be at any time arduous, to probe to the quick the system of delusion which had been employed: as it was, no complete investigation could be expected. Nothing short of a full inquiry respecting the conduct of all the persons who had been employed by government could be satisfactory. For his part, he was convinced that there had not been, throughout the whole country, any thing like treason, or any one act of disturbance which had not been provoked by the agents and the spies employed by ministers themselves. Was the evidence of such persons to be relied on for the vindication of ministers? Petitions might be presented to their lordships' house on this subject, and persons might offer to give important evidence. To refer such petitions to the committee would be the course which the house ought to take, and it would be the bounden duty of the committee to attend strictly to them. It would, therefore, be much better that sufficient powers should, in the first instance, be granted to the committee. For these reasons, he trusted that their lordships would agree to the proposition he should now submit to them—namely, that the secret committee be empowered to call for and examine persons, papers, and records.

The Earl of *Liverpool* said, he would make no remark on what the noble earl had stated respecting the measures of the last session of parliament, nor his assertions regarding the employment of spies and agents of government, further than to say, that the observations he had made in those respects had nothing to do with the business before the house. This was not the time for discussing those topics, and when the proper time should arrive, he should be ready to justify the course which government had considered it their duty to pursue. With regard to the only question before their lordships, namely, the powers which ought to be given to the committee, he must repeat what had been stated last night by his noble friend, that there was no example of powers of the nature of those proposed to be given to the present committee ever having been granted by their lordships. The noble earl had alluded to the proceeding of 1801, and had argued that, from the manner in which it had originated, it could not be regarded as a precedent; but that case had not been relied on as affording a precedent in every respect analogous to the present measure. It had only been referred to as one of many instances which served to shew, that when a committee was appointed by their lordships, whether on a message from the crown, or not, it was not usual to give to that committee powers of the kind now proposed. The present committee had been appointed according to the invariable practice of the house, and he conceived, therefore, that the noble earl had stated no ground which could induce their lordships to agree to his motion.

The motion was negatived.

HOUSE OF COMMONS.

Thursday, Feb. 5.

WINDOW-TAX, IRELAND.] Mr. *Shaw* presented the following petition of several householders of the city of Dublin, which was ordered to lie on the table, and to be printed.

"That the petitioners beg leave respectfully to approach the house, and humbly to implore an alleviation of the grievous burden of exces-

sive taxation that oppresses them, and which is now become wholly insupportable, from the gradually increasing additions that the exigencies of the state in a period of war appeared to require; they beg leave to represent, that the pains and privations they suffered, during the continuance of the war, in complying with its extraordinary demands on their industry and resources, were mainly supported by the sanguine and reasonable expectation of relief on the return of peace; but they cannot suppress the respectful expression of their grief and disappointment in the failure of this their just expectation; during the tremendous struggles of the empire, their sufferings were without complaint, their patience without limit, their terror without despair; they contributed largely, they made sacrifices beyond their strength, and the result is, a peace of arms and a war of taxes; they have the unnatural combination of national glory and national prostration; the ravages of war have terminated, the ravages of taxes survive; without adverting to the enormous amount of local taxes in the city of Dublin, or to their improvident application, they beg leave most humbly to intreat the attention of the house, and to solicit a repeal of the window tax, founded on a pledge given to the parliament of Ireland, that it should cease with the war; they cannot be persuaded that this exalted and sacred pledge will remain longer unredeemed by a gracious and parental government, or that his Majesty's ministers will risk the morals of the people, countenancing, by their high authority and impressive example, the breach of honourable engagement; they beg leave most humbly to represent, that the policy of repeal must appear obvious, from the utter inability of the citizens to supply their contingent; that the sources of their wealth, which arise almost exclusively from supplying the requisites of war, are essentially diminished by the return of peace, and their want of general manufacture, or export trade; their shops are unfrequented, their houses untenanted, their artizans unemployed, their nobility and gentry fled, and their city become the head-quarters of sturdy and alarming beggary, exhibits their condition so humiliated, and so unmerited, as should claim at least the compassion, if not the justice, of an enlightened legislature; they beg leave most humbly and respectfully to assure the house, that their loyalty and duty instruct them in submitting with becoming resignation, to the utmost of their power, in contributing to the good order and security of the empire, but the window-tax exceeds their ability, and they implore its abolition; they beg leave most humbly and dutifully to state, that, as an integral part of the empire, they hope they are not presumptuous in looking for an integral share of protection; their more favoured fellow subjects of England have been relieved from a most important portion of the public contributions, the income tax; the petitioners are not jealous, but ashamed of the distinction—they are not envious, but grieved at the contrast—it was their right, they had the faith of parliament, and that faith was kept with them; the petitioners have the same right, the same faith, and they will not offer such an outrage to reason as to suppose that parliament will persevere in suspending the award of even-handed justice; they beg leave to state, that the effects of this tax, morally and physically considered, are such as a humane and intelligent legislature will seek to avert, being calculated by its pressure and rigour to alienate the hearts of the people, while their bodies languish under the means employed for avoiding it; thus guiltless poverty is made the instrument of self-destruction; they beg leave to state to the house, that consternation and dismay pervade the entire city at the threatened introduction of a commutation or substitute tax, and they take refuge with confidence in the wisdom and power of parliament to arrest in its progress (if the occasion arise) this pernicious and reprobated project; the life-blood is exhausted, and stimulation is in vain; to the justice and impartiality of a benevolent parliament they submit the prayer of this their most humble petition; they trust that their voice, though distant, may be heard, and that the house will find recorded on the hearts of a grateful and sensitive people, the sentiments of respect and veneration that await allegiance requited and attachment rewarded."

The hon. member gave notice, that he should take an early opportunity of calling the attention of the house to this subject.

SALT DUTIES.] Mr. *Dickinson* presented a petition of the linen manufacturers and bleachers of Somersetshire, against the duties on muriatic acid.—Ordered to lie on the table.

THE QUEEN'S ANSWER TO THE MESSAGE OF CONDOLENCE.] Her Majesty's answer was reported as follows:—

"I return my thanks to the House of Commons for this mark of their attention."

THE PRINCE OF COBOURG'S ANSWER.] His Serene Highness's answer was reported, as follows:—

"I feel most sensibly this instance of attention in the House of Commons: I receive their Condolence with great satisfaction: and with earnest and consoling confidence in their interest in my affliction."

GOLD AND SILVER COIN.] Mr. *Grenfell* moved for an "account of gold and silver coined at his Majesty's mint for the two years preceding the 1st of Jan. 1818; distinguishing each year, and also distinguishing the amount coined from old gold and silver coin."—Ordered.

FINANCE.] Mr. *Curwen* rose and said, he wished to put a question to the Chancellor of the Exchequer, relative to the statement which he had made last night. He was induced to do so from an examination of the accounts of the year 1816, which exhibited a deficiency so

great, notwithstanding its extraordinary resources, that he was induced to distrust the present assertions of the right hon. gentleman. He should shew, on the one hand, the sums which had been raised on various loans in that year, and then, the progress which had been made in the reduction of the debt:

	£.
In that year the bank advanced on exchequer bills - - -	6,000,000
The bank advanced without interest	3,000,000
There were surplus grants of 1815	5,663,755
Loan for England - - -	3,358,654
	18,022,409
To this must be added the increase of unfunded debt, which on the 5th of Jan. 1816 was - -	48,725,359
On the 5th of Jan. 1817 - -	50,047,088
Increase in the year 1816 - -	1,321,729
When this increase was added to	18,022,409
It made a total increase of debt -	19,344,138
It would thus be seen that the increase of debt was above 19 millions. It remained to be seen what was the reduction which was to be set against it. By the finance accounts, from which he had taken the foregoing figures, it appeared that the sinking fund in the same year had amounted to - -	13,252,600
Deduct this from the debt contracted, *viz.* - - - - -	19,344,138
The difference was - - - -	6,091,538

So that there was really contracted a debt of more than six millions in that year, over and above the loans for Ireland. Now, he wished to know, from the Chancellor of the Exchequer, whether there was any error in this statement of the account which he had taken from the documents furnished by that right hon. gentleman himself, and printed by order of the house. He imagined also, that there should be added to this increase of debt the amount of a deficiency in the consolidated fund, being about 600,000*l.*

The *Chancellor of the Exchequer* said, he could not answer the statement of the hon. gentleman without examining the accounts.—There was in the last year an arrear of war taxes, which made a difference between that year and 1816. This statement of the hon. gentleman's did not apply to the year just passed.

Mr. *Curwen* said, he would then put a plain intelligible question to the right hon. gentleman. Was he to understand from his statement, that after all the expenses of government, of our establishments, interest of debts funded and unfunded, and advances to the commissioners for the sinking fund, there was a surplus of upwards of 3,000,000*l.* afforded by the net revenue of last year?

The *Chancellor of the Exchequer* replied, that on comparison of the debt incurred last year and he debt paid off, there was a balance of more than 3,000,000*l.* in favour of the country.

ASSIZES IN THE NORTH.] Mr. *M. A. Taylor* rose, to move for copies of the calendar of the prisoners committed for trial in the four northern counties. He was satisfied, that if the house looked to the state of the administration of justice in those districts, they would be ready to put an end to the inconvenience which existed, and wonder that no alteration had before taken place. He regretted that the committee of courts of justice, which was appointed as a matter of form at the beginning of every session, did not in reality sit, as it would have saved him the trouble of bringing forward this motion, and of devising a remedy. In the counties of Northumberland, Cumberland, Westmoreland and Durham, and the county and town of Newcastle-upon-Tyne, the assizes were held only once a year. It was hardly necessary for him to expatiate on the injustice which was necessarily suffered by individuals from this practice. It often happened that persons were confined in gaol the greater part of a year, who, when put on their trials, were cleared by a jury of their country. It might happen in this year, as Easter fell remarkably early, that a man might be committed to prison soon after Easter, and kept till the next Easter, a year and a month, and probably after that might be acquitted, or convicted of an offence, such as manslaughter, of which the utmost punishment could not be so severe as the imprisonment he had undergone before trial. From this it would appear that the subject was of great importance, and loudly demanded the attention of the house. The great population and extensive traffic of these parts gave additional importance to this subject. The county of Durham contains, besides Durham itself, Monkwearmouth, Shields, and other towns which, in population and industry, might vie with any of the more favoured districts, with perhaps the exception of Manchester alone: yet these extensive districts had by the present state of things a gaol-delivery only once in every year. Scotland had its circuit court twice every year regularly; besides this, the lords of justiciary, in cases where persons had been too long in gaol, had the power at any time during the interval between the circuits, to bring the proceedings before them at Edinburgh: but the counties alluded to, though much more populous than the most busy part of Scotland, had their assizes only once a year. The stated and regular dispensation of justice was essential to a free country, more especially that of criminal justice. The object of his motion was to obtain a return of the calendar of prisoners, and of the number of causes for forty years back, in order that the house might be aware of the necessity of some remedy to this growing evil, and that there

might be a clear agreement as to the points to be remedied. He said, that within his own recollection, there were several instances which placed the necessity of some remedy in a strong light. He knew a case, where a person had lain in gaol for nine months, and when at last brought to trial, was immediately acquitted of the crime for which he had been committed. When the necessary papers were produced, it was his intention to state the mode of remedy which occurred to him; and if the house should entertain the motion, he should afterwards move for a committee to consider the subject, and report thereon. He should then let the subject lie over for some time, till the judges should have the opportunity of considering whether this remedy were feasible, or whether any improvements could be suggested. At all events, he was determined not to lose sight of his object, but to persevere, year after year, till some improvement was accomplished. He should, therefore, move for "copies of the calendar of the prisoners committed for trial at the assizes in the counties of Westmorland, Cumberland, Northumberland and Durham, and the town and county of Newcastle-upon-Tyne, commencing in the year 1780, and ending with the year 1817; specifying the dates of the respective commitments, and also the liberation of the said prisoners, as settled by the judge of assize and general gaol delivery."—Also, a "list of the causes during the said period, as set down in the marshal's paper, and delivered by him to the associate; distinguishing the special from the common jury causes; and a list of the remanets at each assize."—Ordered.

The hon. gentleman then gave notice that he should submit a motion on the subject on Thursday the 17th of February.

COMMITTEE OF SUPPLY.] Mr. *Grenfell*, on occasion of bringing up the report of the committee of supply, rose to make some observations on the transactions with the bank. He had frequently adverted to the same topics, but he would persist to expose what appeared to him so unfair and disadvantageous to the country. It had appeared, that in the year 1816 the bank had 11,000,000*l*. of the public money. For that sum they lent 3,000,000*l*. They had indeed lent 6,000,000*l*. at 4 per cent. He would suppose that the rate of interest was then 5 per cent. The one per cent., then, constituted a bonus of 60,000*l*. The trouble and expense of the bank were said to be entitled to remuneration. Was there a banker who would not say that he should be well paid for all this trouble and expense by 20,000*l*.? But we allowed more than half a million. (*Hear, hear.*) Were the finances of the country in a state to warrant such profusion? Was the condition of the people, groaning under the pressure of taxation, such as rendered this subject unworthy of consideration? (*Hear, hear.*) He trusted the right hon. gentleman would not limit the accommodation to be given to the public by the bank to the paltry sum of 3,000,000*l*.

The *Chancellor of the Exchequer* replied, that at present the rate of interest was higher than the hon. gentleman had stated. The sum now in question was employed to pay off a debt which the government owed to the bank.

The right hon. gentleman then moved, that the house form itself into a committee of ways and means to-morrow, when he should state the amount of taxes and exchequer bills required for the present year.—Ordered.

SECRET COMMITTEE.] Lord *Castlereagh*, in moving that the papers laid on the table by command of his Royal Highness, be referred to a secret committee, said, that any observations on the merits of the subject would at present be premature. He would not, therefore, say one word to pledge any individual's opinion as to the past or the present state of the country. He had only to offer a few words as to the form of the proceeding. He had been anxious to conform to precedents; and when an hon. and learned gentleman on the other side (Mr. Brougham) had put some questions respecting the power of the committee to call for persons, papers and records, he had been misled by an idea that it was wished to give them powers not warranted by precedent, and he had therefore replied in the negative. He since found that such powers were authorized by precedent, and he felt it, therefore, necessary to mention how he had been misled. The precedents of all former times since the revolution, *pari materia*, would be followed. As to the object of the present proceeding, there was no definite measure that would necessarily arise from the inquiry to be instituted. He admitted, that a bill of indemnity might be necessary, and would be called for; but it did not arise, and was not intended to arise, from the papers on the table. The conduct of ministers was fairly in issue and explanation respecting matters which could not be disclosed to the country. It was not consistent with the public safety, and with the security of individuals who had been called upon to act for the public safety, that the reasons and circumstances of their conduct should be disclosed. It was, therefore, necessary that ministers should have a bill of indemnity, to preclude them from being obliged to defend themselves in courts of justice against every individual who might complain of the conduct which they had felt to be necessary for the public safety. An indemnity was, therefore, necessary on abstract grounds. But ministers should have an opportunity of explaining their proceedings before a secret committee. By the prosperity which happily prevailed throughout the country, and by the vigilance of parliament, the great mass of danger was passed by. Yet there still existed danger from persons working with activity to produce mischief. It was therefore proper to be guarded against this evil. He concluded by moving, that the papers laid on the table

by command of his Royal Highness, be referred to a committee.

Mr. *Tierney* said, he had no objection to refer those papers to a committee, but he thought the papers were introduced to them in a manner altogether unparalleled. There was no accompanying message to explain their nature, or to point out the object in view. There might be one or two instances of papers without a message, but it was in circumstances that at once explained their object. In the speech from the throne there was no explanation. After the speech there was nothing to tell why papers were to be laid before them. The country was described to be in circumstances of increasing prosperity; why, then, were these papers laid on the table? No papers were ever before sent by the crown, but in order that the house might afford assistance which the prerogative could not reach; and the consequence always was, a suspension of the habeas corpus, or the exertion of some legislative function in support of the prerogative. (*Hear, hear.*) In the present case, they had, without any message, simply a bag. (*A laugh.*) In the votes of the house he saw it so stated, and he supposed the expression was taken from the speech of the noble lord. If it was inquired what bag was it? the only answer was, it was a bag relating to the internal state of the country. (*Much laughter.*) From such an explanation, he should have supposed it was intended for the committee on the poor laws. (*Repeated laughter.*) But it must have reference to something different from that, or it would not have been sealed up. What its real object was, they knew not. A message would have told the view of government, and that was the very thing to be concealed. The suspension was always viewed with suspicion; but that mysterious measure, followed by the mysterious speech of the noble lord, ought to be now regarded with every kind of suspicion and distrust. (*Hear, hear.*) Ministers had been, during the last eight months, making a *prima facie* case against themselves in the mind of every man in the country. (*Much cheering.*) They were now to make a case for themselves in the house by means of a secret committee. He gave credit to the noble lord for his candour in assuring them, that since it was necessary, he would get a bill of indemnity. (*A laugh.*) He really believed the noble lord to be very candid in stating, that he would use all the means in his power to protect himself from trial and its consequences. (*Much laughter.*) A bill of indemnity was to be introduced for the protection of those very persons who proposed a committee by ballot. This was the coarsest juggle that could be exposed to reasonable beings. (*Hear, hear.*) Indemnity, he admitted, might sometimes be necessary. But, in the present instance, the secretary for the home department, or rather for the administration, for he was only their organ, had been guilty of unwarrantable severity. (*Hear, hear.*) They had taken up no leaders, no persons connected with any distinguished or opulent families; but they had drawn a drag-net over certain counties, and seized all within their grasp. Every case of indemnity must stand upon its own merits. In the present case, the suspension was a cabinet measure, and every member of the cabinet endeavoured to give it as much stage-effect as it was possible to give, because alarm was their daily bread. (*Hear, hear.*) Hence they heard of nothing but the burning of barracks, the smoking of soldiers, and the destruction of manufactories. He solemnly declared upon his honour, that after all the events and trials that took place during the recess—and he had considered and examined all of them with every attention in his power—yet, after the most careful and impartial examination, he would solemnly declare, without any party bias, that not one case occurred which shewed the suspension to be necessary. (*Hear, hear.*) The trials, and even the convictions that took place, only confirmed this persuasion. He had read every word of the Derby trials with the greatest care, and his labour was indeed amply rewarded by the great and splendid abilities of one of the counsel for the prisoners, his learned friend Mr. Denman. There it appeared that ministers, to speak in the gentlest terms of their conduct, had let the thing go too far, when it was in their power to stop it. There was some alarm last year; but the alarm never required a suspension of the habeas corpus act. The powers conferred by the suspension were exercised with unnecessary rigour. (*Hear, hear, hear.*) The right hon. gentleman opposite (Mr. Bathurst) did not contradict him, when he said, on a former night, that the suspension was continued beyond the necessary period, according to their own shewing of necessity. It was, then, ground of direct charge against the secretary of state, if one man was kept a single hour in prison beyond the absolute necessity of the case. (*Hear, hear.*) But if any one thing disgusted the nation, whatever might have been their ideas of danger, or of the suspension—if any one thing disgusted the nation more than another, it was the public boast, which referred to the agency of infernal scoundrels who incited the people to rebellion. (*Loud and long continued cheering.*) Ministers had a right to get information; but to employ persons who, by their inflammatory language, excited to the very acts which ought to have been prevented, and then to drag the unhappy victims of their delusion to the scaffold, formed a mass of atrocious villainy which never stained the annals of this country before. (*Hear, hear.*) The noble lord promised to satisfy them that no agent of government had done such acts. God grant that the noble lord might succeed, for the credit of the age; but he could not whitewash spies, or detach them from everlasting infamy! This was a task beyond the reach of his splendid oratory. He would state the whole merits of the subject before them in two questions.—Who were now upon their trial? Who appointed

the committee to decide upon their conduct? (*Hear, hear.*) All secret committees were appointed by the government. He meant no reflection, it was the uniform practice that the treasury should send the list of names to form the committee to their friends, and that they should throw those lists into the glass upon the table. Would a committee thus appointed afford any satisfaction? Why should this committee report? They had a right to report only the contents of the bag. He was curious certainly to know the contents of the bag, but any one man could do this as well as another: but that same committee were to give a report on the subject. He begged to repeat: a committee, a secret committee, specially chosen by ministers, were to try, to judge, and to report the conduct of ministers. (*Hear, hear.*) Ministers were invested with most extraordinary authority. They suspended the habeas corpus—they acted under the suspension as they pleased—they were now going to cover themselves with a bill of indemnity. This was a juggle to screen themselves, to find indemnity against themselves. To shut our mouths, they say, "Here is our bag, touch it who dare." (*Hear, hear, hear.*) He would proceed no further: he had said enough to satisfy the house and the whole country, that there never was a measure brought before parliament that exceeded so much the bounds of fairness and common decency. (*Loud cheering.*)

Mr. *Bathurst* begged to remind the right hon. gentleman that he had himself been one of the administration that brought forward a similar measure in 1801; and although a right hon. gentleman then opposed it, it passed. The committee were not bound to report according to the pleasure of ministers; the words were "to report as it shall appear to them, to the house." In the former instance to which he had alluded, there had been a suspension and an indemnity. Not only was an indemnity prudent, but it was absolutely founded on the necessity of the case. The right hon. gentleman had recourse again to the old argument, that none of the higher ranks had been implicated in suspicion. This had not been pretended. In the reports of both houses they were described as middle ranks, lower classes, or some such terms. Ministers had a right to refer to what had been prevented, as well as to what had been resisted. When they called upon them for convictions, they had a right to shew the peace of the country preserved. In the trials which terminated in convictions, the right hon. gentleman could only see the great talents of one of the counsel. As to spies, the government might throw the odium upon inferior magistrates who sent their informations to them. There was a great mass of people whose object was not any particular reform, but the overthrow of the government. This was explained and proved in several instances; but the right hon. gentleman had no other memory of these but the abilities of one of the counsel. All were convicted upon trial, or confessed their guilt. They had expected support from various parts of the country, and that support was prevented by the suspension of the habeas corpus. Those taken up in other places were the leaders, according to the information of persons locally best acquainted with them. It had been said that a committee by ballot was appointed by the treasury. It was, however, only the recommendation of certain persons to the house. (*Hear, hear, from the opposition.*) The objections had been ably answered by the late Mr. Windham; he would not repeat his answer. It was only the choice of the majority against the minority. In all former committees, there were many gentlemen of different sentiments and opinions from ministers. Some, too, had often been proposed to be added, and the sense of the house taken. The decision of the majority was the decision of the house, and gentlemen on the other side might take the sense of the house if they pleased. The right hon. gentleman had traduced persons alluded to, in language not parliamentary, and particularly if he alluded to a person (Oliver) to whom he supposed allusion to have been made. That person had excited to no improper act, and done no harm, but he had done much good to the public. A late lamented member of that house (Mr. Ponsonby) had been satisfied that such was this person's conduct. He had, by accident, come into the society of persons who plotted against the government, and ministers wished him to continue to associate with them, in order to obtain a knowledge of their plans. It was necessary that he should seem to approve of their conduct; but he denied that he had, in any way, instigated them to violence. He would not follow the right hon. gentleman through every part of his speech, for that would draw him into too great a length: but he would tell the house, that the only question was, the reference to the committee, and to that no objection was made.

Mr. *Tierney* explained. He had never so reflected on the legal proceedings at Derby as to say that no evidence of criminal proceedings had been produced. What he had said was, that the facts which came to light were such as shewed the suspension act to have been utterly unnecessary.

Mr. *F. Douglas* said, he could not pass over this opportunity of entering his solemn protest against the form of proceeding which it now appeared to be the intention of ministers to adopt. He held it to be equally dangerous and disgraceful to the character of the House of Commons. If the noble lord was determined to account to no other tribunal than that which should be so composed, he should prefer to see a committee formed entirely of his own friends, and carried by the undisguised force of a majority. (*Hear, hear.*) Any course would be better than that of attempting to palm upon the country, as a fair and impartial inquiry, a contrivance of this description. He saw no re-

semblance between the cases of the proposed committee and that of the year 1801; for the present seemed to have no other object whatever than that of laying the foundation of a bill of indemnity for sheltering the ministers of the crown from the legal consequences of their own acts. It was argued, that if there was any appearance of management and fraud in this proceeding, it was generally known and understood. For his own part, however, he thought all such appearances, and what were sometimes called pious frauds, were much better avoided. Although they might be points of notoriety amongst themselves, they were considered as points of detection by the country, and whether justly or unjustly, served to bring into question the honour of the house, which, like the honour of a woman, should be maintained above suspicion. He objected altogether to the principle of forming committees by ballot; but in no case could it be so exceptionable as in that now under consideration. If the former committee of secrecy had been selected for the purpose of conferring a certain degree of despotism on the ministers of the crown, were ministers likewise to have the power of naming those who should investigate and decide upon their conduct in exercising such a trust? (*Hear, hear.*) He had even heard what it was with difficulty he could believe, that it was intended to place some gentlemen who were actually in office upon this committee, or, in other words, that the criminals should sit in judgment upon themselves. This, he must say, would be an open insult on the understanding of the people; and he put it to the candour, and to the high and honourable feelings of the noble lord himself, whether he would not consider it due to his own character, if that should be individually brought into question, even by the most obscure accuser, to appeal to the most impartial tribunal, and demand the most extensive inquiry. Why, then, as a minister, owing a responsibility to the representatives of the people, should he now shrink from an investigation by means of these petty contemptible expedients? It was the duty of that house to consider well the important rights that were about to be involved in these proceedings. On the verdict of this committee would depend, whether the individuals who had been arrested and kept in confinement by virtue of the suspension act should, by their action of false imprisonment, recover compensation for the injuries they had sustained; and what might be still more valuable to them, recover their station and character in society. The members of it would, therefore, have a judicial as well as political function to discharge; and every individual who should be affected by their decision had a right to be heard in his own vindication. (*Hear, hear.*) They had a right to know that their claims and interests were not disposed of by the very persons of whose conduct they complained. He must repeat, that he would rather see the committee altogether composed of a junto of the noble lord's friends, amongst whom he might be sure of triumph, whilst he,

> "Like Cato, gave his little senate laws,
> "And sat attentive to his own applause."

(*A laugh.*) But if he really desired to be acquitted to the satisfaction of the country, he would consent at once to the formation of a committee chosen impartially and armed with effectual powers.—He should not have detained the house with any further observations, had it not been for one or two points in the speech of the right hon. gentleman who had last spoken. Although he certainly compassionated the fate of the unfortunate men who had been brought to punishment at Derby, he knew of nothing in the trials or convictions to which any blame could be attached. The existence of a conspiracy, arising out of Luddism, and the preceding apathy of government, was sufficiently established. But it afforded, at the same time, the strongest proof that no new legislative measure had been required for the correction of the evil. The insurrection had, in fact, been put down, not by the civil or the military power, but by the energy of a single individual—the overseer of the Butterley iron-works, who scolded half the conspirators away. He must here allude to another circumstance which had a strong tendency to bring those prosecutions into discredit and disrepute—he meant the extraordinary array of counsel provided for conducting them. (*Hear, hear.*) The crown was not content on this occasion with retaining the counsel who usually practised on the midland circuit, but retained others from London, so as to excite a suspicion that it was done, not for the advantage of their talents, but for the purpose of neutralizing them, and preventing their being brought into action on the other side. With regard to Oliver, he was far from thinking that the right hon. gentleman had made out his case. He could easily understand the employment of spies in places with which they were necessarily acquainted, and to which they had easy access; but a stranger could not act in this capacity, without carrying letters of introduction, and conveying favourable intelligence as to what was passing in other quarters. It was his belief, that the spies had done all the mischief; that they had made representations which they must have known to be unfounded; and that when they found disaffection, they produced conspiracy.

Mr. *Bathurst* observed, that what he had stated was, that Oliver went down in company with one of the principal conspirators, and by this means became acquainted with the designs that were in agitation among them.

Sir *S. Romilly* perfectly concurred in opinion with the noble lord that an inquiry was necessary, but he totally differed from him with regard to the nature of it. He believed that the proposed mode of proceeding was quite unprecedented, and though at times adopted without any direct message from the crown, never, ex-

cept in contemplation of some precautionary legislative measures. Now, they had the highest authority for knowing, that no such measures were intended, for they had been declared to be unnecessary in the speech of the lords commissioners, representing the crown, on opening the present session of parliament. No man could believe that ministers proposed to apply for new powers, after the surrender of what they were before in possession of, and after the Attorney-General had moved to discharge the recognizances of persons who had previously entered into them, as the price of their liberation. The only object, then, of appointing this committee must be to lay the groundwork of a bill of indemnity, which, it was felt, must necessarily be preceded by at least the appearance of an inquiry, in the present state of public opinion. If any thing could surprise him in the conduct or language of ministers, he should have been surprised at hearing the noble lord describe a bill of indemnity as a sort of natural and necessary consequence arising out of the important trust which had been reposed in the servants of the crown. He wished those who generally supported his Majesty's ministers to reflect upon the situation in which they were placed. When they were first called upon to vest these extraordinary powers in the hands of the executive government, the noble lord told them, that ministers were deeply sensible of the awful responsibility which would attend the exercise of this trust. (*Hear, hear.*) Now, however, that the administration of the trust was to be considered, the house were informed that a bill of indemnity always followed a suspension of the constitution. He hoped the house would see the necessity of an ample investigation; that they would not suffer themselves to be deluded; that they would inquire when the danger, if danger there had been to the state, had ceased to exist; and whether parliament ought not to have been assembled at an earlier period. His Majesty's ministers had thought proper to use their own discretion, instead of appealing to the judgment of parliament with respect to the continuance of these extraordinary powers; and in not fulfilling the implied assurance, that they should not be retained one moment longer than was deemed necessary by parliament, had, indeed, assumed to themselves, to use their own expression, an awful responsibility. It appeared to him likewise important, that the grounds upon which the suspension act was passed should be re-examined, particularly as the report of the former committee had been avowedly founded upon the evidence of informers, with respect to whose proceedings there now existed no doubt whatever. The house should recollect the responsibility which itself owed to its constituents, and not be deluded into a belief that a ballot was proposed for any other purpose than for securing a bill of indemnity. The common and decent forms of the house were abandoned, when ministers, whose conduct alone was in question, were themselves to select the judges of it. When a charge was brought against an individual member, after making his defence, he usually retired, without any further share in the discussion, or interfering with the result of it by his vote. He was surprised to hear the right hon. gentleman assert, that the trials at Derby had fully established the necessity of the suspension act; for if there was one thing more remarkable than another in the course of those trials, it was, that the counsel for the crown studiously avoided, although challenged to it by the prisoners' counsel, to say one word about the origin of the conspiracy, or in disproof of the allegation of its having been caused by the agents of government. He must say, that he thought the Attorney-General, by this conduct, had discharged his duty to ministers better than his duty to the public; and it was not wonderful that it should have confirmed the suspicions which had been previously excited. How could the convictions which had taken place at Derby shew that the habeas corpus act had been wisely suspended, when the ordinary administration of the laws in this case had produced its full effect in the discovery and punishment of guilt? It was too plain, indeed, that the guilt had been suggested and encouraged by men who, with the zeal of religious missionaries, but with a very different design, went about propagating evil, insinuating themselves into the confidence of the poor and the distressed, visiting them at their looms and forges, and with hypocritical sympathy inflaming discontent to desperation. Ministers were seldom slow to convert disaffection to themselves into disaffection to the constitution, or to reward as for good services those who laboured to convert the one into the other for the purpose of afterwards betraying their victims. He could not believe that the house would discharge its duty, or satisfy the expectations of the country, if it did not, by a minute inquiry and the fullest disclosure of all these transactions, make some atonement for the dangerous precedent which they had been induced in the last session to establish. Great as the evil was which had been inflicted on the unhappy persons who had been torn from their families and cast into dungeons, it was little when compared to the mischief which had been done to the constitution. He was anxious to see the poison of the example in some degree taken away, lest it should become the fruitful parent of still greater evils in future times. The house should consider how precedents were always looked to, and ask of themselves, whether the ministers of the crown would last session have encountered the opposition which was made to the measure, if any such a precedent had been previously in existence? Might not some future prince, perhaps of the house of Brunswick, but choosing to act upon the principles of the Stuarts, pre-

ferring the imitation of foreign despots to the acquirement of the affections of his own subjects, assisted by ministers who would not scruple to make themselves the instruments of his designs, pervert to some fatal use a precedent of this nature, established at a period when no war, no foreign invasion, no domestic rebellion, no pretender to the throne, could be urged as the excuse or justifying cause? The calamity might, perhaps, not occur, till the grave should have closed over both those who now enjoyed the favour of the crown, and those who were endeavouring to discharge an unthankful duty. But were they on this account to lose sight of the interests, the happiness, and the liberty of succeeding generations? It had been truly stated by an hon. baronet, (Sir F. Burdett) that if the habeas corpus act was to be suspended on such pretences, it might as well be rescinded altogether from the statute-book. (see page 71.) Of what advantage was it to the subject, except in periods of agitation, when grievances were severely felt, and when the prevailing discontents, as must always be the case in a free country, were loudly expressed? In times of perfect tranquillity, a government had no motive for depriving individuals of their liberty. A most dangerous example had, however, been now, for the first time, established under the regency of his Royal Highness; and if its evil tendencies were not corrected by parliament, it might, at no very distant day, materially change the constitution, and with it, the character of Englishmen for ever. He should only add, that there was no reason whatever for secrecy at present; and that the only object, therefore, of a secret committee must be to procure a bill of indemnity.

Mr. *Philips* observed, that one of the charges against the disaffected was, that they laboured to bring the House of Commons into contempt; but nothing could so effectually reduce them in the public opinion as the partial election of a tribunal which was constituted for such a purpose as that now under consideration. With regard to the assertion, that the suspension act had secured the tranquillity of the country, he was persuaded that that tranquillity had never been disturbed, except at the instigation of informers, whose dismissal from their employment would of itself have immediately restored it. It was understood, that the conspiracy had first been entered into in the county of Lancaster. He had no doubt that the plots and conspiracies in Lancashire might be traced to spies and informers. So far as his own inquiries extended, he found reason to rely firmly on that opinion. The county, he allowed, had been disturbed, but it had been disturbed chiefly by the measures taken by government, and the agents they employed for the purpose of tranquillizing it. He thought his Majesty's ministers might have learned a lesson on the late occasion, from what happened in 1812, when dreadful confusion ensued from the employment of the same means that were last year resorted to. It now appeared, that the plots which then alarmed the country were principally to be traced to the agency of the persons sent to detect them. The letters of Dr. Taylor, who was then residing at Bolton, and who now lives at Liverpool, proved satisfactorily, that the plots in question were to be attributed to spies. He allowed that great weight was due to the opinions of the magistracy of the country, and to the information they communicated; but he did not think that, in all cases, their opinion or their information was implicitly to be relied upon. The magistrates themselves were liable to considerable delusion from the principles by which they were actuated, and the rumours to which they listened; and therefore, honestly intending to perform their duty, could not always be depended upon in their reports of the state of their districts. If, for instance, a magistrate professing himself a member of an Orange society, resided in districts abounding with Roman catholics, his impression of the conduct of the people in his neighbourhood ought to be received with some degree of suspicion, and his representations interpreted with latitude. The Lancashire plots in 1812 excited the greatest alarm; but to shew that they were alarming principally from the misrepresentations which were given of them, and the means taken to suppress them, it was only necessary to refer to the opinions of those who had made the most inquiry concerning them, who all concurred in considering them as grossly exaggerated. Great incredulity now prevailed with regard to their existence in the part of the country whose tranquillity they were said to have endangered. He had no doubt that the late plots would turn out equally to have been fabricated by the agents employed to detect and expose them. If conspirators, who were spoken of in the report of the committee as having entertained the design of overpowering the civil authorities and of burning Manchester, were really guilty of having formed such an atrocious project, and were arrested on proper evidence of their guilt, why were they not brought to trial? Should men engaged in such plots have been liberated and restored to society to hatch similar atrocities? Should they have been sent back to their places of abode, without any attempt to make them expiate their alleged crimes? Nay, by the course pursued with regard to them, they had now become more dangerous than ever; and if guilty, it was a more imperious duty on the government to bring them to justice. They now returned with the character, not of conspirators, but with the reputation of martyrs in the cause of liberty; and their dangerous influence, if there really had ever been any danger, was incalculably increased by their imprisonment. From the means employed by government to preserve tranquillity, and from the wicked agency of the persons they sent to the agitated districts,

he was rather surprised that, where so much distress and discontent prevailed, real mischief did not ensue, than that there was so much disturbance. This, he was convinced, would appear when a proper inquiry was instituted; not by a secret committee deciding on papers produced and assorted by those whom the inquiry would affect, but by a committee of a different description. As far as he could learn the state of the county of which he was speaking, the people were in the greatest distress from scarcity of subsistence and want of employment; and in this crisis were taught to associate their sufferings with the measures of the legislature, and to expect relief from parliamentary reform. While between 8 and 900,000 people were in this situation, and looking out for any means of relief, spies and informers were sent among them, to exasperate their discontents, and to encourage them in their delusions. Had a different course been adopted, had means been employed to enlighten their minds on the causes of their distress, and to sooth their feelings by confidence and kind treatment, the late measures would not have been necessary, and the public tranquillity would have been preserved, without the suspension of the great bulwark of our rights.

Mr. *Wynn* thought, that though the question now before the house opened a door for the discussion of the whole subject regarding the state of the country since the last session, yet that it might be convenient to postpone so general a topic to another opportunity. After the votes he had given last session, he felt himself called upon to state his opinion of the conduct he then pursued, as far as the grounds of it had been affected by events that had since occurred; and he was free to declare, that his conviction of the necessity of the suspension act remained unchanged; that it had been confirmed by every thing that passed in the country, and by all the evidence that was disclosed on the trials alluded to; that it had averted threatened danger, and that by it the country had been preserved from confusion. (*Hear, hear.*) It had been said, that if the ministers had taken advantage of it, they might have prevented the disturbances that broke out in Derbyshire. (*No, no, from the opposition.*) He had understood an hon. and learned friend to say, that by apprehending the ringleaders of the insurrection in Derbyshire at an earlier period, under the suspension act, the mischief would not have followed; but however that might be, it was not a proper argument against a measure of prevention, that the evil did not occur which it was intended to prevent. If no disturbance had subsequently happened, the preservation of the public tranquillity might be owing to the very cause, the operation of which was attempted to be proved unnecessary, by the existence of that tranquillity which was its effect. It had been said on the trials at Derby, that the prisoners expected co-operation from the north and from various quarters. He believed that their hopes were not without foundation. He believed, from evidence gained on other trials, and by other means, that bands from Manchester, Yorkshire, and other places, were prepared to break out about the same time. In Yorkshire, an insurrection did take place; an armed mob fired upon the King's troops, and the greatest disturbances were threatened. If it be replied to this, that there was no conviction, he would say, that though, from the darkness of the night, and the difficulty of identifying the persons who had assembled to commit the acts of violence, a verdict could not be obtained against them, yet the fact of the insurrection was no less true and undoubted. It had been asked by an hon. and learned friend of his (Sir S. Romilly,) why the evidence connecting the prisoners at Derby with other associations had not been brought forward on the trial? He thought this question was easily answered without affecting the truth of such a combination. Enough was brought out, enough was proved to convict the unhappy men in question; and it would have been superfluous to have called more evidence. He even saw the propriety of not trying these men for the plot, when sufficient facts could be established for their conviction. Supposing the prisoners had been taken up immediately after their meetings and arrangements, supposing that the only witnesses against them had been those admitted to a knowledge of their secrets and intended projects, and supposing the charge of treason alone to have been grounded on their machinations against the public tranquillity without any overt acts, there was such an odium in the country at the time against accomplices who turned witnesses, that they would not have been believed. They would have been branded with the names of spies and informers, their evidence would have been heard with disgust, and their testimony entirely rejected. When the overt act and the intention could be proved, there was no necessity for going into all their previous counsels. He, therefore, thought that the prosecution behaved properly in not calling such extraneous evidence, and that no suspicion could be thrown on the policy of the suspension act by withholding it. This measure was extremely useful in preserving the public tranquillity, till the circumstances of the country were altered, and till the people, by the attainment of a more prosperous state, were withdrawn from the influence of those who exasperated their discontents into disaffection. With regard to the propriety of the ballot on the present occasion, he would merely observe that the ballot was resorted to for the election of a committee, because it was thought that some members who would not choose to act ostensibly against the administration, would yet vote against them under this cover of secrecy. He did not know if this would be the case, but at least such was

the ground of its adoption. He did not, therefore, see how it could be more favourable to ministers to elect a committee by ballot, in preference to one by motion. If they had a majority, in both cases their committee would be appointed, and their favourable chance would not be increased by the former mode of nomination.

Sir *W. Burroughs* said, he did not at first intend to have addressed the house on the present occasion, but it appeared to him impossible to sit still while the suspension act was under discussion, and not to attempt an answer to what had fallen from the hon. and learned member who spoke last. That hon. member thought that subsequent events had completely justified the measure. He (Sir W. Burroughs) was of a different opinion, and he would state the grounds of that opinion. Looking at the reports on which the suspension act was grounded, he found, in the first, that a conspiracy was alleged to have been formed in London to burn the barracks, to storm the Tower, to seize upon the Bank, to destroy the bridges, and, in short, to overturn the government, and to subvert the order of society. But what were the facts that appeared on the trial of Watson in Westminster-hall? How did the evidence given on that occasion support the representations of the secret committee? The conspiracy was found to have been formed by two surgeons without employment, a man of broken fortunes, two cobblers, and the bully of a brothel. It did not appear that any person of respectability or influence favoured their projects, or partook of their counsels, or that they had any connexion with other conspirators or agitators in the country. Then there followed a second report, which omitted all mention of the conspiracy of the metropolis. The hand-bills, exciting to the murder of the Prince Regent and of the noble lord opposite, of which five thousand copies were said to have been prepared, were no where to be found. The seat of the conspiracy was, therefore, transferred to the north, and the disturbances which afterwards gave occasion to the trials at Derby were brought forward. But it appeared that this formidable insurrection was dispersed by the ordinary efforts of the magistrates; that the ringleaders were arrested, imprisoned, and brought to trial. The rising took place in June, the trials came on at Derby in October, and nothing happened in the interval to excite any alarm, or to call for the exercise of extraordinary powers. It was said by the hon. and learned gentleman (Mr. Wynn) that the evidence of previous plots and meetings was not necessary on these trials, but he begged leave to differ from him. The judges, in addressing the juries on that occasion, laid down the law, and very properly, in his opinion, that a rising for a general and public object constituted the crime for which the prisoners were indicted; and that the only questions on which they were called to decide, related to the overt act of the insurrection, and the general purpose. Now, to have established by evidence the connexion of the prisoners with other conspirators in different parts of the country, frequent meetings and common objects would have at once decided the nature of their design, which was the only thing on which there could remain a doubt, and the non-existence of which was the only circumstance on which their counsel rested their defence. If it had been shewn that they were acting in concert with persons at Manchester, at London, at Nottingham, or in Yorkshire, for overturning the government, the fact of their having committed high treason could not have been doubted for an instant. Why, then, was not such evidence brought forward? It was not difficult to discover the reason. Had the prosecution gone into testimony for this purpose, it would have appeared, that the insurrection had been arranged and encouraged by the agents of government. One of the unhappy men convicted on this occasion, nearly at his dying moment, when he might have been supposed to be inclined to speak the truth, and when he was assured that a falsehood could have no influence on his fate, imputed to the instigation of Oliver the crime for which he was about to suffer. But, said the Solicitor-General on a former night, why did not the learned counsel for the defence of the prisoners bring forward and examine this person, if his evidence was so important? The reason of this was obvious. He could not have been examined as to their consenting to commit treason, without proving the treason for which they were arraigned. He must have been the most dangerous witness they could have called; and, if they had produced him, they must have produced the means of their own conviction. The admission that they had consulted with him to overturn the government, would have amounted to a confession of their crime, and deprived them of all the means of defence. In the second report of the committee of secrecy, the scene was shifted from London to Manchester, where the conspirators were to burn the town, and massacre the inhabitants. If such were the designs of the men apprehended under the suspension act, how could ministers account to their country for having liberated them without a trial? On what plea could they be discharged, at first with the idle farce of taking their recognizances, and afterwards from their recognizances? If this was not a confession that the ministers had nothing to produce against the alleged traitors at Manchester, and that the evidence on which the report of the committee in which they were arraigned was unfounded, they incurred a heavy responsibility for sending back such dangerous characters into society. Their conduct was inexplicable on the supposition that the report was true, and the suspension act could not be justified on the ground that it was not. No events had hap-

pened since to justify such a measure. If he might advert to a melancholy event which had united the nation in one common expression of sorrow, he might draw from it an irresistible inference, that the minds of the people were sound, and that their attachment to the house of Brunswick remained unshaken. Never in any country was there more sincere or more general sympathy, and never did any nation more unequivocally testify their affection for the family of their sovereign. He could not agree that the election of a committee by ballot was so favourable to free inquiry as one by motion. Suppose a committee were to be elected by motion, the noble lord and the right hon. gentleman (Mr. Bathurst), as it was to decide on their own conduct, might feel a little delicacy in nominating themselves: whereas a ballot totally destroyed this feeling; and though the list was made by themselves, they might still be on it without offending any sense of propriety. That the proposed committee was intended to bring in a posthumous justification of the suspension act, there could be no doubt. Could any other object be conceived in the inquiry but an indemnity bill? The suspension act was abrogated; it could not be their intention to renew it. Did they mean to recommend the continuance of the seditious meetings bill? Was this to hang over the head of the people during the ensuing general election? An indemnity bill would certainly be the first measure, and the injustice of it required no exposition. It had been admitted by the hon. gentleman opposite, that the suspension act gave no new powers, but only authorised ministers to arrest persons, and postpone their trials till they could be brought on with greater security. This was the whole operation of the act, but the noble lord allowed that certain violations of law had taken place under it, and for these a bill of indemnity would be necessary. The consequence was, an admission that the parliament had confided to them certain discretionary powers which they had abused: that they had imputed suspicion to persons who had committed no crime: that they had imprisoned them, and after having exposed their characters and their lives, would allow them no legal redress.

Sir *J. Sebright* confessed that he gave his vote for the suspension bill last session, and that he did it with the most perfect belief of its necessity. In looking back at that vote, he could not impute any blame to himself. When he read the report on which the proceeding was grounded, he found he could not have acted otherwise: he was one of those who would always rally round the constitution, and strengthen the hands of government in any real danger, to put down conspiracy and treason. (*Hear, hear, hear, from the ministerial benches.*) He thought it now the more necessary to declare that he had read all the evidence that had come out on the trials which had subsequently taken place, and comparing that evidence with the report, he found that he had been grossly deceived. (*Loud cries of hear from the opposition benches.*) He did not mean to impute blame to the ministers, or to those who voted along with himself on that occasion: he believed that they might be deceived, as well as himself: nothing had since occurred to shew that there was even a pretence for suspending that great bulwark of our freedom. So far as he had been able to see, he thought there was no discontent or disturbance in the country, which might not have been checked by the regular powers of the law, and the ordinary vigour of the magistrates. The events, in his opinion, did not at all justify the extraordinary remedy which had been resorted to. (*Hear, hear.*)

Mr. *Ellison*, adverting to what had been said by Sir William Burroughs respecting the confession of one of the convicts at Derby, said, that what Ludlam had mentioned about Oliver in his dying moments, was a gross falsehood put into his mouth, and which was believed to be false by all who heard him. He could state, that in the quarter from which he came, emissaries had been sent from Derby and Nottingham to disturb the quiet people of his neighbourhood. The suspension act was, in his opinion, necessary; but if ministers could not make out a good case of justification as to the exercise of the discretionary powers intrusted to them, he pledged himself that he would vote against them.

Mr. *Saville* considered the country as much improved since last year, in its commercial, agricultural, and manufacturing interests, but he could not altogether give the ministers credit for its amelioration. The hints, the strong hints which they had received from parliament, induced them to take the measures of economy and retrenchment which had been so successful. He would always give this influence of parliament on the conduct of ministers as an answer to reformers, both within and without the house. So long as ministers attended to the voice of parliament, they should have his support: he wished to be considered as an independent man, and when he gave his support to ministers he gave it on general grounds. He had never wished to be considered as desiring a place from ministers. (*A laugh.*) He came into parliament perfectly unbiassed, and he should always consider an independent voice in such an assembly as a greater glory than any situation that could be conferred upon him. He had no wish to stand well with ministers. (*A laugh.*) He wished to stand well with the respectable part of mankind in general, and was not indifferent to the *vox populi.* He thought every man should be considered as independent, however he might change his opinion, who did not go from one side of the house to the other for his own benefit. (*A general laugh.*) He had now had a seat in this assembly for eleven years, and he could safely say, that he had never got any

thing for his vote. (*A laugh.*) He had been accused of inconsistency, for having voted against the ministers in the last session; and he had been told that his opposition was imputed to a refusal on the part of ministers of a situation for a diplomatic friend of his. He disclaimed such a motive. He had got a seat in this assembly on independent principles: he had received an independent fortune from his father, and he would never disgrace either by sacrificing his independence. (*Laughter.*)

Mr. *Forbes* did not think that the measures which his Majesty's ministers had adopted had been by any means uncalled for or unnecessary, though he considered that some different use might have been made of them. If they had been employed in stopping the proceedings of many of those persons who had been in the habit of attending public meetings, and of making inflammatory speeches to the public, it might have been better. The persons to whom he alluded went about encouraging the lower orders to rise in opposition to all order; and he could not but confess, that he would rather have seen some of those men apprehended, than some who had been only excited to do what they did, by their speeches. Had such been the case, he was convinced that it would have met with the approbation of a very large portion of the country. He trusted that that house would never again be called upon to join in the passing of such measures; but if they should, he hoped that they would do their duty as they did upon the former occasion, and meet as they did with the highest approbation from all those who might be considered sober and upright people.

The question was then put and agreed to, as were the questions that the committee should be a committee of secrecy, and should consist of 21 members.

On the question "that the committee be chosen by way of ballotting,"

Mr. *Brougham* rose and said, he did not mean to press any other motion upon the house, but merely to state to them the grounds on which for one, he could not agree with that then under consideration. He passed over all the very cogent reasons which had been urged by the hon. member for Banbury (Mr. Douglas) on the subject, as well as what had been said by other hon. members. But upon a question so solemn and serious, and so really and vitally important, he wished to be satisfied upon one point: and that was, how the house could be got out of one difficulty by the mode of ballot. To those who approved of the motion for a secret committee, and that that committee should consist of a certain number, and that the papers should be submitted to that committee, he would offer this question: was the noble lord (Castlereagh) a fit person to sit upon such committee? He would put it to the noble lord himself, whether he was the fittest person in the world to sit upon that committee as a member to try whether or not certain persons should be deprived of their right of action against himself? He might ask, why it was not probable that he might not be one of the parties to any action that might be brought by any of these men? Why might he not be a party upon the face of the very record itself? Suppose any member should wish to put the question to the house, that he or any other man should be a member of that committee, he wished to know how the mode of appointment by ballot left them at liberty to discuss such a question? And if the noble lord would point out to him any source or means by which the sense of the house could be obtained, that method being pursued, then the objection would lose the force which at present it seemed to him to possess. But according to the mode adopted last session, and according to the common method, there was no possibility of discussing any question, upon any individual name.

Mr. *Canning* said, he did not mean to occupy the house at any length, but he really considered that the difficulty which the hon. member had stated might be very easily removed. It was not to be supposed that the name of any member would be found upon the list for any committee, unless a majority of the house should have decided that it should be there; and what the difficulty was, but that in that case the minority could not turn round upon the majority, he was unable to comprehend. The question seemed to him to be easily set at rest, when it appeared that, in every instance where the House of Commons had had to take similar subjects into consideration, the committee had been appointed in this way; and, indeed, he confessed that the argument was very conclusive in his mind against the hon. member; for if there were one method more than another adapted to the purposes of those who might agree to enter on an individual discussion, or a discussion upon a question on an individual name, and to do that in a way in which there might be least difficulty, it was the method by ballot, from the very nature of the invention, by which that might be accomplished. It was true, they managed these things now without all that mysteriousness which had belonged to them in former times. He was old enough to remember the time when there were two lists in circulation, instead of one, upon every ballot.—(*Hear, hear, from the ministerial benches.*) He was old enough to recollect, that as regularly as one list came from the treasury, another proceeded from the opposition; and those two lists were handed through the house, producing a wonderful correspondence between the parties, much more, indeed, when the committees were appointed in that secret manner, than if they had been proposed by any other method. The power of discussing a question upon an individual name was plainly just as great, one way as another. There might be some question raised in connexion with the orders of the house; but

the thing was hardly worth arguing; he thought, indeed, it was needless, considering that it had been uniformly the practice, to have such committees appointed as the present was proposed to be.

Mr. *Brougham* thought that the right hon. gentleman had entirely misunderstood him: he was entirely mistaken, (and if Lord Sidmouth were to be present, he would have addressed himself to him, or to the right hon. gentleman not in his place, whom he considered as more immediately connected with the noble lord's department)—he was mistaken in supposing that the noble lord's name would not be in the committee, unless the question were put and decided by a majority of the house. The noble lord would only have a relative majority: and he might well be considered in a minority, with a very hollow majority, if it came to be thoroughly examined; for he had only to put more voices than other persons had upon the ballot, and his object was accomplished.

Mr. *Tierney* (amidst loud cries of question) said, he did not think that his hon. friend's question had been satisfactorily answered. It struck him to be, whether any time would be allowed for discussing the propriety of the noble lord being suffered to sit on the committee, supposing the noble lord should be appointed a member of the committee. That, as it appeared to him, was the question to be decided.

The house then divided—

For the ballot	- -	102
Against it	- -	29
Majority	-	—73

LIST OF THE MINORITY.

Babington, T.	Latouche, Colonel
Burroughs, Sir W.	Macdonald, James
Brougham, H.	Methuen, P.
Burdett, Sir F.	Nugent, Lord
Barnett, James	Ossulston, Lord
Brand, Hon. T.	Ord, Wm.
Browne, Dom.	Piggott, Sir A.
Calcraft, J.	Phillips, George
Campbell, Hon. J.	Romilly, Sir S.
Douglas, Hon. F.	Scudamore, R. P.
Folkestone, Ld. Vis.	Simmons, T. P.
Fellowes, Hon. N.	Sebright, Sir J.
Fazakerly, J. N.	Tierney, Rt. Hon. G.
Fergusson, Sir R. C.	Waldegrave, Hon. W.
Harcourt, John	Wood, Alderman.
Heron, Sir R.	

TELLERS—Hon. J. Abercromby and R. Gordon.

(The Tellers made a mistake, and returned 29 instead of 31.)

HOUSE OF LORDS.

Friday, Feb. 6.

IRISH GRAND JURIES ACT SUSPENSION BILL.] This bill was read a second time, and committed for Monday.

HOUSE OF COMMONS.

Friday, Feb. 6.

The Right Hon. *Frederick Robinson*, president of the board of trade, and treasurer of the navy*, took the oaths and his seat for Ripon.

GRIEVANCES UNDER THE SUSPENSION ACT.] Lord *Folkestone* presented the following petition of John Knight, of Manchester, in the county of Lancaster, which was ordered to lie on the table, and to be printed.

"That although the petitioner is unconscious of any crime or breach of law by him committed, yet in the night between the 8th and 9th of March, 1817, his house was forcibly entered, his family, which consists of a lame wife, five children, and a dependent niece, disturbed and terrified by a posse of police officers, who searched his house, and carried off such books and papers as they thought proper; that, after this nocturnal visit, the petitioner was prevailed upon to quit his home and family and retire to the house of a friend; that, on the evening of the 29th of March, the petitioner was arrested by a constable of Sowerby, in the county of York, and by him taken to his the constable's house in Sowerby; that this constable refused to shew his warrant, and when urged thereto by the petitioner, he talked of his pistols, and shouted for his assistants; that about one o'clock in the morning of the 31st of March, the petitioner was called out of bed by Mr. Naden, the deputy constable of Manchester, and by him was ordered to be handcuffed, and so conveyed to the New Bayley, Manchester, where he was confined in a cell eight feet by six and a half, (in which were two beds) from Monday morning early until late on Saturday night, during which time he was not four hours out of doors; that his chief food was bread and cheese and a quart of beer per day; that his wife was not permitted to see him; that he wrote to the magistrates one day, and the next day to the boroughreeve and constables, requesting to be informed of what and by whom he was accused, but received no answer from either of them; that on Sunday morning the 6th of April, the petitioner was heavily ironed, and so conveyed to London, 182 miles; that whilst in a public house in Bow Street, the landlord thereof said to the petitioner, that if he had any friend in town to whom he wished to write, his son should convey the letter; in consequence of this proposal the petitioner wrote two letters, one of which he addressed to Sir F. Burdett, the other to the hon. H. G. Bennet, which letters he saw in the hands of the under secretary of state the same afternoon, when he was ordered to Tothill Fields Bridewell until the ensuing Wednesday; that on Wednesday the 9th of

* On the appointment of this gentleman to the office of treasurer of the navy, the salary was reduced from 4,000*l.* to 3,000*l.* a year.

April the petitioner was again brought to the secretary of state's office, where no questions were asked him relative to his supposed offence, nor any thing stated to him on that subject, yet he was committed to close and solitary confinement on suspicion of high treason; that about four o'clock in the afternoon of the 10th of April, the petitioner was taken from Tothill Fields, where he had been kindly treated, and was removed to Reading gaol; on the road the petitioner saw a newspaper which mentioned his arrival at the secretary of state's office the day before, and added, that the papers found in his trunk were of a treasonable nature, although in fact the only papers therein at that time were a list of the articles of raiment it contained, and copies of two love-songs, which songs so pleased the keeper of Tothill Fields Bridewell, that he requested the petitioner to give him copies of them, which he did; on shewing this newspaper paragraph to Mr. Atkins, the Bow Street officer, and asking him how such a falsehood could get there? he said, "that a guinea might do such a thing as that;" the petitioner, astonished, then asked him if any body would get a guinea for writing such a downright lie? he replied, "he should not wonder if they did;" that on the petitioner's arrival at Reading gaol, together with two other state prisoners, about half-past nine o'clock in the evening, it was with the utmost difficulty, and after much expostulation, that they obtained a supper, although they stated to the keeper that they had come about forty miles without food; that on the following morning a turnkey came to the petitioner, and said the governor could only give them the county allowance (*i. e.* bread and water) until he got further orders; the petitioner then requested to have some coffee to breakfast, and also to see the governor; the three state prisoners were then conducted into a common prison-room, into the upper story of which were put for their use two beds stuffed with straw, and no bolsters whatever; in this manner they were lodged, and here they remained for sixteen days; coffee was brought for breakfast, and in the course of the forenoon some mutton, potatoes, &c. &c. which they cooked for themselves; during these sixteen days, the petitioner paid for some things, others they procured from (what is called in prisons) the shopman, and some others the keeper sent in; on the 16th of April, they were informed that their allowance was a guinea a week each, and which they might lay out as they pleased; then they thought they could save some money towards clothing, or for their families; for sixteen days they had nothing but water to drink, and never could obtain either reckoning or settlement with the governor, nor could the petitioner get reimbursed the money he had paid for the joint use of the three state prisoners, until the very moment he left that place; on the 27th of April, without their being consulted or their consent asked, they were informed that in future they were to have dinners from the governor's table, and have a pint of beer per day, breakfast, &c. they must cook for themselves as heretofore; at this time they were separated, and put into different and better rooms, the sash-windows of which were previously and purposely nailed down, although they were well barricadoed on the outside with strong iron bars: for eighteen days after the petitioner and his fellow prisoners were separated, they had only a pint of beer per day, afterwards they had two pints per day; here the petitioner never could obtain a candle, even at his own expense; that on the 9th of July the petitioner was removed to Salisbury gaol, where he was put into a small, gloomy, stinking felons' cell, and surrounded by noisy, brutal prisoners of that description; that on his arrival at this gaol, all his letters and papers, even to a roll of blank paper, were taken from him; here, for several days, he could obtain only water to drink, nor ever could procure either knife or fork to eat with; this place was so ill ventilated that it ruined his health in a few hours; he spoke to the gaoler, and requested a better room; was told there was none to be had; on the 11th of July, the petitioner wrote to the secretary of state, informing him of the situation in which he was placed, and of the ruined state of his health, requesting also to be removed: which request was, on the 18th of the same month, complied with, when he was removed to Worcester; here again the petitioner was confined two nights and one day in a small cell, whilst a room was prepared for his reception; in this room his health soon recovered, because it was much larger than the Salisbury cell, the air was good, and he could admit it at pleasure; here, however, he was never more than half an hour per day out of doors, and many days never out at all; here also the petitioner had to write four times to the governor before he could obtain a candle, and at last only obtained a small one for each night, which would not burn three hours, even in the depth of winter; that a short time before the petitioner's liberation he wanted a garment made, and so rigorously strict were his keepers in keeping him from his fellow-creatures, that before a tailor could have access to him it was deemed necessary to produce a justices's order for that purpose, and the petitioner was told that this delayed the tailor's visit more than a week, and whenever the petitioner mentioned his want of clothing to his keepers, he was told he might have the prison uniform whenever he pleased; that on the 31st of December, after more than nine months' close, and, generally, solitary confinement, the petitioner was informed that his liberation was come, and that he would be instantly discharged on the same terms as others, that is, by giving his own recognizance for 100*l.*, to appear in the Court of King's Bench next term, which condition he accepted; he was only allowed two pounds for his journey home, more than one hundred miles, and which would not pay the

inside fare of the coach, although it was in the depth of winter, and the petitioner advanced in years, and also after such a long and close confinement; that during the petitioner's confinement, several letters, which he addressed to his wife and children, and also several which they addressed to him, were never delivered according to their superscriptions; that on the 6th or 7th of January, 1818, the petitioner wrote to the secretary of state, requesting to be informed whether his attendance in the Court of King's Bench would be required, but receiving no answer, therefore he deemed it necessary to hold himself in readiness to attend the said Court; that about twelve o'clock on the 21st day of January, the first day of term being the 23d, the petitioner was verbally informed that the secretary of state had sent a letter to the police office, Manchester, which said, "that the state prisoners mentioned therein need not go to London, as they would not be called upon;" that in consequence of this information, although himself and three others had engaged a coach for London, the petitioner, with Samuel Drummond, went to the police, and was again told he needed not to go to London; he then asked if the recognizances were set aside or nullified; they were then told that they would have printed copies of his lordship's letter that night; the petitioner and Drummond said, "that would not do, as they had engaged coach for three o'clock, they must therefore be satisfied on that point immediately, or they would feel themselves obliged to go to London;" they were answered they "might go to hell if they pleased," and ordered out of the room; they however staid whilst the letter was sent for and brought, but were not permitted to read it; however, it was read to them; after which the petitioner again inquired if they, the magistrates, were authorized by that letter to set aside the recognizances; Mr. Evans, a magistrate and counsellor at law, in a rage replied, "We will not tell you, it is not our business to put any construction on his lordship's words;" having said so, he hurried out of the room; that therefore the petitioner, at a great and inconvenient expense, and at the great hazard of his health, came to London; that being arrived there, Mr. Johnstone, Mr. Bagguley, Mr. Drummond, and himself, addressed a note to Lord Sidmouth, requesting an interview on the subject of their recognizances, but his lordship refused to see them; they therefore immediately went to the Court of King's Bench, and individually claimed of the court either to be tried or to have their recognizances set aside and discharged; they were informed (to their astonishment) by the court, that they (the court) could neither do the one nor the other, having no charge against them, nor having the power to nullify their recognizances; that therefore at a great expense the petitioner felt it necessary to attend the said court from the 23d to the 31st of January, 1818, when the attorney-general was prevailed upon to move for the discharge of all the state prisoners' recognizances; that the petitioner has been repeatedly wantonly and wickedly vilified, calumniated and slandered in the public papers, his business quite deranged and ruined, his body vastly impaired by his long and close imprisonment, and his family and pecuniary affairs incalculably injured, and that this is the second time he has so suffered, and for the same cause, namely the promotion of a reform in the house; that in the year 1812, the petitioner when in company with more than thirty others, for the sole purpose of forwarding petitions to the Prince Regent and the house, were broke in upon and seized by the police officers of Manchester, aided by armed soldiers, who conducted the whole to prison, and on the deliberately wilful and false oath of an hired spy, they were committed to Lancaster, being thirty-eight in number, most of them heads and fathers of families, and there stood a fourteen hours' trial on an ignominious but groundless charge; and, although acquitted, the petitioner was thereby separated from his family twelve weeks, and also his affairs completely deranged." The petitioner, therefore, earnestly prayed that the house would take his case into their serious and candid consideration, and not only refuse to pass the indemnity bill, but bring those ministers and magistrates to justice who had so wantonly and cruelly violated the liberties and privileges of Englishmen in the person of the petitioner."

Lord *Folkestone* then presented the following petition of Samuel Haynes, of Nottingham, which was ordered to lie on the table, and to be printed.—"That the petitioner was on Thursday morning, June 19th, 1817, without any provocation on his part, taken out of a bed of sickness, handcuffed and guarded to a prison, and locked up in a dreary, damp and gloomy cell; what then must have been the surprise and astonishment of the petitioner when he was locked up in such a horrible den of misery, and in a bad state of health, when at the same time he was conscious he had never done an injury to any man? On the Saturday following it was communicated to the petitioner that he was to go to London; the petitioner civilly asked when and what for, but received no answer, but on Saturday afternoon a chaise came to the prison door, when the prisoner was fetched out of his den of misery, and chained hand and foot to a person of the name of Francis Ward, and was conveyed to London to Lord Sidmouth's office, when his lordship rose and addressed the prisoner in nearly the following words: 'You, Samuel Haynes, are brought here, charged upon oath of high treason: you will be taken from here into close confinement, and there kept till you are delivered by a due course of law, and you will have due notice to prepare for your trial, and you will have the names of evidence against you, &c.; and if you have got any thing to say we will hear you;' the petitioner told his lordship he had nothing to say

for he knew nothing about any body's business but his own; his lordship then sat down, and the petitioner retired with a heart that leaped with gladness, for he fondly though vainly thought he should soon be brought before some tribunal of justice where he would have proved his innocence as clear as the noon-day sun; but on the Monday following, Mr. Atkins, keeper of Cold Bath Fields Prison, informed the petitioner he was to be sent to Lincoln Castle; when the petitioner with two other state prisoners arrived at Lincoln Castle, the petitioner with his two fellow prisoners was ordered to strip, and was strictly searched by the turnkey; the turnkey took the petitioner's watch, though not without the petitioner remonstrating with him at such an arbitrary proceeding; the petitioner was with his two unfortunate fellow prisoners put in a dismal-looking little habitation; the petitioner and his two fellow prisoners gave the turnkey some money to get some bread and cheese and some beer; when the petitioner with his two fellow prisoners had got their bread and cheese and beer, and had just begun to eat, the gaoler came in and said, the petitioner and his fellow prisoners must be separated immediately; the petitioner intreated the gaoler to let him and his unfortunate companions be together for half an hour while they partook of their refreshment; but no, the bread and cheese was pulled in three pieces and divided with the beer, while the petitioner with his two unfortunate companions gazed on each other with wonder and astonishment, and was instantly separated in three dreary apartments, and as it seemed then never to behold each other any more; what the petitioner felt at such merciless treatment, the house can better conceive than he can describe to them; night soon came on, and the petitioner was taken from his dreary habitation to a cell to sleep; having passed a melancholy and sleepless night, the next morning the petitioner was taken to his daily den of misery again; the petitioner being in a bad state of health, soon felt the pernicious effects of close and solitary imprisonment, for in five or six weeks he was reduced to a mere skeleton; it was then he began to contemplate his wretched situation, and could then perceive that Lord Sidmouth's promise concerning a trial was a mere delusion; in that dreary habitation that the petitioner had to pass away his murdered hours by day in cruel solitude, there was nothing but a wooden block to sit on; the petitioner's debility had so increased that he became so weak he could not sit up, and he asked several times for a chair, but he might as well have asked the winds for a chair; so the petitioner contrived to put his block in a corner of his den, and prop himself between the two walls; the petitioner requests the serious attention of the house to this point; now let them fancy for a moment they are peeping into the dismal habitation of the petitioner in Lincoln Castle, there beholding a poor forlorn and helpless fellow-creature, brooding over his misfortunes in gloomy solitude; ah! cruel remembrance! the petitioner in this deplorable situation, his death being daily expected, wrote a letter to Lord Sidmouth, intreating his lordship to let his wife come and see him before he died, and at the same time solemnly declared his innocence to Lord Sidmouth, and told his lordship, that that base charge that he charged him with would never be proved against him, no, neither on earth nor in heaven; in a few days after the petitioner was liberated, and when he came home his ghastly appearance quite shocked his family and friends, and they all thought then that before this time he would have been sleeping in his grave; the petitioner has sent this petition to the house for their consideration, whether he must bear with such an outrageous, cruel and unprovoked attack on his person, as to be savagely dragged out of his bed in the dead of the night, and sent to a prison from a comfortable home, from a wife and six helpless and unprotected children, in this our boasted land of liberty and christianity; and the petitioner humbly requests leave to state to the house, that he views with regret the conduct of his oppressors, men who pretend to be true followers in the faith of him who expired on the cross in bitter agony by cruel torture on Mount Calvary; but whatever their pretensions may be to christianity, could they have a christian feeling when they coolly and deliberately ordered a fellow-creature into solitary imprisonment, there to remain, day after day, and week after week, in a bad state of health, as was the case of the petitioner, though in that deplorable state, pent up in a miserable dungeon, and deprived of the dearest privilege of society and the felicity of friendship: under all this oppression the petitioner must confess that he had some pleasing reflections in contemplating his own innocence, trusting that a time would come when he would be at liberty to lay his case before the house for their humane and serious consideration; the petitioner seeks not the punishment of his oppressors, though he has been distressed and brought to indigence by them, but he appeals to the humanity and protection of the house, to redress his injuries in being so wrongfully and cruelly persecuted; but if there are any members in the house who have a doubt on their minds as to the truth of this petition, then the petitioner most earnestly implores them to hear him at the bar of the house, as he is ready to prove every assertion contained in this petition."

WATCHMAKERS.] Lord *Ossulston* presented a petition of clock and watchmakers of the county of Berwick, respecting the distressed state of their trade, and praying that the tax of four pounds twelve shillings imposed on dealers in plate might not be exacted from them.

Mr. *Brougham* observed, that he could have wished to have heard some explanation as to the object of this petition from the other side of the house, and some assurances on the sub-

ject. The petitioners were artisans of a considerable county in Scotland, and felt their interests much aggrieved. Petitions to a similar effect had been presented to the house last year. The complaints related to a part of the system of heaping up taxes, in cases wherein ministers did not feel inclined to come in a direct, open, and honest way before parliament. The act by which the tax was imposed could never have been intended to apply to country watchmakers. Its intent was clearly applicable to dealers in plate. Now, the most eminent of such dealers, for instance, Messrs. Rundle and Bridge, paid only four pounds twelve shillings for a licence, which was no more than was required from a poor country watchmaker, who might sell one silver watch, worth but little, in the course of 12 months. That inequality could never have been intended. Acts of this description sometimes lay almost dormant, till it suited the convenience of ministers to resort to them with the view of taxation.

Mr. *Lushington* said, that government were not to blame for enforcing a tax which existed before they entered into office. It was exceedingly difficult in imposing such taxes as the present to make a graduated scale to meet such cases as the hon. member represented to be grievances.

Mr. *Brougham* explained. The act could not have been intended to apply in this way to watchmakers. It appeared that Mr. Pitt did not entertain that idea, as he understood that at one time that right hon. gentleman wished to propose a very moderate but general duty on the watchmaking trade; but that he had not thought that the licence for dealing in plate was applicable to watchmakers generally.

Mr. *Long* observed, that if there was any thing wrong in the matter, the proper way might be to move the repeal of the original act as far as it affected the question. But he could not see that, while the law existed, there could be any just accusation against government for acting upon it.—The petition was ordered to lie on the table.

SECRET COMMITTEE.] Lord *Castlereagh* moved the order of the day for ballotting for the secret committee, to which the papers on the internal state of the country were to be referred.

Mr. *Tierney* said, that in ballotting for the secret committee, the house would have very little trouble, as all the lists were proposed by ministers themselves. He hoped, however, that no gentleman would be named who was not in the habit of attending the house, and on whose attendance in the committee they might therefore calculate.

The order having been read, the clerk proceeded in the usual way to call over the names of members alphabetically. The first ministerial members who came forward with their lists were received with *cries of hear, hear, from the opposition benches.* The opposition members did not deposit any lists.

Mr. *Speaker* then observed, that the usual course of proceeding was, to read the names over again. (*Several members of the opposition said, there was no occasion.*)

Mr. *Speaker* stated, that this was usually done in order to give gentlemen an opportunity of stating any matter, as they might not have been present at the first reading by the clerk.

The clerk then read the names again; after which a committee was appointed, "to examine the lists, and to report to the house upon which twenty-one persons the majority had fallen." Mr. Brogden, Mr. Calcraft, &c. were named on this committee, and were ordered to withdraw immediately.

EXCHEQUER BILLS.] Mr. *Curwen* moved for the following accounts:

1st. "Of all exchequer bills issued between the 5th January 1817, and the 6th January 1818, specifying the acts of parliament on which they were issued, and the amount issued under each of the acts."

2d. "Of all exchequer bills paid off within the same period."

3d. "Of all exchequer bills which remained to be issued on the 6th January 1818, specifying the acts of parliament, and the amount which remained to be issued under each of the acts."—Ordered.

WAYS AND MEANS.] The *Chancellor of the Exchequer* moved the order of the day, for the house going into a committee of ways and means.

Mr. Speaker having left the chair,

The *Chancellor of the Exchequer* stated, that he was about to call the attention of the committee to a subject of which he had already given notice. He had informed the house, that it was not his intention to propose, at this early period of the session, the grant of any other sums than the taxes which the house had been in the habit of granting from year to year, for a great length of time back, and a grant of exchequer bills to replace other exchequer bills now outstanding. The house would recollect, that in a committee of supply, they had lately voted 24 millions to make good exchequer bills issued last session and outstanding and unprovided for; and 6 millions to pay off the loan of the Bank to the government in 1816. He should now, however, merely propose the grant of the land and malt duties, and an issue of 30 millions to replace the above 24 millions of outstanding exchequer bills, and to pay off the loan from the Bank in 1816, of six millions. It would not be necessary to trouble them with any other vote till a later period of the session, when all the different services would be before the house.—He concluded with moving the following resolutions.

1. That towards raising the supply granted to his Majesty, "The duties upon malt, which by an act of the 57th year of his present Majesty have continuance to the 24th day of June 1818, be further continued and charged upon all malt which shall be made within Great Britain from

the 23d day of June 1818 to the 24th day of June 1819."

2. That "the sum of four shillings in the pound and no more, be raised within the space of one year from the 25th day of March 1818, upon pensions, offices and personal estates, in that part of Great Britain called England, Wales, and the town of Berwick upon Tweed."

3. That "the several duties imposed on sugar by three acts made in the 27th, 34th and 37th years of his present Majesty, on malt, by an act made in the 27th year of his said Majesty and the duties of excise on tobacco and snuff, by an act made in the 29th year of his present Majesty, which by an act made in the 57th year of his said Majesty have continuance until the 25th day of March 1818, be further continued until the 25th day of March 1819."

4. That "the sum of thirty millions be raised by exchequer bills for the service of the year 1818."

Mr. *Tierney* said, it appeared that the grant requisite would amount to 39 millions.

The *Chancellor of the Exchequer* admitted, that the whole sum voted in the committee of supply on Wednesday last, was 39 millions:—24 millions for outstanding exchequer bills, 6 millions for the loan from the Bank, and 9 millions for outstanding exchequer bills. He now proposed to take only one vote of 30 millions, and to leave the remaining sum of 9 millions till a later period of the session.

Mr. *Tierney* said, it was desirable to know whether the 30,000,000*l.* would be enough to cover the expenses of the public service, so that no further application for money would be required before Easter. With respect to the amount for exchequer bills, it was for services voted, and for other purposes. Bills outstanding and unprovided for were to be paid off; but if such bills came in, he wished to know whether they would absorb the sum proposed. Would the grant, when added to the land and malt duties, be found sufficient for the purpose?

The *Chancellor of the Exchequer* observed, that payment of the exchequer bills was part of the service of the year.

Mr. *Tierney* said, that his wish was to know whether, if the bills came in before Easter, they would absorb the sum to be voted? Respecting the replacing of the outstanding bills, there was to be added to the grant, the produce of the land and malt duties. There was a sum to be paid off. Would the bills voted to be paid off absorb the sum voted, before Easter?

The *Chancellor of the Exchequer* said, he understood the question of the right hon. gentleman; but it was difficult and scarcely possible to give it a precise answer. He could not exactly state what amount of exchequer bills might come in. They were liable to be paid off in four months.

Mr. *Tierney* was desirous to know whether the 6,000,000*l.* to the Bank were to be paid off in money? If they were paid in exchequer bills, the situation of the Bank with the public would remain the same as it was. His object at present, under all the circumstances, was to inquire and see, from day to day, what steps had been taken by the Bank towards the resumption of cash payments. He should assume, for any thing he knew or wished to know to the contrary, that it was the intention of the Bank to resume cash payments according to the act of parliament. For this object he was not informed of any step they had taken, except one, which he readily admitted, was a material one too—he meant their endeavours to prepare themselves with gold for issue; but, on the other hand, if the matter was to be brought about by the issuing of notes, then he must deny that any proper steps of preparation had been taken. Gentlemen opposite might smile at his observations; but he should say that his desire was for the reduction of paper issues. He had been told that the Bank had pressed for the repayment of the 6,000,000*l.* The only favourable change he could perceive in payment by exchequer bills would arise from the difference of 4 and 5 *per cent.*: but no material difference would be made if the 6,000,000*l.* were paid off in exchequer bills. He could see, in that case, no security for an alteration as to the issues. The Bank, in the present system, could decline the renewals of discounts. But if they took exchequer bills, they would exercise no control over their notes, as they did not sell exchequer bills. Their rule was not to sell such bills. He doubted, whether, according to their charter, as it prevented them from dealing in government securities, they had a right to buy exchequer bills. That, however, was an old subject of dispute, which he did not then desire to revive. He was aware that it would be said, that they did not deal in what they did not sell. Unless he found that proper measures were taken, he should consider it his duty to move on the subject from week to week, to obtain the only security that could be obtained for restoring the old, natural and wholesome practice. Without such measures, they might just as well read the Arabian Nights' Entertainments, or any other book, as listen to the monstrous doctrine, that for state purposes a paper issue could be continued safely which was not convertible into cash. He believed, from his opinion of the character of the Bank, that they wished to resume cash payments. But on the other hand, it was to be considered that there was a powerful body of persons, living on the fluctuations of the day, but having the ear of certain people—persons who did not regard what might happen in another year, but who wished to turn such considerations to their own interest. He would put it to all who were not gamblers or speculators, whether they must not feel that it was their duty, from day to day, to exercise their vigilance and activity in examining into concerns so material to the interests of the country.

He should not trespass further on the attention of the house. (*Hear.*) It would be for the house to determine whether, after three years of peace, this should be the only country in Europe to which the stigma applied (for it must be considered a stigma, if the restriction was continued as a measure of state policy) of resorting to an artificial circulation as the means of maintaining public credit.

The *Chancellor of the Exchequer* observed, that he had no objection to reply most explicitly to the question of the right hon. gentleman, and he was ready to admit that the house and the public were entitled to the fullest information which it was in his power and consistent with his duty to afford. With regard to the immediate subject of the right hon. gentleman's inquiry, he had not the smallest hesitation in declaring, that it was the intention of his Majesty's ministers that the repayment to the Bank of the loan of 6,000,000*l.* should be made in money, and not in exchequer bills. (*Hear, hear.*) Upon the other more general subject which had been adverted to, although not now before the house, he was desirous of making one or two observations. If it should become necessary to propose to parliament the postponement of the resumption of cash payments, it would not be from any purpose of consulting the convenience of government, but would be submitted on grounds perfectly distinct. He could not agree that it was desirable at the present moment to reduce the issues of the notes of the Bank of England; and he considered the repayment of the 6,000,000*l.* in money as expedient, not to enable the Bank to lessen their paper in that proportion, which appeared to be the view of the right hon. gentleman, but to enable them to extend accommodation to trade, and to support the commercial interests of the country. It was upon this consideration that he should probably feel it his duty to propose some arrangement for the final repayment of this loan. Much had been already saved by the arrangement made originally, and the present rate of interest would cause a saving to the country of not less than 1,000,000*l.* out of the 6,000,000*l.* composing the loan. The right hon. gentleman, he believed, had done no more than justice to the Bank, in expressing his conviction that they were sincerely desirous of resuming their ordinary course of payments: but the interests of the public, and the security of commerce, might, in a particular state of things, form a very reasonable ground for the interference of parliament, to delay the period at which that resumption should take place. The subject was not, however, now under consideration, and he should not, therefore, enter into any argument upon the different points involved in it with respect to which questions might be raised: but he begged leave to re-state, that whether the resumption of payments in cash on the part of the Bank of England should commence in the present year or be delayed till the ensuing, the measures of government would be equally directed to forward and encourage it.

Mr. *Tierney* thought the right hon. gentleman's explanation perfectly satisfactory as far as related to the repayment of the 6,000,000*l.* in money to the Bank, because it would enable the Bank to do what in his opinion they ought to do—reduce the amount of their issues; but he had witnessed with great dismay, the sort of levity with which the right hon. gentleman treated the very serious question, whether the Bank was to return to its regular payments this year or the next. He was glad to hear that it was not the convenience of government which it was intended to consult; but that the understood ground upon which the house might expect, that some measure for extending the time at which the currency was to be restored to its proper state, would be proposed, was, that great loans were to be advanced by individuals in this country to foreign powers. The nature of these loans was no secret to any body; and could the right hon. gentleman entertain a doubt that the money of which they consisted was at the present moment going out of the country, or that the contractors were not already availing themselves of the high price of stocks, in order to make large remittances at the most favourable rate? Without mentioning names, he might allude, by way of example, to a certain individual, with whom he had no doubt the right hon. gentleman was extremely well acquainted, and who would scarcely suffer the present opportunity to pass by him unobserved. He apprehended that this course of things would continue to go on, and that before the five months which still remained previous to the expiration of the present restriction had elapsed, the whole amount of the loans might be transferred. In that case, to postpone the resumption would be to provide against a danger that no longer existed. (*Hear, hear.*) The right hon. gentleman shook his head; it was possible that the right hon. gentleman might be right, and that he himself might be deceived; but to take an instance which was notorious—the loan of 3,000,000*l.* to Prussia—were he one of the lenders, he should be strongly inclined to take advantage of the present state of the funds. What he understood from the declarations of the Chancellor of the Exchequer was, that nothing existed in the internal or external situation of political affairs which created any obstacle to the restoration of the old circulating medium. The whole question therefore became narrowed to this point—could a foreign loan operate of itself unfavourably on the price of gold in this country? He was satisfied that it could not, and his conviction was the stronger from looking at the operation of the two great loans to Austria in 1795 and 1798, which loans produced no such effect. What he desired to see was, the Bank liberal in their accommodation, but still cautious in their issue of paper; he desired to see the gold coinage again in circulation; and if in three

months after that event, the mint price of gold was not equal to its market price, he would pledge himself never again to trouble the house on this subject, a circumstance which he had no doubt would give them infinite satisfaction. (*A laugh.*)

Mr. *F. Lewis* said, he must avow himself to be extremely anxious to see the circulating medium of the country replaced as soon as possible on its only secure basis. The facts which had come within his own knowledge had convinced him, that if there was any difficulty or inconvenience in resuming our ancient and natural currency, those difficulties would be enhanced, and not diminished, by any additional delay. In the discussion of this subject, he feared the operation of the country banks was not in general sufficiently attended to. It was not easy to discover the causes which regulated the extent of their issues. It would, however, be found, upon inquiry, that in as short a period as two years and a half 25,000,000*l.* of country bank-notes had been withdrawn from circulation. He would leave it to the house to judge of the effect which this must have produced upon individual credit, and upon all the transactions arising out of the internal commerce of the country. He called now upon every member of the house to inquire in his own district and neighbourhood, and he would venture to say, that the result of that inquiry would correspond with his own, and would shew that the paper so suddenly withdrawn was now re-issuing with no less rapidity. (*Hear.*) Could it be doubted for a moment, that these transitions must have a most material influence upon the prices of all commodities, or that it was not of vast importance for the house to pause and deliberate well, before they adopted any measure which might favour the continuance of these fluctuations? He believed it impossible to point out any reason why the whole, or a much larger amount of country paper, would not be thrown into circulation, unless the Bank of England exercised its control over every other, by issuing no paper which was not immediately convertible into gold. If this should unfortunately be the case, whatever difference of opinion might exist on minute points, none could prevail with regard to the extent to which prices must be universally affected. He trusted that the house would not be induced to go back to a point from which they had thus far receded through much confusion and distress. No man could deny that an increased issue of paper would in its immediate advance facilitate commercial transactions, and raise the value of commodities; but against this partial and temporary advantage must be weighed the insecurity and the sudden fluctuations to which property of all kinds was subjected by so extraordinary a mode of regulating the circulation.

Lord *Castlereagh* rose for the purpose of suggesting the inexpediency of entering fully into a discussion upon a question not before the house, and to which alone such a discussion could belong. His right hon. friend was as sincerely desirous as any man that the Bank should resume its cash-payments without any delay beyond the period appointed by parliament; and no consideration, except that of some special case, arising out of peculiar circumstances, would be regarded as an argument for postponing so desirable a result. He viewed the consummation of that event in the same light as the hon. gentleman, and was disposed to act with reference to it in the same spirit. He knew none who were more interested in seeing it brought about than his right hon. friend, whose duty it was, however, at the same time, to protect the Bank against those injurious consequences, of which it might be productive to its interests if it took place at an inauspicious period, and under circumstances obviously disadvantageous. If, however, foreign loans should be negotiated in this country, loans that might cause a large exportation of specie at the time when the Bank were commencing to pay their notes in coin, it was impossible, he thought, to deny that a further delay of those payments might become a measure of indispensable policy, perhaps of paramount necessity. Over the loans to which he alluded, of whatever magnitude they might be, the government had no control. If they had, he would not say that it might not be wisely exercised. There might be circumstances, indeed, that would make it an imperative duty to take notice of them; but the right hon. gentleman ought not to suppose that the Prussian loan, or any loan of no greater amount, constituted the danger against which it would perhaps be necessary to guard. He was not at liberty to disclose to the house all the information which he possessed on this subject, but he was perfectly ready to admit that nothing in the foreign political relations of the country formed any ground for continuing the restriction. The only doubt was, whether a loan of a certain magnitude, concluded at the time of the Bank opening their cash-payments, might not disturb all the arrangements previously made for restoring the old legitimate circulation. This was a question which it might be proper should engage hereafter the consideration of parliament as future circumstances should determine. He must distinctly deny the proposition of the right hon. gentleman as to the probability of great remittances being made before the period of the resumption. No belief could be more fallacious. The contractors of the loan to which he more particularly referred, did not themselves know the precise terms upon which it was to be concluded, and still less the periods at which the different instalments were to be paid. He regretted the prevailing disposition for vesting capital in funds abroad, and was anxious that the country should seriously contemplate the possible consequences of placing too much confidence in foreign security. (*Hear, hear.*) But when money might be raised at two *per cent.* upon exchequer-bills at home, and an interest of nearly four times the

amount might be obtained abroad, it was obvious that, without interfering with the freedom of commerce and property, a great transfer of capital must take place to other countries. He begged the house to take, at the same time, into their consideration, the immense sums which the loans in negotiation would draw from the circulation, and reflect whether a case might not arise of the foreign exchange being so influenced by remittances to other countries, as to withdraw whatever quantity of coin the Bank might issue in the resumption of its payments. All, however, that he required at present was, that the object should not be discussed by anticipation; that the house would keep its mind open for an impartial view of the case, such as it might arise, and give credit to ministers for not submitting it to consideration upon any grounds which did not appear to them to involve some of the most important interests of the country. He did not deny the necessary tendency of large issues; but on the other hand, he must contend, that the true policy of the Bank and the interests of commerce required that the circulation should not be starved, but should be supported with liberal encouragement. He must repeat, that it would afford the utmost satisfaction, as he might be allowed to say, it would constitute a triumph to his Majesty's ministers, to witness the resumption of cash-payments by the Bank; but they had another duty to perform, the duty of defending and promoting the commercial interests of the country.

Lord *A. Hamilton* stated, that the grounds on which the further restriction of cash payments was now recommended, appeared to him nearly as alarming to the country as the measure itself. The negotiation of a foreign loan in London was, this year, held out to the house by ministers, as regulating their conduct in one of the most vital points of national interest, while, last year, the same ministers sanctioned, not to say approved, a similar measure, in a loan for France. Their present argument was, therefore, grossly inconsistent with their conduct last year; and whether it was a false pretext or a real motive, was alike discreditable and humiliating to themselves.

Mr. *Hammersley* expressed his hope, that ministers would not be found to have any intention of giving encouragement to the proposed loans to foreign states, or to the investment of British capital in foreign funds. He was sorry to understand that such encouragement was inferred from certain provisions in the treaties of 1814 and 1815, as he himself had calculated at the time those treaties were concluded; he meant with regard to the reimbursement of British subjects who had lost the property they had vested in the French funds. A distinct declaration from the noble lord, upon this subject, would be of considerable utility, especially if ministers had not the intention to which he had alluded. If it should be declared that the provisions in the treaties to which he had referred, were owing to special circumstances, not likely again to occur, and that the case was not to form a precedent upon future treaties, great good would be done. It was extremely desirable, indeed, to remove the delusion which prevailed on this point, for too many persons were at present disposed to conclude from the treaties alluded to, that the faith of our government was pledged to procure the restoration of any property they might invest in foreign funds, and especially in the funds of that country with which we had been lately at war.

Lord *Castlereagh* said, that he had no difficulty in stating that the debts alluded to in the treaties of 1814 and 1815, stood upon particular grounds, and that therefore they formed the subject of a special provision in those treaties. By the treaty with France in 1787, it was covenanted, that in the event of war, every British subject should be allowed one year for the removal of his property from that country, and it was in direct violation of this treaty that the debts alluded to were contracted. It was therefore declared by the treaty of Amiens, that those debts should be paid by the French government. The treaties, then, of 1814 and 1815, only provided for that which originated with the treaty of 1787, and was sanctioned by the treaty of Amiens. Those claims were indeed of such a nature, that if provision had not been made to secure their liquidation, the government, which concluded the treaty of 1787, would be exposed to the charge of having entrapped British subjects to invest their property in France. But this formed a special case, and afforded no encouragement to British subjects to vest their property in foreign funds. He was ready, then, to go along with the hon. gentleman, that those who should make such investments had no claim whatever upon the British government, and that in the event of a war, or on the conclusion of a peace, no such transactions would be entitled to the consideration of the British government. It would, indeed, be an extraordinary principle to admit that the government of any nation should have its faith pledged, or its operations regulated, by the spontaneous transactions of individuals.

Mr. *Hammersley* expressed himself perfectly satisfied by the declaration of the noble lord, which would, he had no doubt, serve to dissipate a great deal of mischievous delusion; but as to Lord Auckland's treaty of 1787, he (Mr. H.) had always understood that the provisions of that treaty, alluded to by the noble lord, referred to commercial transactions only, and had no reference whatever to property vested in the funds of France.

The resolutions were then agreed to, and the report was ordered to be received on Monday.

SECRET COMMITTEE.] Mr. *Brogden* brought up the report of the committee appointed to scrutinize the different lists of names for serving on the committee of secrecy, when it appeared that the election had fallen on the following 21 members:—

Lord Viscount Milton.	*Mr. Solicitor-General.*
Lord G. Cavendish.	Mr. Canning.
Mr. Williams Wynn.	Mr. Yorke.
Lord Castlereagh.	Mr. Egerton.
Lord Viscount Lascelles.	Mr. Wilberforce.
Mr. Bathurst.	Mr. Bootle Wilbraham.
Mr. Lambe.	Mr. W. Dundas.
Sir A. Pigott.	Mr. Peel.
Sir W. Scott.	Sir W. Curtis.
Sir J. Nicholl.	Admiral Frank.
Mr. Attorney-General.	

Upon the name of Lord George Cavendish being mentioned,

Sir *M. W. Ridley* stated, that the noble lord was at present nearly 300 miles from London, and under such circumstances, he was persuaded that his lordship would not be able to attend the committee. He therefore proposed that the name of Mr. Tierney should be inserted in lieu of that of Lord George Cavendish.

No notice was taken of this observation, but upon the names being read over,

Sir *M. Ridley* repeated his proposition.

Lord *Castlereagh* expressed his doubt, whether, as the election was made by ballot, any other member could be nominated as the substitute of the noble lord. Such a nomination would, he apprehended, be inconsistent with parliamentary usage, as well as with the principle of a ballot. From the personal character of the noble lord, as well as from his peculiar opportunities of information, no one could be more eligible on this committee, and therefore he very much regretted the noble lord's inability to attend.

On the mention of Lord Castlereagh's name,

Mr. *Brougham* rose, and disclaiming any thing invidious, protested against the attempt to constitute the noble lord a judge upon this question, whether the noble lord himself and his colleagues had not behaved improperly towards individuals, who had perhaps already commenced actions against ministers, for depriving them of liberty, and stigmatizing their characters.

Lord *Castlereagh* observed, that if the proposition of the learned gentleman were admitted, namely, that because he was a minister he ought not to become a member of this committee, he wished to know to what functions he was competent in that house? For, were he precluded from giving an opinion or promoting an inquiry upon any question in which the administration of government was concerned, he hardly knew what business he could have to transact in parliament.

Mr. *Brougham* said, that, with regard to the absence of his noble friend, he would put a case which might, by possibility, happen,—that of none of the members chosen by ballot being able to attend; and ask what course would then be pursued? He apprehended that another ballot must take place, and the inability of his noble friend to attend the committee, was, *pro tanto*, as good a reason for another ballot, as the extreme case which he had supposed. The attendance of the noble lord was, no doubt, peculiarly desirable, not only from his personal character, but from his acquaintance with the transactions in Derbyshire. But the noble lord, it appeared, could not attend; and was the committee to have no one in his place? Sir Arthur Pigott also was among the names returned in this ballot; but it must be remembered that his learned friend, when chosen upon the committee of last session, declared his unwillingness and inability to attend. It was probable, therefore, that he would be equally unwilling and unable to attend upon the present occasion. The house would then find that they were left almost to the parties themselves, and the decision in the committee was to be made by the solicitor-general, the attorney-general, and the noble lord, several cabinet ministers, and several almost cabinet ministers, who were of the profession of the law, and others; and it was to these that the important question for which the committee was required was to be referred. He had been told, indeed, that what they would have to examine took in a much wider range than had been imagined. Now, if the noble lord came before the house, they would meet him openly, they would confront him, but it was not so with a secret committee; it was not so where there were many who would not attend, and others who might, for various reasons, act along with particular persons; there they were acting behind backs, and, as he had said the night before, there were members on that committee who were parties to actions, who were on the face of the very record; and these were pitched upon as members of this secret tribunal! Would any member declare that it was proper that such should be the case? Was it just that the right hon. gentleman, my Lord Sidmouth's relation, that the noble lord, and several others whom he had named, were to sit in secret upon the Evanses and Cliff, and he did not know how many others, who were all bringing actions against them? Were these to decide the question in their own favour, and to say that the records were to be torn to pieces, and the expenses to be borne by the persons who had brought the actions? This was the case, however; and he trusted that, such being the case, the house would permit him to move, either that the ballot should be recommenced, or that some other method should be adopted of forming the committee. Indeed it would be much better to found a motion upon the particular names, but he understood that the ballot was not concluded.

Mr. *Wilberforce* wished to say a few words upon the subject of the putting of names into the glass. He could not but say, that he differed from some of those honourable members who had expressed an opinion on that matter, because he considered that there was a power of substitution left to members who had lists. When any member came to propose the appointment of a committee, unless there should

be some sort of understanding, it was impossible to know exactly to whom they were about to intrust business of the greatest importance. They had heard of lists prepared for the purpose of putting into the glass; but after all, he could not but think it the best mode of constituting a committee that could be devised. There was one thing that should be observed, and they all knew it amongst themselves, that though they had all perhaps a list given to them, there was a power of erasing names; at least in former times, he had scratched out certain names and inserted others in their room. He did not believe that any member shewed his list either to the secretary of state on the one hand, or to any member of the opposition on the other. On the whole, he thought the system of mutual understanding which the mode of ballot afforded was the best for all such purposes. A member might erase any name, and insert another, without any person knowing whose list had been altered when they were all put into the glass. It appeared to him, that unless there were some sort of understanding, by which it might be said, you, and you, and you, will put in certain names, he might put in a number of names; but then he might ask, would no one else put in the names, and if not, he was throwing away his power. It was very desirable, in his opinion, that such an important committee should be formed by lists of persons who were proper for the trust to be reposed in them. It was necessary that there should be on the lists people who were willing and able to attend, and if there was any member now about to be proposed, to be substituted for any member who it was supposed would not attend, he should vote for any such person.

Mr. *Speaker* stated, that with respect to the proposition for the substitution of one name for another, he believed there would be found no precedent on the journals of the house: indeed that single and individual circumstance of putting one name in the room of another would be in a manner jumping over several of the principal orders; and first, that one, that the committee be appointed by ballot. Now, he submitted, that if one name was substituted for another, that would not be done by ballot. He was only stating to the house what he thought was the proper practice, and in making such a statement, he thought he was only doing his duty. (*Hear, hear.*) He could not find any trace of such having been the practice. He did not perceive that any member had been left out, except it was by absolute parliamentary disqualification, a physical impossibility of attendance; as to any other disqualification of attendance, there was, as far as his knowledge extended, no account of any case having arisen. He had thought it right to state thus much to the house. (*Hear, hear.*)

Mr. *Calcraft* thought, that without contradicting the orders of the house, it might be regular to fill up the places of the persons who it was supposed would not attend. He wished to say a word or two with regard to the appointment of a committee by ballot. On that method he could safely say, that the influence of ministers by means of it was greater than by any other mode. He had himself been a scrutineer upon the appointment of committees by that method. He did not suppose there was any thing secret in what he was saying, but if there was he would not proceed. (*Cries of no, no.*) He had not been sworn when he was a scrutineer. (*Hear, hear, and a laugh.*) There were, upon that occasion, 103 persons who had put lists into the glass, and amongst those lists were 97 written in the same hand. Whose hand it was, or whence the lists came, he would not presume to offer a conjecture, nor would he say any thing further on that point, though he had some information on the subject; but the fact was, that there were the same names in all the lists, and all written by the same hand. And if his hon. friend had considered for a moment, he was persuaded he would have inferred, that the quarter whence they came was not very doubtful. He thought some steps might certainly be taken to supply the places of those gentlemen who would not attend, though he should be the last man to propose any member in place of his noble friend; for he thought he was one of the best persons in that house to become a member of such a committee.

Mr. *Wilberforce* explained. If any member, who had a list given him, thought any one was not a fit person for such a committee, he might have erased the name, without its being even suspected who made the alteration.

Mr. *Canning* observed, that he should not say any thing about the propriety of substituting names in a particular way, after what had fallen from the chair; but if it were necessary to take any step with respect to the list, there was one obvious course for the house to adopt. They could insist, that any member not prevented by a physical impossibility should do his duty. For his own part he should protest against any other proceeding till that had been attempted.

Mr. *Speaker* quoted the case of Sir Joseph Jekyll, who was chosen by ballot to serve on a committee. An objection was made to his appointment, on the ground that he had not taken the usual oaths at the clerk's table, but the house, on a division, decided that he was qualified, and refused to substitute another name.

Sir *W. Burroughs* maintained that there might be a parliamentary disqualification to exclude a member from serving on such a committee. The case of the noble lord (Castlereagh) was one of those; there could be no reason why he should sit as judge of his own acts. The precedent just alluded to by Mr. Speaker established this principle, that the house might review the ballot, in order to correct its own proceeding where it might be wrong. He begged to remind the house of the motion made by the no-

ble lord yesterday, which determined that the committee should consist of twenty-one members. Suppose then that Lord G. Cavendish could not attend, would not that vote be defeated? Suppose Sir A. Pigott, whose state of health and professional avocations were likely to prevent him from attending, was also to absent himself, could it be said that the house was not competent to supply his place? In the last session of parliament, the name of the present Solicitor-General was added to the committee. It would, he thought, be desirable to know, though perhaps it would not be quite fair to ask of the friends of Lord G. Cavendish, whether he was absent at the time he was nominated, or whether he had since left town. Perhaps the best course they could adopt, under the circumstances, would be to postpone the meeting of the committee until the noble lord could be personally present, as there was no urgent necessity for their meeting immediately: and he trusted that some steps would be taken to remedy so great an abuse as the appointment of a committee by ballot, which was the worst mode that could be employed. Had they been elected by nomination, the choice would then have been made from the members who were present, and the inconvenience now experienced would have been avoided.

Sir *M. W. Ridley* begged to assure the house, that the absence of Lord George Cavendish was by no means voluntary. It was certainly not his own wish, but a real necessity, that occasioned his absence on that very important occasion.

The following motions were then agreed to:—

That the committee should meet in the Speaker's chambers to-morrow.

That they should have power to send for persons, papers, and records.

That seven should be the quorum; and that they should adjourn from time to time, and from place to place; and report their proceedings from time to time; and sit during the sitting, and notwithstanding any adjournment of the house.

And that the secret papers presented on the 3d of February, and the reports of the 19th of February and 20th of June, 1817, be referred to the said committee.

HOUSE OF LORDS.

Monday, Feb. 9.

Irish Grand Juries Act Suspension Bill.] This bill went through a committee, and was reported without amendment.

Gold and Silver Coin.] A person from the Mint presented the accounts of the gold and silver coinage, which were ordered on Thursday last, on the motion of Lord Lauderdale.—Ordered to be printed.

Spies and Informers.] Lord *Holland* said, he had to apologize to their lordships for taking the liberty of troubling them with a few words, on a subject which he had not the opportunity of bringing regularly before them. He wished to inform them that a petition had been transmitted to him, in order to be presented to the house, at a time when he was engaged in the performance of a private and melancholy duty (alluding to the funeral of the Earl of Upper Ossory) which petition he regretted to say he had unfortunately mislaid or lost. The petition itself, and the circumstances under which it was to be presented, were of great public importance; but he was sorry to say, that after the most diligent search it could not be found. It had been the wish of the petitioners, among whom were many highly respectable persons, that it should be presented to their lordships' house in time to be referred to the secret committee. It had been sent to him for that purpose by Mr. Taylor, of Manchester, and he still hoped that he might receive another copy before the committee made their report. He felt it, however, to be his duty, thus publicly to acknowledge his negligence, and express his regret at not being able to comply that day with the wish of the petitioners. Though he had not read the petition which reached him with sufficient attention to recollect its contents, yet, having had access to another petition from the same persons, intended for another place, (see the proceedings in the Commons) he was able to state to their lordships its general purport. The allegations it contained were very strong; and though he would not pretend to vouch for their accuracy, he must say that, coming as they did from persons of respectability, they were such as merited the attention of their lordships, and a strict investigation on the part of the committee. The petitioners stated on their own knowledge, that all the disturbances in that part of the country, and all disorderly proceedings which had attracted the public notice, had been the work of hired spies, informers, and agents of the government. From their local situation, they had opportunities of ascertaining the facts which they stated, and had made it their business to inquire into and trace the disturbances to their source; but when, in the course of their investigations, they pointed out any individuals as objects of suspicion, such persons either disappeared from that part of the country, or, if carried before magistrates, were soon released. As he had said before, he could not answer for the truth of these allegations, but they were stated by 26 persons of respectable character in that part of the country, who were most anxious to support their statements by evidence at the bar of their lordships' house, or before the committee. He thanked their lordships for the indulgence which they had granted him on an occasion when he was departing from the usual order of their proceedings, for he had no motion to make. Another petition would be transmitted, and he trusted that an opportunity

would be afforded for presenting it, before the committee to whom the papers on the state of the country had been referred came to a final decision.

No observation was made on his lordship's statement, on the conclusion of which the house adjourned.

HOUSE OF COMMONS.

Monday, Feb. 9.

SPANISH SLAVE SHIPS.] Dr. *Phillimore* presented the following petition of William Henry Gould Page, merchant, which was ordered to lie on the table, and to be printed.

"That the petitioner is legally constituted and appointed by divers merchants, planters, and ship-owners of the Havanna, to obtain satisfaction from the British government, and to take whatever measures should be found necessary to obtain redress, for various illegal captures and condemnations of Spanish vessels and cargoes engaged in the African trade; that the petitioner, being so duly authorized and appointed, did on the 11th day of November, 1813, read a notice published in the gazette of the regency of Spain, purporting that on the 30th day of October preceding the British secretary of state for foreign affairs (in answer to a representation which had been made to the British government, complaining of certain captures made under the pretence that the vessels were not Spanish but American built), had signified that the purchase of American built ships by subjects of Spain being perfectly lawful, the restitution thereof, and of their cargoes, as well as the competent indemnity for whatever damages had occurred, owing to their having been arrested on their voyages, would depend upon the evidence of their being such as claimed to be, when the cases should be judged according to law; that it thus appearing to the petitioner that the British government required that the owners of the said ships or vessels should establish their claims to restitution by the ordinary legal process in the court of appeals, the petitioner immediately retained proctors and counsel (in the cases of two vessels, namely, the Esperanza and Juan) who brought them in regular form before the court; but it appearing that distribution had been made of the Esperanza and cargo, the court decided that the appeal came too late, and consequently that no redress could be obtained but by an application to the liberality and justice of the British government; that the petitioner, in consequence of that decision, presented a memorial to his Royal Highness the Prince Regent in council, on behalf of the owners of the above-named vessels, and of many other Spanish vessels and cargoes similarly circumstanced, explaining that the delay in appealing had been owing to the want of information on the part of the owners at Cuba, relative to the proceedings of the Court at Sierra Leone, in which court the condemnations had taken place, and praying in the said memorial, 'that the owners of the captured ships and cargoes might have the right of appeal granted, notwithstanding that, from causes beyond their control, the period of twelve months allowed by the English law for appeals to be entered, might have expired; so that each individual case might be decided on its own merits, and that the owners might be respectively enabled to shew the losses to which they had been unjustly exposed; and that on proving that the capture and condemnation of their property had been unjust, due compensation might be made for their said losses;' that the petitioner was informed the object of the said memorial was submitted to the law officers of the crown for their legal advice, and that they were of opinion, 'that there did not appear to be sufficient cause to induce his Majesty's government to make any special communication to the court of appeals, so as to meet at present the wishes expressed in the said memorial:' that the petitioner being thus excluded from the court of appeals, made application to government, 'that justice might be done to the suffering Spaniards, whom he represented, by an act of liberality on the part of government, in like manner as had been done to the Portuguese similarly circumstanced;' that in answer to the said application the petitioner was informed, by his Majesty's principal secretary of state for foreign affairs, 'that such an application for favour could only come from the Spanish government, it being an object of negotiation and not of right;' admitting by this and by a previous communication, (namely, 'that the courts of this country have invariably been very unwilling to exclude appellants in cases of the description of the petitioners, merely on account of the expiration of the time usually allowed for entering appeals, and that if there had been any case in which the application had been refused by the superior court on account of the actual distribution having taken place, or any other cause, it was not consistent with the practice of this country that the government should interfere with the rules which that court may have thought it expedient to adopt;') that where our law tribunals can grant redress there can be no discussion between the governments, and that the government would only extend its liberality to those cases where the parties were precluded by the forms of law from a legal interference in their favour; that the petitioner being thus informed by his Majesty's principal secretary of state for foreign affairs, that his claims for these spoliations were of two distinct and opposite characters, namely, that where no appeals had been made from the sentence of the vice-admiralty courts within the time limited by the prize act, they became a matter of discussion between the two governments as a favour and not of right, but that where the time for appeal against

the sentences of the vice-admiralty courts had not expired, he must appeal to the law tribunals; the petitioner, thus instructed, took his measures accordingly; he informed the cabinet of Madrid that such cases of spoliation which might have been redressed by an appeal to our law tribunals within the limitations of the prize act, having been lost through a want of this appeal, must become a matter of discussion between the two governments, and to be settled by treaty or convention, but that where in those cases of spoliation the time allowed and provided by the prize act was still open to an appeal to our law tribunals, these courts alone could decide on the case, and that his Majesty's government had not the right or inclination to control such decisions of the said tribunals; that the petitioner made these appeals according to law, and has obtained judgments in divers cases (a list of the said cases being annexed to his petition) from the lords commissioners of appeals, the claimants in such cases having complied with the necessary requisitions of an act passed in the 55th year of his present Majesty, chapter 172; and that the petitioner has further made application to the commissioners of his Majesty's navy for satisfaction of the said judgments, but which said judgments have not been satisfied, owing to an impression on their minds that the fourth article of the treaty entered into between England and Spain, which treaty was signed on the 23d of September, 1817, is a barrier to the satisfaction of the said judgments, but which construction of the said article, the petitioner humbly contends, is erroneous, the same being contrary to law, and to that line of conduct pointed out by his Majesty's principal secretary of state for foreign affairs, as the only proper one the petitioner could pursue; the humble prayer of the petitioner therefore is, that if it be intended to put such construction upon the fourth article in the treaty above-mentioned, he may be heard by counsel at the bar of the house, to establish that no construction of the treaty can overpower the judgments of our law tribunals; but if the contrary should be the decision of the house, the petitioner then humbly prays that such a deduction may be made from the 400,000*l.* provided for by the treaty above-mentioned, as in amount will satisfy the judgments already pronounced, as well as what may be the judgments on those cases of appeal which are now in a state of progression."

LUNATIC ASYLUMS (SCOTLAND) BILL.] Mr. *Boswell* presented the following petition of noblemen, gentlemen, freeholders, justices of the peace, commissioners of supply, and other heritors of the county of Ayr, which was ordered to lie on the table, and to be printed:

"That in the last session of parliament, a bill was brought in to provide proper places for the confinement of lunatics in *Scotland*, which bill the house permitted to pass through certain stages, but ordered the same to be printed, with a view, as the petitioners have been informed, of giving time and opportunity for the mature consideration of a measure of so much importance, before the same should be passed into a law; and that the petitioners, from the first moment that they were made acquainted with the principle and provisions of the proposed bill, were deeply alarmed for their own interests and those of Scotland in general, by the introduction of a measure uncalled for and inexpedient; novel in its application and arrangement, and substituting regulations of compulsion to the exclusion of the more salutary exertions of spontaneous charity; and this too at a time when by the gradual progress of enlightened philanthropy so many admirable institutions have been so lately established in various parts of Scotland by voluntary contribution; and that the petitioners are most willing to pay every just tribute of respect to the humane views which may have dictated the proposed measure, but they are satisfied that it must have owed its origin to exaggerated and false representations of the state of the lunatics in Scotland, and an unjust and groundless assumption of a want of humanity in the people of Scotland towards objects afflicted with so severe a calamity; the house cannot fail to remark that the proposed bill recognizes a systematic assessment which it has been the wise policy of our forefathers to avoid in practice, and that too to an amount at the discretion of commissioners ignorant of local circumstances, and perhaps the dupes of misinformation; entertaining, as the petitioners do, deep and well-grounded repugnance to the means proposed for carrying this measure into execution, partly injudicious and partly degrading to the landholders of Scotland, for it does appear to be a humiliating, and the petitioners may venture to say an unconstitutional act, which would place the whole landholders of Scotland in the situation of being taxed for any object and to any amount, at the discretion of any set of commissioners whatever; the petitioners therefore confiding in the wisdom of the house, humbly pray that the proposed bill for providing places for the confinement of Lunatics in Scotland may not pass into a law."

WINDOW TAX (IRELAND.)] Mr. *W. Quin* presented the following petition of the inhabitants of the town and neighbourhood of Strabane, which was ordered to lie on the table, and to be printed:

"That the petitioners humbly beg leave to state, that in submitting, without complaining, for so many years to the tax on windows, they did so in the hope that on the return of peace they should be released from that oppressive impost, an expectation which they the more confidently cherished from the pledge given to that effect by the late Mr. Corry, chancellor of the exchequer, a pledge which the petitioners conceived would have been regarded as binding on his successors; in addition to the reasons

which urge the repeal of this tax on the justice of the house, the petitioners presume to call their attention to a fact which appeals no less imperatively to their humanity; they beg to refer the house to the returns of the excise office of the district of Strabane, by which will appear the immense number of hearths and windows which have been closed since January, 1815, a circumstance which warrants the petitioners attributing the prevalence of the contagious fever to such an alarming extent in the province, among other causes, to the want of ventilation, occasioned by the shutting up of so many hearths and windows, and they look to the repeal of the tax as a powerful means of arresting the progress of the disease so fatal at present, and preventing its recurrence in time to come; the petitioners rely therefore on the wisdom of the house for the repeal of a tax so obnoxious and oppressive in its nature, so unequal in its bearings, and so injurious in its effects, to the comforts and well-being of the population of the country."

CHIMNEY-SWEEPERS.] Mr. *Bennett* rose to move for leave to bring in a bill to prevent the employment of boys in climbing chimnies. He did not feel that it was necessary for him to enter at large on this subject, or to go into particular details, after the evidence which was produced before the committee last year. This bill was, indeed, a transcript of that which he brought forward last year, with the exception only of that provision which related to the total and prompt abolition of the employment of climbing boys, and which provision, perhaps, prevented the bill from being carried. The preamble of the present bill stated, therefore, that "the necessity of employing apprentices to cleanse chimnies, by climbing them, no longer exists, in consequence of the invention of various machines for the purpose, which may be adapted to every construction of flues; but as a proportion of such flues may require some previous alteration, it is therefore expedient that the climbing of chimnies be further permitted, under certain regulations, for a time to be limited." He was happy to say that since last year a desire to abolish this odious practice had been expressed at public meetings in all the great towns throughout the country; those meetings unanimously adopting resolutions that the employment of climbing boys ought not to be any longer tolerated, especially as a mechanical instrument was found efficient for the purpose. Within the last year indeed, no less than five fatal instances had occurred to shew the effects of this barbarous custom. One of these instances in England, and another in Scotland, were attended with circumstances of peculiarly aggravated cruelty. The masters, or properly speaking, the owners of the unfortunate children employed in this business, were rarely susceptible of the common feelings of humanity; but, even if they were, it would be impossible to have the business done without a sacrifice of those feelings. For, from the manner in which chimnies were constructed, especially in London, with a view to save fuel, the flues were often no more than seven or eight inches in diameter, and consequently, in order to clean such chimnies, it became necessary to employ children of the tenderest age. For that purpose, indeed, children of less than seven years of age were often employed—nay, female infants had been actually so engaged, probably from the smallness of their persons. (*Hear, hear, hear.*) The house, and every man of feeling in the country, must naturally be shocked at such a fact; but he hoped that the repetition of it would be effectually provided against. The object of his bill was, without disturbing the present apprenticeships, that no master chimney-sweeper should hereafter be allowed to take an apprentice under 14 years of age. The hon. member concluded by moving for leave to bring in a bill "for the better regulation of chimney-sweepers and their apprentices; and for preventing the employment of boys in climbing chimnies." — Leave being given, the bill was brought in and read a first time.

SPIES AND INFORMERS.] Mr. *Philips* presented the following petition of merchants, manufacturers, and others, inhabitants of the towns of Manchester, Salford, and the neighbourhood.

"That the petitioners heard with great pain and uneasiness the alarming statements which were currently circulated during the early part of the past year, as to the evil designs entertained by the labouring classes in their neighbourhood, and concealed under the disguise of an anxiety to obtain a reform in the representation of the people; that the petitioners have found themselves obliged to conclude that the impression produced by the statements to which they have now referred, greatly influenced the decision of the house in concurring with the proposals of his Majesty's ministers, entirely to suspend some, and materially to abridge other, of the most valuable rights and privileges which Englishmen derive from the bravery and wisdom of their ancestors, and which afford their best safeguards against the encroachments of arbitrary power and the abuses of intolerant party spirit; that although firmly convinced, at the period when those measures were proposed by his Majesty's ministers to the consideration of the house, that the circumstances of the times did not require, and that constitutional vigilance could not acquiesce, in the suspension of the act of habeas corpus and the other restrictive enactments adopted by the house, the petitioners thought it most proper to defer the expression of their sentiments upon this important subject to a period, when the heat of political feeling being somewhat allayed, they might be enabled to examine with mature deliberation, with more scrutinizing caution, and with more rigid impartiality, the truth of

the information upon which, judging from the reports of its secret committees, the house must be presumed to have acted; that the petitioners could not avoid feeling that the character, not only of the towns in which they reside, but of the very populous district that surrounds them, and perhaps even of the county of Lancaster at large, was involved in the charges of disaffection, disloyalty, and treason, which were so lavishly heaped on the most numerous and the most industrious class of its population; that the petitioners take leave to assert to the house, not only that the conduct of the labouring part of their fellow townsmen at that period did not exhibit the slightest tendency to insubordination or violence, but that they sustained an unparalleled extremity of distress with fortitude the most exemplary and heroic; that without stating themselves to concur in the propriety, or to defend the prudence of all the political conduct of the working classes in their neighbourhood, the petitioners have no hesitation in assuring the house, as the result of their careful and assiduous inquiries, that the proceedings of that part of the population have been completely and most grossly misrepresented; that as far as regards the meeting of the 10th of March, familiarly known by the designation of the blanket meeting, nothing could exceed the quietness and order with which the populace proceeded to it, and demeaned themselves throughout its continuance; that it had been publicly announced several days; that not the slightest intimation of its imputed illegality was given; that no attempt was made to disperse it by means of the civil power, but that, without warning, and, as the petitioners very believe, without even reading the riot act, doubtful as it is whether under such circumstances that statute could legally be enforced, the dragoons, acting under the orders of the magistrates, dashed impetuously amongst the multitude, and compelled it to seek safety in flight, although magistrates at that period did not possess the discretionary power over public meetings with which the house has since invested them; that between two and three hundred persons, who were proceeding on the road to London with petitions, were, in the course of the before-mentioned day, apprehended and lodged under circumstances of great hardship, in a prison which contained, even before their arrival, nearly three times the number of prisoners it was originally calculated to receive; and that eight of the persons then arrested, who refused to give bail for their future appearance, were committed to Lancaster Castle, and, after being detained in gaol amongst prisoners of the most profligate and abandoned description for nearly six months, were at length discharged without trial; that on Saturday the 29th of March public apprehension was most generally and painfully excited, by the appearance of an advertisement issued by the magistracy and police of Manchester, bearing date the preceding day, and in which they stated, that 'information, on which they could place the fullest reliance, had reached them of a most daring and traitorous conspiracy, the object of which was nothing less than open rebellion and insurrection;' that 'the town of Manchester was one of the first pointed out for attack, and the moment fixed upon for the diabolical enterprise was the night of the 30th of March;' that as the petitioners could not think it possible that the magistrates or police would wantonly or thoughtlessly trifle with public alarm, by making so horrible a charge on dubious or insufficient grounds, they confidently expected to see such daring and desperate offenders, as those implicated in this 'diabolical enterprise' must necessarily be so supposed to be, brought to early trial and condign punishment, particularly as on the 23d of April, when the examination of the supposed delinquents must, as the petitioners conceive, have brought the evidence against them under his magisterial cognizance, the Rev. W. R. Hay, stipendiary chairman of the Salford quarter-sessions, did, in his address to the grand jury, allude to the subject in the following terms: 'as judicial inquiries would be instituted against the offending parties, it would not be just to enter much upon the subject, but he might be permitted to say, should such inquiries take place, purposes of the blackest enormity must be disclosed to the public, and that those who professed to doubt their existence would finally be constrained to admit the existence of the whole of them;' that the suspension of the act of habeas corpus being, as appears by the terms of the bill itself, applicable only to persons 'suspected of entertaining designs hostile to his Majesty's government,' the petitioners conceive that it was never intended by the house to supersede the necessity of public judicial inquiries into charges of treason, distinct and specified in their character, and of unparalleled atrocity in their complexion; that the petitioners are therefore persuaded that the house will learn with astonishment, that all the persons arrested as participators in this alleged conspiracy have been discharged without trial: and they would further represent to the house, that if the slightest suspicion of the guilt of the parties still remains, it is most dangerous to the welfare and tranquillity of the country at large, to restore to liberty, and consequently to the capability of doing mischief, men who have connected themselves with a design of such dreadful wickedness; whilst on the other hand, if there is no foundation for the diabolical conspiracy imputed to them, every principle of justice and humanity imperiously demands that they should be publicly and legally delivered from the charges to which they have been so foully and falsely subjected; that the attention of the petitioners having been aroused by the discharge of these alleged conspirators without trial, some of them have entered upon an extensive and rigid investigation of the grounds upon which traitorous and rebel-

lious proceedings were imputed to the parties taken into custody, and the result of that investigation is a most positive and irrefragable conviction that no such conspiracy existed, that no violent designs were in contemplation, and that no measure dangerous to public tranquillity was ever proposed or discussed at any of the meetings which took place, except by hired spies and informers; that whilst the petitioners are convinced that no effort was left untried by these wicked and detestable emissaries, to ensnare and delude the labouring classes into acts of riot and insubordination, they cannot but think it will be satisfactory to the house, to reflect that the illegal schemes and exhortations of these miscreants, though addressed to men suffering the most distressing privations, have been so eminently and uniformly unsuccessful; that the conviction of the petitioners as to the activity of the spies, in endeavouring to engage persons known to be petitioners for parliamentary reform, in their villainous machinations, does not rest on general and indefinable impressions; but the petitioners believe that their habitual violence, their endeavours to seduce individuals to the commission of specific crimes, which would deservedly subject them to capital punishments, their officiousness in appointing meetings in different parts of the country, their activity in procuring a large attendance at such meetings, their assumed names, their apprehension and immediate discharge, and their connexion with the magistracy or police, can be clearly and indisputably demonstrated; the petitioners would further state to the house, that during the early part of the last year, nocturnal domiciliary visits by subordinate agents of the police, without the exhibition of warrant or authority for such proceedings, during which the greatest abuse and inhumanity was displayed, were of disgracefully frequent occurrence; the petitioners therefore, conceiving that the house could neither foresee nor intend to sanction such proceedings as they have enumerated, and that the employment of spies in the manner and to the extent to which it has prevailed in the neighbourhood of the petitioners, is pregnant with the most dangerous consequences to his Majesty's peaceable and well-disposed subjects, and anxious also to vindicate to the country at large, the loyalty and good character of their extensive and populous district, do humbly, but most earnestly intreat that the house will be pleased to institute a strict inquiry into the truth of the matters stated in this petition, and also into the general proceedings, not only of the labouring classes, but of the magistracy and police of Manchester and its neighbourhood, during the early part of the past year; and the petitioners do hereby pledge themselves to use the utmost diligence and alacrity in furnishing the house with such evidence as they confidently believe will most fully and completely establish the conclusions they themselves have formed on the subject."

Mr. *Philips* then observed, that it must be obvious that he could not pledge himself to the accuracy of the facts referred to in the petition, and on which it was founded, but he was informed that they had been most diligently and cautiously investigated by some of the persons who had signed it, and particularly by one gentleman, known to him to be a man of intelligence and active benevolence. His own opinion was, that the facts would be proved, on investigation, to be such as they had been reported to him. Before he proceeded to a detail, which he feared would be tiresome to the house, he wished to say that he did not at all mean to reflect on the intentions of the magistrates, or municipal officers of Manchester. If they had been instrumental in deluding ministers, and through them the house and the country in general, it was because they had been first deluded themselves, for he had no doubt that they sincerely believed in the representations which they had made. He conceived them to have been deluded by their own spies and informers, and those of the government. The utmost that he had ever said on this subject was, that if the poor people were liable to delusion from their own prejudices on the one hand, magistrates who were treasurers, or zealous supporters of orange lodges, and societies, could not be considered as exempted from the delusion of their own prejudices, on the other hand. He deprecated strongly the encouragement given to such associations, whose tendency could only be to inflame religious and political animosities, to call into exercise the worst passions of our nature, and to make one class of his Majesty's subjects hate and persecute the other.—The hon. member stated, that there had been several meetings, more or less numerous, in Manchester and the neighbourhood, before that of the 10th of March, familiarly called the blanketeer meeting, for preparing resolutions and petitions on the subject of a reform of the representation.—These meetings had been very peaceably conducted. To shew that the poor people really meant what they professed, namely, to petition for a reform of parliament, with which they had been taught to associate the relief of their own severe sufferings, he stated, that they had in the first instance applied to some persons in Manchester, in a station superior to their own, and begged them to unite in a requisition to the boroughreeve and constables, for calling a meeting for that object. This being declined, and their own requisitions to the town officers being rejected, they called meetings themselves by public advertisement. They did so in the instance of the blanketeer meeting of the 10th of March, which was called by public advertisement, no intimation having been given of its imputed illegality. Their petitions to parliament not having been received in the way they expected, it was proposed to petition the Prince Regent, and to carry up their petitions themselves, and present them in such numbers as the

law allowed. This foolish proposal was objected to strongly by the generality of those, who, from their superior intelligence and activity, were regarded as their leaders. He did not understand, that, though considered as leaders, they were formally delegated as such. Out of a number consisting of about 17, not more than three or four supported the blanketeer expedition. Of the others, one objected to it in language likely to be misinterpreted with violence by spies and informers, but which appeared to convey very just reasoning. This man said, that if the people determined on that expedition, of which he attempted to demonstrate the folly, they must make up their minds to one of two things. They must either cut their way, sword in hand, for they would certainly be opposed, or if they did not do that, they must submit to be dragged to the New Bayley Prison, where they would as certainly be taken. Another said, that if none but the most virtuous description of people should set out from Manchester, they would be joined on the road by persons of a different description, who would take advantage of the opportunity of doing mischief, which mischief would be imputed to them, and in its effect injure the cause which they wished to serve. The meeting, however, was resolved on, and took place on the 10th of March. The behaviour of the people attending it was peaceable, as stated in the petition. The dragoons (the petitioners state, as they believe, without even having the riot act read) dashed in among the people, seized a number in Manchester, and others towards Stockport, on their road to London, and conveyed them to the New Bayley Prison, already occupied, according to the representation of the petitioners, by nearly three times as many people as it was built originally to receive. Their sufferings, it was natural to suppose, must have been severe from confinement under such circumstances. Eight of these men, who refused to give bail for their appearance, were afterwards sent to Lancaster, and had since been liberated without trial. The hon. member declared, that although no man was more aware than himself of the extreme folly of this blanketeer expedition, and of its liability to become the occasion of confusion and mischief, he really believed that the poor people themselves generally, had no other object in it than what they professed. They had, as he had before observed, been taught to look for relief from their severe sufferings, through a reform in the representation, and it was for that reason that they were zealous in the pursuit of it. It might be fortunate that they contemplated such means of relief; for, perhaps, the prospect might make them more patient under the extraordinary privations of that period. Some of the poor people, when examined by the magistrates as to their object in going to London, stated, that they intended to offer their petition to the Prince Regent, throw themselves down at his feet, explain their real situation, and implore relief.—After stating his opinion of this meeting, which he always considered as harmless with respect to the intention of the people in general, the hon. member alluded to the other plot of the 28th of March, namely, the reported plot for burning Manchester. The history of this plot could not be understood, without introducing to the acquaintance of the house three spies, who used all the means in their power to collect the people in public and private meetings, to reconcile their minds to schemes of mischief, and to excite them to the commission of the most abominable crimes.—These spies were Lomax, Robert Waddington of Bolton, and a man who called himself Dewhurst. The reason why he designated them as spies was, that they were most active in calling meetings, in urging the people to attend them, in running about the country, or sending others, to propose schemes of violence and mischief, such as burning factories, attacking barracks and prisons, and setting Manchester on fire; and that while the persons, who rejected these villainous proposals with horror, were sent to prison, and kept there, these wretches were either not taken up at all, or, if taken up, were liberated the next day. The first person whose proceedings he would state to the house was Lomax. A person of the name of Acres, and his brother-in-law, on their return from Stockport, where they had gone to see some of the blanketeers on their road, went into a public-house, the Ark, and there found this man, Lomax, haranguing some people in a very violent manner, and proposing to send delegates to different towns in the neighbourhood, in order to call secret meetings. Acres repeatedly checked his violence. On going away with his brother, Lomax proposed to accompany them, and on arriving near his own house, he invited them in, saying, he wished to have some conversation with them. After talking with them for a few minutes, he took a pen, and wrote these words, to which the hon. member wished to call the attention of the house, as they might probably be found in one of the green bags.—"England expects every man to do his duty—Arise, Britons, and free your brothers from prison—God save the king."—Upon shewing what he had written to Acres, he recommended him to throw it into the fire. This he refused, and said he would take it to Ogden to print. He went with it to Ogden's house, and desired his son (Ogden himself having been sent to prison) to print it, but he refused to have any thing to do with it. On the next day (11th March), Acres was told by Lomax, that there was to be a meeting of delegates that day at 1 o'clock, at the Elephant, and was requested to go along with him to it, with which request he complied. They found about 30 or 40 people assembled. After some conversation had passed, Lomax said he would go into the room where the secret committee was sitting, and inform them of the good attendance.

Acres asked if he might go with him, but Lomax said, he could not be admitted. Beginning to be suspicious of him, Acres was determined to watch him, and having observed what room he went into, he followed him into it in a short time, and found, as he says, "the committee secret enough, for it consisted of Lomax alone." Lomax appeared confused, stammered out some excuse, returned into the room where the rest of the people were assembled, and then collected about 17 shillings for the purpose, as he said, of sending delegates to different towns to consult what should be done. He distributed this money among people with whom Acres was totally unacquainted.—(Here the hon. member remarked, that the house would probably find the origin and explanation of the secret committee, of which they had heard so much.) A villain of a spy talked of, and pretended to consult a secret committee, of which there was no existence. On the same day this wretch (Lomax) requested Irwin and George Barton (Acres's brothers-in-law), to attend a meeting that night at 11 o'clock, which was to be held under an aqueduct, to arrange a plan for setting the factories on fire. They expressed their horror of the scheme, and threatened to inform against him if he ever mentioned such a thing again. Lomax replied, "We are sure to be taken up, I am at least, and we may as well have our revenge beforehand." The two Bartons mentioned this the same day to Acres, who was confirmed by it in his suspicion that Lomax was a spy. On the evening of the same day this wretch went to Oldham, and on his way gave a person at Hollingwood 2*s.* 6*d.* to shew him the house of one John Hague there. On his arrival, Hague was not at home: Lomax was anxious that he should be sent for, and expressed great disappointment on finding that his family did not know where he was. He said, "he *must* see him, for that something very particular was to happen that night." Being asked what it was, he replied, "Manchester will soon be set on fire, and the factories will blaze within two hours as a signal." The people supposed that he was mad. On going away he met Hague in the street, with some other persons, and told him in their presence, that he must summon his committee immediately on business of importance. Hague asked, "what business?" he replied, "You must come armed,—we are going to set fire to the factories at Manchester,—release our friends from the New Bayley Prison, and seize the barracks."—Hague exclaimed, "That fellow is a rascal; come away from him, men, or he will bring you into a scrape." Finding that he could not seduce them into mischief, he went away. This wretch Lomax, this infernal scoundrel, not contented with attempting himself to lead people into the commission of crimes, sent emissaries round the country to do the same thing. On the same day, (11th March) a person called on Healey and Bamford, at Middleton, and said he was sent by Lomax to make an important disclosure to them. They sent for some other persons to be present, and, upon promising secrecy, he told them, "it was intended to set fire to the factories, and release the blanketeers from prison that night, that they must muster the Middleton people, and come armed to St. George's Fields, where they would be joined by a division of the Manchester people." Upon expressing their horror at the scheme, and refusing to concur in it, the young man seemed greatly alarmed, lest they should inform against him; but they let him go, supposing him to be merely the tool of Lomax. Though rejected wherever he went, this villain, Lomax, seemed still to persist in his proposals of mischief. About the 24th of March, he went to two men, named Charles Wollen and Joseph Tapley, and requested them to walk with him as far as Mr. Eccleston's factory. When they got there, he produced a rocket, tinder, flint and steel, and wanted them to set fire to the factory; but they refused to be concerned in any such diabolical business, and left him. He afterwards went again to them, and urged them to go with him to Mr. Potter's factory, and he himself would set it on fire. He produced a crow-bar, which he said was for the purpose of forcing the window shutters; but they refused to have any thing to do either with him or his villainous project.—It seemed to be the plan of these spies to reconcile the minds of the people to mischief, by repeating the proposal of it. One object they accomplished, namely, that of making some people believe that there was a scheme in agitation to burn Manchester, because so many persons had heard of it. This circumstance had been stated to the hon. member himself, as a proof of the existence of the reported conspiracy. The facts which he had detailed would explain both the origin and progress of the rumour. Lomax did not attend the meeting of the 28th of March, when the persons charged with being concerned in this incendiary plot were arrested and taken to prison; but though absent from the meeting himself, he sent other people to it. He was, however, arrested that day, and liberated the next; while the people who had rejected his infamous proposals were confined for a considerable time in prison.—The hon. member then stated, that another of the spies, who called himself Dewhurst, having been seen in Sir John Byng's gig, was challenged with the fact, which he admitted, stating, that he had come with Sir John Byng as his servant, from London, where he had been desired by the reformers to act as their delegate. This man took every opportunity of becoming acquainted with those whom he had heard were advocates for parliamentary reform. He introduced himself to one Sellars, a cutler, by offering a knife handle to have a blade put to it on two successive days; and by pretending to be a friend of one Benbow, then in confinement, to whose wife he desired Sellars to give a shilling

for him. Perhaps these knife handles, to which Sellars was to put blades, might account for the rumours of instruments of destruction being in the possession of the disaffected reformers.—This man (Dewhurst), availed himself of an opportunity of becoming acquainted, on the 17th of March, with one Nathaniel Hulton. Finding that Hulton was a tailor wanting work, Dewhurst told him that he was a tailor also, and would give him work if he would go with him that day to a meeting to be held at Middleton. Hulton went with him. In their way, they called on Sellars, who accompanied them with another man. The meeting, which consisted of 10 or 12 persons, was called for the purpose of raising money to support the families of the men who had been imprisoned, and for feeing counsel for them. No regular business was transacted, and no chairman appointed, but two or three people together seem to have talked to one another. Dewhurst was overheard recommending at this meeting some measures of violence. As the meeting consisted of so small a number, it was resolved to have another, on the 23d, at Chadderton, in the neighbourhood of Middleton. Hulton went there with Dewhurst, who treated both him and another person, in order to induce them to accompany him. The meeting being so small, and no money being subscribed, Dewhurst appointed another meeting for the 28th of March. "This," he said, "was being too kind to the country people; they ought to have come after dusk, as they themselves had gone to Middleton." Hulton declared that he had often heard Dewhurst, when talking with other people, assert, that "now (meaning, no doubt, after the imprisonment of the blanketeers), nothing but physical force would do." Possibly these expressions might be found in some of the green bags, for they had been often alluded to. On returning from this meeting, Hulton heard Dewhurst say to another person, that he knew where there were thousands of guineas in Manchester, and he could take them all, and would soon be out of the country, if they could not pull through." He added, "that there was an old lady who lived alone, and had a great deal of silver plate; he wished he had it, he would then melt it down, and set things a-going." Upon Hulton's remonstrating with him, he pretended it was all a joke. Thus (said the hon. member), when these wretches find that their infamous schemes, instead of meeting support, only excite horror, they practise on the simplicity of the poor people whom they wish to ensnare, by representing themselves as having been all the time in jest. One of the objects of Dewhurst and Robert Waddington, was to give an air of secrecy and mystery to meetings whose purpose was open and avowed. They agreed to give to different people pieces of paper cut in a triangular form, and corresponding with each other, on the production of which the bearers were to be admitted into their meetings. Dewhurst having learned from Sellars, that he had determined not to attend any more meetings, and to dissuade his friends from attending them, in consequence of hearing that spies were proposing schemes of mischief, sent Hulton to Middleton to invite the people to attend the meeting which he had appointed on the 28th of March. He gave him a shilling for his expenses, saying, "I am a ruined man, I have but one shilling in the world, but I will give it thee." He added, that it was very hard, after he had spent so much money, that the people would not come forward, and attend meetings. Hulton went to Middleton, and saw one Lancashire there, who said, the people did not much like coming, but they would come once more. (Here the hon. member remarked, that when the people were beginning to be tired of public meetings, the spies used all the means in their power to prevail on them to attend.) Waddington pursued the same course. He went to Tylexesley, Chowbent, and other places, to urge the people to come to the meeting, and told Hulton, on the 28th of March (to use his own words), that "they were such d—d soft fools, they durst not come forwards. He wished they would but join the Bolton people, and they would soon level Bolton, for he knew where the soldiers at Bolton put their arms at night, and could take them all himself." The meeting of the 28th was appointed at the Royal Oak, but Dewhurst thinking most probably that the people might be more easily arrested at the George and Dragon, at Ardwick, proposed that those already assembled should go there, and he would remain to take the rest. Robert Redeings came there at the desire of the Failsworth people, to protest against any violent resolves, or proceedings. This he told to Dewhurst, who attempted to persuade him to pursue a different course. Dewhurst said, that "Nathaniel Hulton had been to view the barracks, and the New Bayley Prison, and had laid down a plan by which they could be taken without difficulty or loss."—These plans he offered to shew to Redeings, who refused to look at them, saying, that the Failsworth people would have nothing to do with any such scheme. The very same night, this villain Dewhurst gave these pretended plans of Hulton's to another person (who luckily for himself threw them afterwards into the fire), saying, that "they came from Lord Cochrane, Sir Francis Burdett, and Major Cartwright." Soon after Redeings had gone to the George and Dragon, and Dewhurst had ordered them all into one room, Waddington began to talk with him, and to urge the plan of burning factories, of which Redeings expressed a just abhorrence. Waddington then said, "It is now time I should tell you my information: I have a letter from London this morning, and all the people in that neighbourhood are up. There are 80,000 at Chalk Farm, 100,000 at another place which he mentioned, and 60,000 or 70,000 at a third!" Redeings said, he did not believe a word of it, on which Waddington declared,

"there are many letters in town to the same effect." He affected to rummage his pockets, and to look for the letter, which he said, "he had left at home." Redeings said, "it did not matter, he would not believe it, whatever letters he had, for he was sure they were all forgeries." Soon after this, Dewhurst, being accused of being a traitor, left the room, saying, he would go and light his pipe. One person exclaimed, "I know he does not smoke." Upon his disappearance, the police officers came into the room, and seized them all. Waddington was seized along with the rest, and liberated the next day. Some persons having seen him in prison, or in his way to it, stated the fact, and were threatened with actions for defamation in consequence. Attempts were also made to induce them to retract what they had said, but there were too many witnesses to the fact, and Robert Waddington, of Bolton, was now publicly known as a convicted spy and informer. (Here the hon. member read the hand-bill published by the magistracy and police of Manchester, dated the 28th of March, in which they stated, that "information, on which they could place the fullest reliance, had reached them, of a most daring and traitorous conspiracy, the object of which was nothing less than open rebellion and insurrection."—"The town of Manchester was one of the first places pointed out for attack, and the moment fixed upon for the diabolical enterprise was the night of Sunday next the 30th instant.") Eleven men, including Waddington, were arrested at the meeting of the 28th. On Sunday the 30th, Manchester and the towns supposed to be pointed out for attack were perfectly tranquil—Wakefield (the hon. member believed), was one of them. Notice of this dreadful conspiracy had been sent there, and one of the magistrates being consulted as to the proceedings to be adopted, stated his conviction that all preparation to resist attack was unnecessary, for he was sure no attack was meditated. He, however, recommended the propriety, in deference to the information received, of being prepared, without making any demonstrations of preparation. No such demonstrations were made, and no disorder ensued, because none had ever been meditated. The same would, no doubt, have been the case in Manchester on the 30th, if not a man had been seized on the 28th. The seizure of 11 men, the spy included, was not a cause sufficient to account for the entire tranquillity of Manchester and the other towns, if the alleged conspiracy had ever really existed. If such a wide spread conspiracy had been prepared, there would surely have been some tendency to disturbance either in Manchester or somewhere else; but, after all the rumours of treason and rebellion, not even a breach of the peace occurred.—The hon. member then stated, that on the 23d of April, the Rev. Mr. Hay, stipendiary chairman of the Salford quarter sessions, alluding to this subject in his charge to the grand jury, made use of the following words:—"As judicial inquiries will be instituted against the offending parties, it would not be just to enter much upon the subject, but I may be permitted to say, should such inquiries take place, purposes of the blackest enormity must be discovered to the public; and that those who profess to doubt their existence, will finally be constrained to admit the existence of the whole of them." The magistrates, in their hand-bill, dated the 28th of March, declared the existence of a daring and traitorous conspiracy. The chairman of the quarter session, on the 23d of April, after time had passed for due examination, reasserted the fact, and used terms implying almost a disbelief of the possibility of any man honestly doubting it. Yet no conspiracy had been proved, nor had any conspirator been tried, though every one of the persons arrested had been liberated. (*Hear, hear.*) If there were any suspicion of their guilt, how great must be the danger of suffering men, implicated in such enormous crimes, to return to society? If they were not guilty, let them, as the petitioners required, be publicly and legally acquitted. (*Hear, hear, hear.*) The hon. member, after apologising for having so long detained the house, concluded by stating his intention of moving, on some early day, to refer the petition to a committee.

The petition was then ordered to be printed.

WAYS AND MEANS.] The report of the resolutions of the committee on the 6th instant was brought up and agreed to by the house. A bill was ordered to be brought in on the first three resolutions by Mr. Chancellor of the Exchequer, Mr. Brogden, &c. and a bill on the fourth resolution, by the same gentlemen.

SPANISH SLAVE TRADE.] On the motion of Lord Castlereagh, the house went into a committee of the whole house, to take into consideration the treaty between his Britannic Majesty and his Catholic Majesty, for preventing their subjects from engaging in any illicit traffic in slaves. (See page 63.)

Lord *Castlereagh* next moved, that the address to the Prince Regent of the last session,—earnestly entreating his Royal Highness, that he would be pleased to pursue with unremitted activity those negotiations into which he had already entered on this most momentous subject,—be then read. (See Vol. I. p. 1793.)

His lordship then proceeded to observe, that, in looking at this subject as it now presented itself, he thought he could do nothing better than lay before the house the state of the abolition at the close of the last session, and then shew what had been done since that period. He begged the house to bear in mind that there were two distinct questions involved in this subject. First, What was the actual state of the abolition as a great international law? Secondly, What was its state with a view to giving effect to the whole principle on which it was founded? He would first shew the state of the law on this subject. Great improvements had been made in the law from year to year; but in no year was the improvement greater than in the last year. (*Hear, hear.*) To prove this at once,

he had only to state, that all the *crowns* of Europe, except Portugal, so far as the south of the Line was concerned, had either abolished the slave trade, or entered into stipulations for its abolition at some future period. (*Hear, hear.*) The house would agree with him, that our own abolition of the trade, and all our enactments against it, were nothing, without exerting all our power and all our influence to put an end to it among other nations. There was, however, no other power whose continuance or discontinuance of the trade was of more importance than the power with whom the present treaty had been concluded. When he recollected the disappointment felt by the house at the continuance of the trade by France for a period now nearly elapsed, when he recollected how strongly this disappointment was felt and expressed, he was assured of the satisfaction it must give them to find Spain, infinitely the most important of all the European powers in this view, both for local authority and extent of colonies, stipulating for the final abolition of the trade. While Spain carried on, and protected by her trade and flag, this traffic both on the northern and on the southern coasts of Africa, all that France, Holland, and the other powers of Europe could do for the abolition was nugatory. There was no slave trade now to the north of the Line; it could be carried on by possibility only to the southward of the Line from May, 1820. After that period there could be no slave trade to the north of the Line; there could be no slave trade carried on with the West Indies. (*Hear.*) Till this treaty was effected, the legal and illicit trade were so mixed up, that the one gave ample protection to the other; but now there was a broad line of demarcation. There was a wide practical distinction between the abolition by treaty, or by the act of any particular state, and the giving effect to the principle of abolition. The congress at Vienna, if it had no other ground of merit or distinction, was entitled to the gratitude of mankind on this subject; for there, all the great powers of Europe made a declaration which stamped the slave trade as disgraceful, and made every state anxious to get out of it, as soon as circumstances would conveniently admit. The disgraceful practice and the unmanly theory of this trade were from that moment denounced. It was obvious, that, since the war ceased, the illicit slave trade was carried on with greater facility, under the colours of whatever state continued to carry it on. If this illicit trade did not extend as far as at any former period, it carried greater cruelty and malignity with it. The peril, the alarm, the violence of the illicit trader inflicted cruelties unknown when the more humane regular trader was concerned. In this state of the trade, more disgraceful and more painful circumstances occurred than before. We had no reason now to complain of any government on this point of the subject, for no government gave any encouragement to this illicit trade carried on under its flag. To France, in particular, he must do the justice to say, that she had done every thing in her power to check this illicit trade under her flag. The illicit trade was infinitely more easy in peace than during war. In the time of war, this country had extensive possessions in several parts of the world. No man would say that we ought to have retained these in our hands for the purpose of excluding slave traders. In time of war, our ships had the right to search neutral ships, and this, too, was a great check. He admitted all these difficulties as they had actually existed. We had now come to the last stage of the stipulations to put down this trade. The power with whom the present treaty was contracted, had afforded by its flag more protection to illicit slave traders than any other nation. This resource was now taken from that baneful evil. The house must be perfectly sensible of the jealousy which was felt by every maritime power, and of the prejudices that were always created by every proceeding which bore the appearance of an encroachment upon an independent flag. The government of Portugal was the first which had conceded the right of visit, under certain arrangements and regulations, to other nations. A sum of money had been paid to that power by virtue of a treaty similar in principle to the present, the consideration for which was made up of this concession, and of an indemnity to claimants for restitution against British captors. The Portuguese government had been, however, at that time called upon to determine at what period it would be prepared to adopt measures for the final and entire repression of the slave trade. These representations on our part had been continued with increasing success, aided by the favourable disposition and exertions of the Portuguese resident at the British court; and a treaty had at length been signed by which a certain period was fixed for the total abolition of this evil. The ratifications had not yet been exchanged, but it gave him satisfaction to communicate, that he had received an official notice that it had been approved of by the government, and that the ratifications might be immediately expected. (*Hear, hear.*) The house would thus see, that a disposition had been unequivocally evinced on the part of Portugal to abandon the traffic in slaves altogether. But it was obvious, that this desirable result could not have been brought about without concessions founded upon a principle of reciprocity: and that, whilst we, as acting in the discharge of a duty, claimed the right of searching Portuguese vessels, for the purpose of detecting an illicit trade, we necessarily subjected ourselves to a counter-claim of the same nature. The prudential inference from this admission of a reciprocal right was, that it must be for the interest of both parties to place the exercise of it under such regulations as should provide against vexatious disputes, and be so plain and intelligible, that it must be difficult for questionable points to arise in the ordinary course of executing the laws upon this

subject. It was desirable, no doubt, that the grounds of detention should have been made more extensive; but he apprehended, that the policy of narrowing the exercise of this authority to some particular and palpable cases, would appear to be no less manifest. By the present treaty of regulation, no detention under the newly stipulated right of search was to take place, except in the case of slaves being found actually on board. There was reason to apprehend, if this right were carried to any further extent, that many doubtful acts, involving questions of a high and difficult nature, would arise. That apprehension alone appeared to him to prove satisfactorily the prudence of such an arrangement. There was, however, another special reason for appointing this limit to the principle of mutual interference. It was necessary that all nations should have an equal right of discovering the illicit practices carried on by the subjects of each other; and he could assure the house, that it would be a great error to believe, that the reproach of carrying on the slave trade illegally belonged only to other countries. In numberless instances, he was sorry to say, it had come to his knowledge, that British subjects were indirectly and largely engaged; and it was reasonable to suppose that there always would be sordid individuals, who would pursue their own interests under foreign disguise, and by the most criminal means. He wished to see the power of abolishing this illicit trade as universal as the law itself. (*Hear, hear.*) He hoped he should hereafter see the spirit of this universal law wrought into the moral feelings and habits of the whole of Europe. But this effect could not be expected to follow immediately upon the promulgation of the law; some time must be allowed to elapse, as we all knew it had been allowed to elapse in this country after the abolition, before the mind of the public could be prepared to regard it in that view which was now generally entertained respecting it by other powers. The object, therefore, of narrowing the right of detention within the limits he had described, was that of inducing all the different states of Europe to enter into a common system in that form which was most consistent with their own safety, and to which they would have the smallest difficulty in consenting. The absence of that full moral sympathy to which he had alluded was not the only obstacle which the situation of Spain and Portugal had presented to the exertions of his Majesty's ministers for the accomplishment of this end. They were powers whose territories comprised a vast extent of colonial coast, the superintendence over which was not within the reach of any administrative functions which had hitherto subsisted. With regard to France, he believed that, when the decree of abolition was passed by her government, it was intended to be carried into effect in the largest sense in which that term could be understood. The French cabinet was now engaged in considering the question of acceding to those arrangements which had at length been concluded between Great Britain and the courts of Portugal and Spain. On the subject of making the traffic punishable as a crime, he must observe, that this country was the first to set the example. Portugal had the credit of being the first to imitate it, and the Spanish government had the same purpose in contemplation. But even after these legislative penalties should have been enacted, there would still remain a great and obvious danger, if the flag of one nation were to be considered as a protection against the cruizers of every other. (*Hear, hear.*) If the abolition of the trade in slaves was of infinite importance to humanity, those regulations by which alone it could be effectually accomplished were not less worthy of consideration. A rational hope might be entertained that the different states of Europe, by combining their efforts and their rights, upon the same general arrangement, and in pursuit of the same end, would ultimately succeed in preventing the flag of any one state from being abused as a cover of their crimes by the subjects of another. Without some system thus efficacious and universal in the principles which it recognized, the house, he thought, would agree with him, that they should only have exchanged a regulated for an illicit trade, and that the abolition would only have caused it to be carried on in a more malignant form, and tinctured with a deeper character of atrocity. It was not merely important to obtain a recognition of the principle fully established by the treaties under consideration—he meant the principle of a mutual right of visit—but it became necessary to stipulate also the means of adjudication in cases of detention under the exercise of this right. No independent power could be expected to allow that the property of its subjects in time of peace should be seized and condemned to the extent of confiscation by the judgments of a foreign tribunal. Yet it was obvious, that to leave all such cases to the decision of that court to which the party captured would choose to resort, and which would naturally be that of his own country, would be far from satisfactory. The question thus arose, whether some tribunal of a mixed nature was not that which was best calculated to conciliate confidence; and the example of the one appointed by the treaty with France for the determination of colonial claims, afforded an encouraging belief that similar institutions would not operate unsuccessfully in this instance. It had appeared to him to be the best mode which had suggested itself of bringing such questions of forfeiture as should occur to an amicable as well as a just determination. All these arrangements, he could assure the house, had been the work of much time, and of protracted negotiation. That negotiation had continued in progress nearly three years, in consequence of the many difficulties which it was necessary to surmount, although the ability and diligence of Sir H. Wellesley in

pursuing them, and of Mr. Vaughan, the minister at the court of Madrid in his absence, had entitled them to the esteem and gratitude of the country. In return for the advantages and concessions at length obtained, the house must of course have expected that some claim of compensation would be advanced by Spain. He might, however, assure them, that the difficulty had not lain in the disposition of the Spanish government, so much as in the prejudices naturally entertained upon this subject amongst a commercial and a colonial people. It was impossible for the government, without doing an imprudent violence to those prejudices, to have terminated the negotiations at an earlier period. With reference to the pecuniary compensation, amounting to 400,000*l.* which it was stipulated by this treaty that Spain should receive, he had to state, that so far from this being the only motive for acceding to it, the merchants at Havannah had offered a much larger sum to the court of Spain, for even a limited allowance of the trade. The house had had some experience as to the general nature of this subject, and former discussions had established certain criteria by which it was now necessary in justice to estimate it. On one occasion, which the house must well remember, when his Majesty's ministers were pressed to disclose what was the state and course of the pending negotiations ont his subject, he had mentioned, that an offer had been made on the part of the British to the Spanish government of the sum of 850,000*l.* upon the conditions contained in the treaty now concluded, together with a loan of 10,000,000 of dollars, in consideration of an immediate abolition; and that this offer had been refused. Not a voice was then raised in parliament to disapprove of this offer as excessive or impolitic. Some members there were, whom he now saw in their places, who declared their persuasion that it was vain to expect that Spain, however she might negotiate, would ever finally consent to a treaty of abolition. He hoped that, with these recollections, the house would take an honest view of this question, and not shrink from the limited pecuniary sacrifice which they were called upon to make. He had already said, that it did not grow out of any aversion before entertained by the Spanish cabinet to the measure at length happily adopted, though unquestionably the sentiment declared at the congress of Vienna had carried its influence to every court of Europe. The government of Spain had referred the question to the council of the Indies, whose decision admitted the principle of abolition, but under such qualifications as rendered it impossible to view it immediately as a question chiefly of moral feeling. A much larger sum was required than his Majesty's ministers thought it right to concede, and they had experienced considerable embarrassment in the settlement of this claim. The original offer of 850,000*l.* and a loan of ten millions of dollars, was a millstone about the necks of the British government in the late negotiation. His Majesty's ministers had been obliged to represent to the court of Spain, that, since the offer to which he had adverted, England had fought in the cause of the world, and that, having achieved its safety, it had been rendered unable, by its efforts, to expend the sum originally proposed; and therefore, that Spain must confine her claims within narrower limits. It was stipulated at length, that 400,000*l.* should be paid in one entire sum, and that the portion of it which was to indemnify claimants under illegal captures should be paid to the Spanish government in the first instance, to whom the claimants would then have to look for satisfaction. This last was the course adopted in the Portuguese treaty, and appeared the more proper, as the claims in question were not upon the British government, but upon the captors. It had been requested, that arrangements and regulations should be made, by which such claims might be substantiated as might be considered just, and that such compensation as was thought advisable might be given for all losses that would be sustained. Claims were made, and claims to a very large amount indeed, which the parties were, however, induced finally to withdraw. The articles were, in consequence, altered to the state in which they now appeared. Under all circumstances, then, he trusted that the sum which had been agreed upon had been reduced as low as possible, and that it went, in reality, very little, if at all, beyond what the general justice of the country might be supposed to afford. Indeed, it seemed to him, that the affair could not now take another course. There was one objection which might be urged against this transaction, and that was, that the money might be appropriated to other, and, it might be said, to better purposes. The house would, however, feel, that that ought to have been taken at a much earlier period in the negotiations upon the subject: for if any such objection had been made, his Majesty's ministers would never have suffered the affair to proceed, if there had been any prohibitions of a pecuniary nature. Differences of opinion might exist with respect to the mode in which Spain intended to apply this money. But he deprecated any mixing up of the South American question (for the consideration of which other opportunities would occur) with the question then before the house. We ought to receive the concessions of Spain, on the important subject of the abolition of the slave trade, with cordiality, and whatever difference of opinion might exist on other points of Spanish policy, on the topic of the abolition of the slave trade, there could be but one sentiment. Every credit ought to be given to the acts of the court of Madrid with respect to it, and nothing should be allowed to occur that was calculated to weaken the bond of union between the two countries on this subject. With respect to the question of South America, he thought it was one of too great magnitude to be discussed in-

cidentally with what was at present before the house. Indeed, he did not think the house could enter into such a discussion for another reason—they had not information sufficient about that country to enable them to consider its bearings upon any question: they did not know precisely the situation in which it stood. That was a question, indeed, that involved too many great principles for any man hastily to discuss it, and all the complicated policy with which it was connected. He trusted, that there was nothing to excite any adverse feelings on the part of any gentleman, but that they would all allow that it was wise and proper to enter into such a treaty; that it was liberal and just; and that, under those feelings, they would not mix it with grounds which could not properly be discussed till they were fully understood. On the whole, he hoped that there would be but one feeling of gratitude to Spain for an exertion which was so much to her honour, and to the benefit of the world—an exertion, he said, for it was a great exertion on her part. He trusted, that when that one great effort had been made, no difference would arise between the governments, but that it would be seen and understood; and that Spain intended not only to abolish the slave trade as far as she was concerned, but to effect what would be, in fact, its complete annihilation. It was evident that it could never have been abolished but for Spain; for though the traffic might have been excluded from our own colonies, and from parts with which we were intimately connected, as long as the Spanish flag should float on her foreign possessions, it would be kept up there, in all the southern provinces of the United States, and in the whole of that depot to which those who employed themselves in such transactions would constantly resort.—He did not know that he had any thing further of importance to state to the committee, but he was glad that we might congratulate ourselves upon drawing so nearly to the close of so infamous a traffic. We had one satisfaction—all had been done that was in our power. By legislation it was known how great had been the exertions of the country. With respect to regulation and treaty, the exertion of that principle had been commenced, and he hoped we should soon see the good effects of the proceedings. He had no doubt but the additional articles which had been prefixed to the treaty would meet with entire concurrence, in consideration of the powers which they reposed in us. From the declaration which the government of Spain had made, that no effort should be omitted on their part for the abolition of the slave trade, he could not help thinking that—great as might be the repugnance of the country to any regulation on the subject—he could not help thinking that it would be a final advantage; and that, guided as they were, the moral feelings which would inspire them would overcome their repugnance, and that we should discover some method by which all nations might become united in the same sentiment with regard to the destruction of this trade. Under these circumstances he should move, 'that the committee should make such provision as should seem to them necessary for the fulfilment of a treaty between his Britannic Majesty and his Most Catholic Majesty, for preventing their subjects from engaging in any illicit traffic in slaves, signed at Madrid, the 23d of September 1817.' And if the house should be of opinion that his motion was such as ought to be entertained, he should move for leave to bring in a bill or bills in pursuance of that motion, and when the house went into a committee of supply, should move a resolution for a sum of 400,000*l.* in consequence of the provisions of those bills. In this, as in all proceedings of a similar nature, it was for the legislature to complete the work. The crown could only take steps subject to the disapproval or confirmation of parliament. But he hoped, that when the great extent of the benefit that would be conferred was put in comparison with the money that was to be paid, or the inconvenience that might be incurred, parliament would not fail to set an example to all the countries of Europe, and to shew, that that power which was so great in point of marine rights, was the first to submit its flag and those rights, so that it might prevent them from becoming the cloak of crime and immorality, and those principles which were now become universally and justly detested by the world. (*Hear, hear.*)

The motion which the noble lord had read having been put from the chair,

Sir *Gilbert Heathcote* rose and observed, that the 400,000*l.* might be much more advantageously distributed in this country. It would furnish the means of giving to 8,000 individuals the sum of 50*l.* each. To him it appeared to be false humanity to be thus seeking for channels of disposing of our money, however benevolent our intention. Nor did it appear to him that Spain had the power of expediting the abolition of the Slave Trade to the extent desired. Without touching on the subject, the discussion of which at the present moment the noble lord had very properly deprecated, he might say, that the revolt of the Spanish colonies in South America was notorious, that several of those colonies had established their independence, and that probably the whole of Spanish America would eventually be emancipated. What would then be the situation of Spain with reference to colonial possessions? Those possessions would be confined to Cuba and to the Spanish part of St. Domingo. We should in that case be purchasing honour at too dear a rate. He was astonished that his Majesty's ministers could advise the Prince Regent to accede to such a treaty at such a time. Whether in peace or in war, the people of this country were, it seemed, to be goaded into madness by incessant demands on their pockets. It was impossible that we could thus continue to be the general paymasters of

Europe. He was surprised that ministers were not impressed with the necessity of discontinuing so profuse a system of policy. He hoped that this would be the last instance of it, and that henceforth the strict line of economy would be constantly observed. If that house wished to regain the good opinion of the public, of which they had lost much of late years, they must well consider grants of this nature before they acquiesced in them. They must act up to the real principles of the constitution, and shew themselves the faithful and vigilant guardians of the public purse. With respect to the traffic in question, no man detested it more than himself; but when there was so much distress at home, he thought parliament bound to demand from ministers a much more satisfactory explanation, before they acceded to a demand which added at once 20,000*l.* a year to the national expenditure. He wished them to remember the old proverb, "Be just, before you are generous." If our coffers were full, he would allow them to take millions for such a purpose; but empty as they were, he would oppose granting 400 pence to any Potentate in Europe.—He should satisfy himself with strongly protesting against the measure; although he was not a little inclined to move an address to the Prince Regent, praying that that part of the treaty which granted to Spain the sum of 400,000*l.* might not be carried into execution.

Mr. *Wilberforce* expressed his surprise at the observations of the hon. baronet. He was persuaded that the house would think that the sum of 400,000*l.* could not be better expended than in the way proposed. As to the proposition for granting 50*l.* each to 8,000 individuals in this country, the hon. baronet forgot that if the 400,000*l.* were not voted for the purpose under discussion, it would not be voted for any other. Instead of 8,000 persons, however, among whom this 400,000*l.* might be divided, or on whom, to take another view of the subject, the expense was to fall, the whole population of the Empire ought to be calculated upon, and it would then appear, that the relief in the one case, and the burden in the other, amounted to two-pence halfpenny a man; and the question then was, whether for such a consideration, a national object, an object of such unquestionable humanity, an object so connected with the character of the country, should be abandoned? One thing was perfectly clear,—that the hon. baronet's proposal could not be adopted, and that the treaty, and with it all hope of the extinction of the Slave Trade, must be wholly rejected, or that it must be accepted with the pecuniary engagement under consideration. As one who always wished for the final abolition of the Slave Trade, he considered the noble lord entitled to his highest gratitude for that long course of diplomatic exertion which he had employed in favour of the cause; and for the issue which seemed certain to crown his labours, he was still more entitled to his thanks. It would be a very narrow view of the question indeed, merely to consider it with reference to Spain itself; he considered it as the great moral principle, the total abolition of the Slave Trade *(Hear, hear)*, to complete which nothing more seemed necessary than to carry into execution what was now proposed. The hon. baronet was taking a very incorrect view of the subject, if he thought the payment of the sum stipulated so much money lost to the country. Supposing that we were really determined to effect the abolition of the Slave Trade without the treaty, there could scarcely be any thing more likely to give rise to disputes between this country and others, and a single armament would cost more than the whole amount of this very sum; *(Hear)* and were we to conclude that we were ever to hope to see a commercial connexion formed with that country which had only hitherto been the scene of cruelty and brutality! He confessed that he was sanguine enough to believe, that he should himself live to see the period when we should derive the greatest advantages from our intercourse with a people no longer classed with the beasts of the field, but invested with that moral dignity which is the undoubted attribute of all human beings. He trusted that this period was not far distant, as there was at that moment upon the coast of Africa a free community living under the influence and protection of British laws, and fast approaching to the condition of a flourishing colony. It would be an interesting, and striking, and glorious scene; and we should form a connexion with the interior, which would more than compensate for all the trouble and expense of our exertions. It was truly said, that much difficulty had been endured in the prosecution of the design connected with this great object; and for the success of the present treaty, he believed that we were indebted in a great degree to the congress at Vienna. But we should not expect too much at once from Spain and Portugal, when we recollected our own former share in the trade, though he had not despaired of making them ashamed of continuing it. When the money was deducted which was to be considered as compensation, there might remain 200,000*l.*; but Spain would not perhaps reckon that as so much paid; and we ought not to think too much of those things, for there might be many who wanted compensation and indemnification, and it was not known exactly to us what might be the state of the commercial interests of that country. There might even some of that money revert to some of our own subjects. The Slave Trade ought to be abolished for ever. It was not sufficient to pass a law that it should be so. When all the powers had agreed to its abolition, he trusted it would be called by its proper title, nothing short of piracy, and be visited with the punishment due to that crime. *(Hear, hear.)* If such, then, were really the nature and character of that trade; if we carried it on for so many years, and could so long submit ourselves to such a a traffic: if we judged from the tardy justice

which we ourselves had rendered; if we could continue the trade as we did when we had the means of providing our colonies—if all these things were considered, was there not something due from us? Did we not owe a sort of smart-money for what we had done? To make up for the injuries we had brought upon Africa, we ought not to be unwilling to make such a sacrifice. He hoped sincerely that when the hon. baronet came to reflect a little, he would not think the money given likely to be wasted, or to be improperly bestowed. If, indeed, we only considered it upon the most simple commercial footing, as a common mercantile regulation, we should find it abundantly recompensed by the result; but when there was a nobler consideration to interfere, such a sum might easily be sacrificed. As an act of generosity we ought to spare it, for, indeed, he considered generosity itself as only justice; and considering the many blessings which the Almighty had showered upon this country, he should be ashamed to refuse such a sum, though it might do much towards alleviating the miseries of our fellow-countrymen. He hoped that other measures would also be adopted. It might be necessary to remind the house that his noble friend was placed in a new diplomatic path, which had not been trodden before, and that, therefore, he was surrounded with greater difficulties. It was not fair to estimate the whole of the benefit to be derived from the measure by looking at it singly; it was in point of fact nothing more than the foundation-stone, or the single arch, from which a building was to arise which would reflect more honour upon the humanity and magnanimity of these times than any other act whatever. He could not but think that the grant would be more than repaid to this country in commercial advantages, by the opening of a great continent to our industry, an object which would be entirely defeated if this traffic was to be carried on by the Spanish nation. Considering it either with regard to interest or generosity, he felt that it reflected honour on his noble friend who had brought it forward, and on the house which was likely to adopt it.

Sir *O. Mosley* said, he looked upon the hon. gentleman as the saviour of the African slave, and it was, therefore, very painful indeed to say any thing against what he had advanced. He could not agree to the propriety of voting so large a sum of money for such a purpose, and he wished the hon. gentleman would consider the millions which that house were continually voting away. If he was not right, he hoped the noble lord would correct him; but there was something which he recollected, that seemed to shew, that this grant was unnecessary and superfluous. The court of Spain, if he was not mistaken, had stipulated to abolish the slave-trade in eight years, without compensation.—(Lord Castlereagh signified his dissent from this statement.)—He had so understood it, but would submit, if he was wrong; but supposing his impression to be correct, why should they not rather wait for the expiration of that period, than come forward under the present circumstances of the country, with four hundred thousand pounds? He believed the fact to be, that the court of Spain was too politic for us. The slave-trade, after all, was but of little importance to her. She was at war with her colonies; if in that war she was unsuccessful, of what use would it be? And what would be the consequence, as far as the object of this vote was concerned? Why, we should in all probability be called upon to vote the same sum to that separate independent government, which, in such an event, would be established. He hoped in God that such a separation would take place. It was the interest of mankind that it should: it was particularly the interest of this fine and commercial country, that other countries should be free, and in a condition to reciprocate commercial advantages upon liberal and enlightened principles. His hon. friend on the bench below (Mr. Wilberforce) had spoken of the great commercial advantages to be derived from an establishment on the coast of Africa. He would beg leave to remind him what that had cost already, what sums of money had been expended on the colony of Sierra Leone, and how many lives had been lost. His hon. friend had further stated, that the question amounted to this—whether the slave trade should be abolished or not? He could by no means agree with him in such an interpretation. He had himself voted for the abolition, and he felt as much pride of heart as any man who had so voted, in having contributed to put down that abominable and inhuman traffic. The question appeared to him to be this—whether they would grant such a sum to enable Spain to carry on the war against her colonies? And in deciding upon this question, they would do well to consider, whether, by redeeming by such an expedient one African slave, they did not in effect impose slavery upon thousands now struggling for freedom in another quarter of the world? He should not trespass any longer upon their time by giving his opinions, which would probably be attended with no effect; but he felt it a duty incumbent on him to state to the house, that he regarded the treaty, as far as concerned the point to which he had directed his observations, one of the most impolitic, nefarious and ruinous that ever was entered into; and, entertaining such opinions, he should feel himself under the necessity of pressing the question to a vote.

Lord *Castlereagh*, in explanation, said that Spain was under no pledge of the nature alluded to by the hon. baronet. The Spanish minister had stated eight years as the period when his Catholic Majesty might find it convenient to enter into arrangements with a view to the abolition of the slave-trade, but there was no positive engagement which pledged the Spanish nation to the discontinuance of the traffic at the expiration of eight years. He (the noble lord) attached far more consequence to the articles of

regulation in the present treaty, than to the formal concurrence of Spain in the abolition.

Sir J. Macintosh professed that he should have contented himself with a silent vote on the present occasion, as he thought nothing could be added to the eloquent and able address of his hon. friend, the member for Bramber (Mr. Wilberforce), if he did not wish to express his opinion on the slave-trade abolition act, and to answer some observations which fell from two hon. baronets who had spoken against this treaty, and who, he was sure, felt the same abhorrence of the inhuman traffic which it abolished as he did. Concurring with the last speaker in his opinion of the faith of Spain, and in his wishes with respect to the South American cause, he could not agree with him in his remarks on the impolicy or the inefficiency of the present measure. The slave-trade abolition was the greatest question which could come before the house, and to accomplish effectually such an object, no sacrifice could be reckoned too great, involving, as it did, not only the greatest prospective advantages to the nation, but the national morality and character. (*Hear, hear.*) The hon. baronet who spoke last, in his censure of the treaty upon the table, had omitted, as had been remarked by the noble lord opposite, the most important part of the case, by not adverting to the circumstance that it was not only a treaty of stipulation, but of regulation. (*Hear.*) He (Sir J. Macintosh) wondered how any one who doubted the good faith of Spain, who thought that any engagement entered into with that power could not be relied upon, should yet profess himself contented with a bare stipulation to abolish the traffic at the end of eight years, and forget those regulations, the regulations for enforcing this engagement, which constituted the most important part of the treaty. (*Hear, hear.*) He (Sir J. Macintosh) concurred with the noble lord in the objections he felt to grant the right of searching British vessels, except on very strong grounds. He felt for the glory of the country as warmly as any man; he felt for the honour of the British flag; he was proud of that commercial prosperity which it covered, and of those triumphs which it had gained: but while he considered that it had never been disgraced by defeat, or lowered to an enemy; while he reflected that we had clung to it in danger; that it had carried us through the storms that assailed us; that it not only constituted our national security, but was the source of our national honour, he thought that it now rose to higher honours by bending to the cause of humanity and justice. (*Loud cheering.*) Our pride for a moment was suspended, our feelings of jealous ambition gave way, when we saw that which had braved the storms of war, and appeared triumphant on every sea and against every opponent, bending to protect the feeble, and oppressed, and the ignorant; whose gratitude we should aspire to deserve, though they were perhaps not sensible of our efforts for their welfare. (*Hear, hear.*) He heard with infinite satisfaction from the noble lord, that there was a general desire among the governments of Europe to take the most effectual means to secure the abolition. He heard these assurances with more pleasure as regarded France, as appearances in that country were rather unfavourable. He could not forget, that after Prince Talleyrand in July, 1815, had declared the abolition by the French government, and after the same measure was solemnly stipulated in the treaty of November of the same year, the British admiralty, on inquiring last year what had been done to carry the treaty into execution, found that no act had been passed till January 1817. These were circumstances that had created great uncertainty in his mind, with regard to the favourable disposition of France to this great cause, and he was happy to find that the noble lord had obtained the assurances which this night he had expressed. The conduct of Holland, he was happy to see, was very different; and the measures of the government of that country were the more honourable to it, as they appeared connected with a great apparent sacrifice of national interest, and ran counter to strong national prejudices. The habits and principles of that people were more colonial and commercial than those of any other nation; the slave-trade appeared one of the great sources of their prosperity, and of the most important means of cultivating their settlements; and the abolition of it, therefore, was to be regarded as the triumph of principle over interest. (*Hear, hear.*) There was no doubt, from the pledges they had already given of their sincerity, that they would concur in any regulation for the most effectual abolition.—Adverting to an observation of the last speaker, that he originally concurred in the act of abolition in this country, but would make no pecuniary sacrifices to procure it in others, the hon. member said, that in this averment the hon. baronet did not appear consistent in reasoning; for in voting the abolition as regarded Great Britain, he had certainly voted an apparent pecuniary sacrifice. He had agreed to a measure which its opponents declared would ruin our colonial prosperity; and which certainly, in the mean time, affected extensively some of our commercial interests. It had in the end been so far from producing any injury, that it really had turned out to the national advantage. If such was the case with the British abolition act, if it had at first appeared a sacrifice, and had ultimately become not less beneficial in its operation than it was honourable in its motive, might it not be expected that the apparent sacrifice of pecuniary interest required by the present treaty would redound as much to our advantage as to our character and consistency? (*Hear, hear.*) He had nothing more to say but to express his approbation of the provisions of the treaty under consideration. He did so, because it gave the right of mutual search, the only security against illicit traffic; because he thought it embraced the only effectual means of putting an end to the barba-

rities of the African trade; because it was only calling upon parliament to redeem the pledges which it had given in its numerous addresses to the throne, condemning the trade, expressing its desire of seeing it abolished, and imploring the Prince Regent to take effectual measures with his allies for that purpose; (*Hear*) because, as long as the abolition was partial, greater evils must arise to the natives of Africa from an illicit traffic, than those from which we had rescued them; (*Hear*) and because every step taken in this great cause was an advance to its final success. The hon. member in concluding said, he would take the liberty of giving an explanation of a passage of an eloquent, able, and learned judgment of a right hon. gentleman, (Sir W. Scott) whom he was sorry not now to see in his place, which as applied to the right of search had been misapprehended. The judgment was given in the case of the French ship Louis, by the first authority in Europe, and a general observation in it had been misunderstood. In opposition to the interpretation put on the passage to which he referred, he would contend, that if, after this treaty, the commander of a British cruiser sees a ship engaged in the slave-trade which he believes to have Spanish property on board, and if it really turns out that it belongs to the subjects of another nation, any fraudulent use of the flag could not protect it against the operation of the ninth article of the treaty. That article stipulates the right of mutual search, and the officers of each nation may visit suspected vessels. If slaves are found on board belonging to Spanish subjects, the condemnation is a matter of course. If they belong to Spaniards, though under the Dutch, Hamburgh, or other flag, the owners could not be heard.

Mr. *C. Grant*, jun. expressed his satisfaction at the judgment adverted to by his hon. and learned friend, but did not see how it could be mistaken. The property of Spaniards in slaves, under any flag, could not be protected from capture. He might illustrate this position by a reference to the rights of neutrals and belligerents in time of war. A suspected vessel in the latter case, though under a neutral flag, might be detained, and if it carried enemy's property might be condemned. He would not trouble the house with many observations, as it appeared to be unanimous in approving of the present treaty. The hon. baronet who spoke last but one, had alluded to the application of the money to be granted by the present treaty, and had insinuated that Spain entered into the cause of the abolition merely with a view to this advantage; but he ought to have recollected, that if the Spanish government had merely looked to pecuniary advantages, it would have received a greater sum from its own subjects for leave to continue the trade, than it now obtained from us for abolishing it. The merchants of the Havannah would have given 2,000,000*l.* for such a licence. He congratulated the house and the country on the great progress which the cause of humanity had made within the last century, and the extraordinary change which had taken place in public opinion. In the beginning of the last century, we deemed it a great advantage to obtain by the *assiento* contract, the right of supplying with slaves the possessions of that very power which we were now paying for abolishing the trade. During the negotiations which preceded the treaty of Aix-la-Chapelle, we higgled for four years longer of this exclusive trade; and in the treaty of Madrid, we clung to the last remains of the *assiento* contract. A new era had now dawned: we looked in vain for the barbarities that desolated Africa, which, at the beginning of the last century, was the scene of a consecrated rapine, the asylum of legalized violence. Our laws now declared the trade to which we formerly clung to be a crime. Our efforts had been successful in awaking other nations to the same sentiments of humanity with which we were actuated. Much of this favourable disposition of foreign governments to the cause of the abolition was to be attributed to the congress of Vienna. We had there engaged the Sovereigns of Europe to stipulate for the abolition of the trade in slaves; we had since made the abolition an indispensable article in all our treaties and negotiations; we had spread light on those cruelties from which we called upon all civilized nations to rescue Africa. The universal abolition was not far distant. The trade had continued so long to disgrace European commerce, because the atrocities in which it originated, and which it tended to perpetuate, were not known in all their enormity. Even in England the public did not for a long time believe them, or view them in their proper light. The ignorance in which the other nations of Europe lay with regard to this subject was now nearly dispelled, and we might expect the burst of feeling which appeared in England to become general. Then, and not till then, would our labours be closed, and our end attained. (*Hear, hear.*)

Mr. *Bennett* gave his cordial approbation to the treaty, and thought that the pecuniary sacrifice was insignificant, compared with the magnitude of the object in view. He declared, that he believed there could be no difficulty in raising the sum for such an object, though it were only by a subscription from house to house. (*Hear, hear.*) He rose, however, for a different purpose than to make any observations on the present treaty. He wished to bring under the view of the house the conduct of France in this great cause. He could not but say, that we had been used in the most scandalous manner by the government of that country. The house would remember the declaration of France through her minister Talleyrand, in favour of the abolition of the trade, immediately after the battle in which so much British blood had flowed to restore the monarch of that country to his throne. After this, there were complaints

that the trade was still carried on by French subjects; and when, nearly two years afterwards, our minister at the French court applied to know what had been done to carry the abolition into effect, the answer was, that some colonial regulation had taken place; but it had subsequently come out in court, that no such order or regulation as was intimated had ever been issued. It made no difference that the trade was not carried on in British vessels, if it was carried on by British capital. An active trade in slaves was well known to have been carried on up to a very recent period by French subjects, since the delivery of Senegal to France. The trade had revived in that part of Africa, and had given rise to all those evils with which it was formerly attended. It had armed nation against nation — tribe against tribe — Moors against negroes. The kings stripped their villages, to send the people down to the French traders; and these traders were throwing back the settlements into that state of misery, distress and wretchedness, in which they had been antecedent to the time of the abolition. He would ask the noble lord if we were still to allow ourselves to be deluded by the French government?—Was the old French system again to be acted on?—He hoped we should not again, from experience, come to the conclusion that we cannot trust them. Was a treaty to be no security?—And was there always to be some stroke of policy played off—always to be some trick and subterfuge to avoid carrying the stipulations of a treaty into execution?—We knew too well the faithlessness of the rulers of France.—He would not say but that those who now governed that country were better than the man who lately held its sceptre; but we were acquainted with the race that ruled that nation, and we knew how faithless they had always been. He would not, at this time, enter into all the details which had passed on this subject with the person who was now detained at St. Helena; but, under all the circumstances of the case, he called upon the house to say, whether the noble lord did not owe it to the country to explain, whether the slave-trade was not to be carried on by the French government with as much vigour, and to as great an extent, as we knew it had, till within a few months, been carried on?

Lord *Castlereagh* said, that if any thing could discourage the French government from pursuing that honourable conduct to which they had so fully pledged themselves, and in which all the nations of Europe were so deeply interested, it must arise from viewing their actions in the light in which the hon. member had been pleased to place them. He was not French lawyer enough to know what hold the principles of a treaty between the French government and another power had on French subjects, without the authority of a law of the country to give effect to them. This, however, he could say, that no engagement could have recorded in more explicit and comprehensive terms the abolition of the slave-trade on the part of France. He had considered it his duty, in consequence of difficulties which had been started on the point, to make inquiries whether the law of France could take notice of a treaty entered into with a foreign power, the provisions of which, in so far as obligatory on France, were not incorporated into a law of that country. However that might be, to his certain knowledge, the French government had immediately acted on the treaty, and sent despatches to the different ports for the purpose of securing its execution. He could state also that the governor of the Island of Bourbon had actually been displaced by the French government for allowing the trade in slaves to be carried on in that colony. And he could also say, that whenever any information had been received by him respecting any traffic in slaves on the part of French subjects, he had transmitted it regularly to the French government, and they had never received it otherwise than with every appearance of the most anxious desire to act upon it. He certainly was not aware of any defect in the law, till the question was lately brought into discussion in a court of justice. After an adjudication on that point, he apprehended that France would consider it her duty to adopt such ulterior regulations as the necessity of the case might require; and, indeed, he was prepared to state, that the French ambassador had not only represented the facts to his court, but had also requested him to communicate all the laws which had been passed in this country, at the same time stating, that his government was most sincerely desirous of concurring in every measure which might tend to secure the great object in question. *(Hear, hear.)*

Mr. *Gordon* considered the right of search a very great advantage gained by the present treaty. He was aware that 400,000*l.* was here given for what could not be received for three years to come; and that this money was given on chance. But he thought the country would very willingly advance this sum, even though they might be deceived; for it would put us in the right, and give us the strongest claims against Spain. He certainly doubted very much the ability of the merchants of the Havannah to advance two millions to the Spanish government.

Mr. *Marryat* stated, that many vessels belonging to subjects of Spain and Portugal, engaged in the slave trade, had been in time of peace captured by our cruizers, without any treaty to warrant such a proceeding, and condemned in our courts. The value of the slaves per head, of which they were so deprived, might be calculated at 350 dollars. They had not prosecuted their claims, and the bounty money had been paid to the captors. If they had prosecuted their claims, the sum which these persons would have had to receive would have amounted to much more than the sum sti-

pulated in this treaty. With respect to the objection, that this money might possibly be applied towards carrying on hostilities against South America, they were to consider whether the possible chances of such misapplication ought to outweigh the positive advantages which we gained by this treaty, which, coupled with the treaty which was understood to be concluded at the same time with Portugal, put the abolition hereafter in our own power. With respect to the appointment of commissioners on the coast of Africa, and in the Spanish settlements, for the adjudication of causes, pursuant to the twelfth article of the treaty, he conceived that Sierra Leone, notwithstanding all the partiality which the hon. member for Bramber (Mr. Wilberforce), had for that place, was ill adapted for the residence of commissioners, in consequence of its being at a great distance directly to the windward of the places to which the slave traders principally resorted. He had the authority of Sir James Yeo for saying, that it took frequently ten weeks in beating up to Sierra Leone, and during such a length of time, the mortality in the vessels must be very great. With respect to the conduct of the French government, he could only say, that at Martinique, he had made it his business to inquire into the subject, and he found at that colony, that as soon as could be expected after the treaty, instructions had been sent out in a man of war, and from its arrival no vessels had cleared out from the custom-house of Martinique, for the purpose of engaging in the slave trade. He thought there was no good ground for accusing the French court of insincerity.

Mr. *Wilberforce* said, he had no partiality for Sierra Leone more than any other place, as a seat of the commissioners. He would readily assent to the nomination of any other place that might be thought more convenient.

Sir *W. Burroughs* conceived that the grant of this sum was nothing more than an act of justice to Spain, many of the vessels of which country had been captured in peace, when no treaty authorized such a proceeding. No less than 5,000 slaves had been seized in this way, and the value of each was stated at 75*l.*—This alone amounted to upwards of 300,000*l.* without including the value of the vessels, &c. He thought the noble lord and the British ambassador in Spain were entitled to thanks for the able manner in which they had conducted this negotiation; and he hoped that those members who had expressed disapprobation of the treaty would, on better reflection, withdraw their opposition, and that the motion would be agreed to unanimously.

The question was then loudly called for, and strangers were ordered to withdraw. On a division, the numbers were—

Ayes	. . .	56
Noes	. . .	4
	Majority—	52

COMMITTEE OF SUPPLY.] On a motion of the *Chancellor of the Exchequer* that the House should resolve itself into a committee of supply, it was ordered, that the Spanish treaty should be referred to the said committee, and that the same should sit on Wednesday next.

HOUSE OF LORDS.

Tuesday, Feb. 10.

IRISH GRAND JURIES ACT SUSPENSION BILL.] This bill was read a third time and passed.

HOUSE OF COMMONS.

Tuesday, Feb. 10.

The Right Hon. *Thomas Wallace*, Vice-President of the Board of Trade, took the oaths and his seat for Cockermouth. (See page 16.)

LONDON NEW PRISON.] Sir *W. Curtis* brought up the report of the committee upon a petition of the Sheriffs and Common Council of London, respecting the completion of this prison.

Upon the report being read and agreed to, the hon. baronet moved, "That leave be given to bring in a bill for raising an additional sum of money for carrying into execution the acts of parliament for building a new prison for debtors, in the City of London, and for extending the powers of the said Acts."

Mr. *H. Sumner* observed, that the City of London was as much bound as any other city or town, to build and support its own prisons, without putting its hands into the pockets of the public for that purpose. Therefore, unless strong grounds were laid for the proposed measure, he should feel it his duty to oppose it *in limine*.

Sir *W. Curtis* said, that the petition contained an ample explanation of those grounds. The fact was, that the erection and alteration of the new prison for debtors, had cost no less than 130,000*l.* and it was in order to provide for the excess beyond the former grant, namely, for 30,000*l.*, that the motion which he had had the honour to submit was brought forward. The City of London was always ready, as the hon. member for Surrey desired, to support its own prisons; but the misfortune was, that it was too often called upon to support numerous prisoners from other districts. Still, the citizens of London did not seek to put their hands into the pockets of the public, but only the liberty of raising the money required among themselves, through the medium of the orphans' fund, as it was improperly called; for this fund had nothing whatever to do with orphans, and should rather be denominated a fund for the improvement of the city of London. The duty on coals was not compulsive on every body, as people might buy and sell them elsewhere, if they chose. It was a duty for improvement and benefit. Parliament had recognized the principle, and its faith should be maintained.

Mr. *Bennet* said, that upon this subject it was necessary that the house should consider, first, the propriety of granting the money required, and secondly, the manner in which that money was to be applied. He was enabled, from personal observation, to say, that of all the gaols in England, that in Whitecross-street was the most unfit for its object, and the most incommodious for the prisoners, while it was by far the most expensive in its construction. It was only necessary, indeed, to examine this clumsy edifice, to be satisfied of the fact; for would it be believed, that a prison intended for the accommodation of hundreds of prisoners, was not even fire-proof? He had the honour of being a member of the committee of that house which visited this prison, and recommended certain alterations, but those alterations could not require such a sum as the hon. baronet demanded. The hon. baronet had remarked, that such as did not think proper to contribute to the sum proposed to be raised, might go elsewhere than to the port of London for coals. This was a very extraordinary remark, especially considering the number of comparatively useless turnpikes which had been already erected upon the Thames. He alluded to the new locks, many of which were mere jobs; for although it was said, that they were erected for the security of the navigation and trade of the river, it was a fact that no one who had a barge of coals to convey, could deem it safe from robbery, without employing persons for its special protection. The city of London had been profuse in the expenditure of its funds. Whenever any ministerial object was to be promoted, it was always ready with its presents, its swords, and its snuff-boxes: but it would become this city to be just before it was generous—to rescue its gaols from that discreditable, disgraceful state in which they notoriously were, before they stood forward with ostentatious and unnecessary donations. The state of Newgate was really scandalous; but all the gaols of the city were in a melancholy condition, and especially the Borough compter, in which there was scarcely an unbroken window or pane of glass. Before they agreed to let the corporation of London raise more money for the city prisons, he hoped the house would desire to know how the sums already granted had been disposed of, and also demand a statement of the city funds.

Sir *J. Shaw* expressed his hope, that neither that house nor the country, would ever be found to concur with the hon. gentleman who had sat down, in condemning the city of London for having given a grand entertainment to the liberators of Europe, on the occasion of their visit to this country. If the house agreed in the principle upon which the money alluded to in the motion was paid, he could not see upon what grounds that motion could be opposed.

Mr. *H. Sumner* said, that being dissatisfied with the explanation which the hon. mover had given, he should feel it his duty to submit another motion.

Mr. *Speaker* observed, that there was then a motion before the house, and that the hon. member had already spoken.

Mr. *Sumner* remarked, that he had merely put a question for explanation to the worthy Alderman, which did not, he presumed, preclude his right of speaking upon the motion. He, therefore, threw himself upon the indulgence of the house, stating, that it was his intention to propose an amendment. He felt it to be his duty to save the pockets of his constituents, and, therefore, he opposed the present motion. The orphans' fund was a charge for the government of the city, and if that fund were found insufficient, the cause of that insufficiency ought to be explained, before any additional grant were acceded to. But the improvident manner in which money was raised by the corporation of London, suggested the propriety of limiting its discretion, and watching its operation; for of the 100,000*l.* which this corporation was enabled by parliament to raise, for the erection of the prison alluded to in the motion, 10,000*l.* was disposed of in an unaccountable manner, and this too at a time when the Chancellor of the Exchequer could raise money in the city at much less than five per cent. Now, as the interest upon loans to the city was quite as punctually paid as that upon the public funds, he could not conceive a reason for such extreme difference. There was, he apprehended, but too much reason to believe that the loans to the city were mixed with a spirit of jobbing, and therefore he proposed to move that the names of the subscribers to the last loan should be laid before the house. The house would be surprised to learn, that among the contingencies upon the last loan, no less a sum than 3,000*l.* was set down for the expense of carrying the bill through parliament, which authorized that loan. How such expense could have accrued, he was quite at a loss to imagine. But there was another charge in the contingencies, which appeared equally unaccountable, namely, 3,000*l.* for the expense of making out the bonds upon this loan. With such facts before the house, was it too much to suspect the existence of a job in this transaction, somewhat similar to that which characterized the plan of building the new post-office? That office ought rather to have been built in Moorfields, where there was plenty of waste ground, than on the proposed scite, which was occupied with houses, all of which it became necessary to purchase at an advanced rate. As to the duty on coals being collected among the city themselves, he must remark, that the county of Surrey was on the opposite bank of the river Thames, but that its inhabitants could not have a load of coals without duty, unless they went for it below Gravesend. Surrey, however, must pay one-fifth of

the duty, and that would be about 8,000*l.*; a sum equal to the county rate. He would entreat the house to look at this subject, and see whether it was proper to support the city's acts of munificence, in which it was said they expended 40,000*l.* in one fete, besides losing 0,000*l.* by carelessness. The hon. member concluded by moving to leave out from the word "that" to the end of the question, in order to add the words, "the report be taken into consideration upon Friday the 13th day of March next." He wished that the house might in the interim have an opportunity of examining the accounts with respect to the fund alluded to, and the manner in which the produce of that fund was applied.

Mr. Alderman *Wood* observed, that he had often been in company with his hon. friend (Mr. Bennet), in the prisons of London, but he must say, that he had never heard his hon. friend point out such faults as he had this night alluded to. With regard to the prison in Whitecross-street, he was enabled to state, that it stood upon as much ground as any prison in London. The yards were spacious, and the apartments as commodious as could be reasonably desired in such a building. But he wished that this, as well as the other city prisons, should be examined by a committee of the house, in order to prove the justice of his representation. It was known that at the Whitecross-street prison, to which his hon. friend particularly alluded, the prisoners were accommodated with coals, bread, meat and bedding, without any expense, and he apprehended that no such accommodation was afforded to debtors in any other prison in Great Britain. This prison was originally intended for the accommodation of about 500 prisoners, and it occupied, including the outer wall, about an acre of ground. Yet, in consequence of a recommendation from the committee of that house, the city committee for superintending the construction of the prison, bought some more ground, at an expense of no less than 17,000*l.* This expense, together with the loss upon the bonds connected with the last loan, formed the ground for the proposed bill. The hon. member for Surrey had dwelt much on the fund of the city, but he had taken no notice of its indispensable expenditure, and was not, perhaps, aware that the annual expense of Whitecross-street prison was no less than 3,000*l.* which, added to the expense of the other city prisons, formed an aggregate of about 30,000*l.* which the city of London annually paid for the maintenance and police of its several goals.

Sir *W. Curtis* expressed his readiness to furnish the hon. member and the house, with any accounts or explanation required with regard to the city funds.

Mr. *S. Thornton* said, that he should not oppose the motion, but he thought it rather hard that the city of London should have the power of taxing to such an extent all the adjoining counties.

Mr. *N. Calvert* agreed with the observation of the last speaker, as to the taxation to which other counties were subjected, merely for the accommodation of Middlesex and the city of London. That was the more to be regretted, as this taxation being imposed upon coals, operated most oppressively on the poorer classes. This tax upon coals was indeed of such a nature, that he thought it peculiarly worthy the consideration of the Chancellor of the Exchequer, as well as of the house itself, in order to devise some substitute, or to diminish its pressure.

A division being called for, the gallery was ordered to be cleared, but upon the understanding that the accounts required, with regard to the produce and expenditure of the orphans' fund, should be laid before the house, Mr. *H. Sumner* consented to withdraw his amendment, and the original motion was carried.

DROITS OF THE ADMIRALTY.] Sir *J. Macintosh* moved for "An account of all monies received as droits of the crown and droits of the admiralty, and of the manner in which the same have been applied, from the 21st day of Feb. 1817." Also, "A summary account of all monies received as droits of the crown and droits of the admiralty, specifying the nations from which they have arisen, and the general heads of expenditure to which they have been applied, from the 1st of Feb. 1793, to the present time."—Ordered.

BANK TOKENS.] In reply to a question from Mr. *Curwen*,

The *Chancellor of the Exchequer* observed, that as the bank tokens were not issued by authority of government, and formed no part of the regular coin of the country, government was not under any obligation to call them in. But, according to the act of parliament, they were to be called in by the bank, by whom they were issued, in the month of March next, while the bank would be bound to receive them for two years afterwards. It would be recollected, that no inconvenience had been created by the circulation or calling in of bank dollars, and he could not see that any was likely to result from the calling in of the tokens. The bank was fully able to pay in legal coin for any tokens that might be sent in, and he could not think that any difficulty was likely to arise with respect to those tokens, as none had been produced by the calling in even of the tokens issued by country bankers.

COTTON MANUFACTORIES.] Sir *Robert Peel* rose to present a petition which, he said, was unanimously signed by a class of men, who had rendered as great service to the country by their industry and skill, as any body of persons of the same order in society. The petitioners had come to him most unexpectedly, but he felt that they were entitled to his peculiar attention. They were aware that the attainment of their object must be attended with a reduction of wages; but, anxious for health, and wishing to enjoy

some of the comforts of life, they were willing to submit to that sacrifice. He had had a communication with some of those poor men this morning: and he could not hear their statement, or witness their appearance, which confirmed that statement, without shedding tears. (*Hear, hear.*) As the house valued the trade of the country, it could not fail to feel for the sufferings and consider the interests of those by whom that trade was supported. How then would the gentlemen who heard him, regard those poor petitioners, who, in rooms badly ventilated and much over-heated, were compelled to work from fourteen to fifteen hours a day. Young persons might endure such labour; but, after a certain period of life, it became intolerable. Premature old age, accompanied by incurable disease, was too often the consequence of excessive labour in such places. He had himself been long concerned in the cotton trade; and, from a strong conviction of its necessity, he brought in a bill for the purpose of regulating the work of apprentices; but since that bill passed into a law, masters declined to take apprentices, and employed the children of paupers without any limitation. Hence the law was evaded, and rendered ineffective for the object which it had in view—the prevention of inhumanity; and he hoped it was not inconsistent with our constitution to legislate for the protection of children as well as grown persons, against the harshness of their employers. (*Hear, hear.*) Those immediately concerned in the cotton trade, did not perhaps perceive the injury to health which their workmen suffered, as they were in the habit of seeing them every day; but that injury was obvious to every stranger. Such facts were detailed in this petition, as presented an appeal which could not be withstood by any assemblage of gentlemen susceptible of common humanity; and these poor people had no other protection but in that house.—(*Hear, hear.*)

The petition was brought up and read; it was from labourers at Manchester and its neighbourhood, employed as cotton spinners. It stated, that they were at an early age of life enfeebled by overworking in places badly ventilated and over-heated, and prayed, that the period of employment should be limited to ten hours and a half each day, including the allowance of half an hour for breakfast, and an hour for dinner.

Mr. *Curwen* declared, that the impression upon his mind, from the evidence and report of the committee upon this subject two years ago, was, that the persons alluded to were not overworked. He deprecated any attempt to legislate between parents and children; and stated, that no children looked in better health than those whom he had seen in the factories at Manchester.

Mr. *Gordon* expressed his surprise at what the house had heard from his hon. friend. He declared that his impression as to the report of the committee of last year, was diametrically opposite to that stated by the hon. gentleman. (*Hear, hear.*) The committee, he hoped, would be revived, in order fully to inquire into this interesting subject. As to the hon. gentleman's protest against any legislation between parents and children, the hon. gentleman did not seem to be aware that the present was a petition from parents for the protection of themselves and their children from excessive, from intolerable labour. He was assured, that the children employed in these factories, could be distinguished at the Sunday Schools among hundreds of other children. (*Hear.*) The hon. baronet deserved the highest praise for his benevolent exertions. He was for such conduct entitled, not only to the gratitude of the poor petitioners, but to the benediction of all good men. (*Hear, hear.*) When a gentleman who had realized a fortune in trade, thus stood forward to extend paternal protection to those who had contributed to his wealth, he could not fail to meet, as he merited, the universal thanks of his countrymen. (*Hear, hear.*)

Mr. *Philips* stated, that he had on a Sunday gone round for the purpose of viewing the effects of employment in the manufactories on such children as he could see, and of contrasting their appearance with that of children who were otherwise employed. Another gentleman had gone along with him. The appearance of those who had been employed in the manufactories, they found to be fully as good, as the appearance of others who had not been so employed. They went into a school in order to make similar observations. They got those employed in manufactories separated from the rest; among them was one lame person, but he found that he had become lame in consequence of following some soldiers, before he had been employed in the manufactory. There was also one girl, who seemed to be in a declining state of health; but he had reason to believe, that she had been so previously to being employed in the factory. From his own observation he could assert, that those who were employed in factories had the very best appearance. There were others who were employed at a different work, and looked very ill. Upon asking the cause, he was told that they were not well fed. A third party of them were not employed in any work, and they were the worst looking in the school. If, however, the hon. baronet could make out his case, a remedy ought to be applied; but the subject should be referred, not to a committee, but to special commissioners, who could fairly investigate the grounds of complaint, and the best mode of applying a remedy. He gave credit to the hon. baronet for acting from humane feelings; but the hon. baronet's own factories were not found remarkably well regulated, when the state of the factories was examined into; on the contrary, they were found to be very ill regulated. They were indeed so ill regulated as to call forth the observations of neighbouring ma-

gistrates. The hon. baronet afterwards stated before the committee, that they were not improved in consequence of the examination. Examples of improvement were, however, set in other factories, and those examples had been followed.—The factories under the hon. member's own management, were well regulated, and all employed by him were comfortable.

Mr. *W. Smith* rose to order. The hon. member was speaking as if the motion before the house were for a committee, and he was taking the opportunity of making his remarks on the state of the several factories within his knowledge. He now rose to order, because he did not think this the proper time for discussing those subjects.

Mr. *Philips* replied, that if he was out of order, those who had preceded him must have been out of order, as he had entered into the few observations he made, wholly in consequence of what had fallen from them. He did not wish to press a premature discussion; but must again repeat, that before the house decided on any interference, it should have before it an impartial examination taken by a special commission.

Sir *R. Peel* said, he had felt no wish to interrupt the hon. member, but he conceived that he had travelled out of his way to attack his character. The petition he presented referred to all the manufactories in question. His own were as faulty as any. On finding the evils that prevailed, and their pernicious effects, he was so struck, that he resolved to bring the subject before parliament, for he was convinced, that nothing but an act of the legislature could apply a remedy.

Mr. *F. Douglas* and Mr. *Shaw* said, that from personal examination, they could bear witness to the humanity of the system acted upon in the factory of the hon. gentleman (Mr. Philips). They had both carefully inspected it, and they never saw a more healthy, cheerful, and contented number of children.

Mr. *W. Smith* rose merely to shew why the petition should be received. He had seen the persons who came up with it, and who looked anxiously for the interposition of the house. He had inquired of them, and found that the petition had arisen from the spontaneous desire of those who signed it. It was signed by 6,000 persons in the town of Manchester. They were all acquainted with its contents before they signed it, and their petition was, therefore, well entitled to attention.

It was ordered to lie on the table.

PARLIAMENTARY REFORM.] Mr. *Bennet* presented a petition of inhabitants of Liverpool, praying for parliamentary reform.—Ordered to lie on the table.

STATE TRIALS IN SCOTLAND.] Lord *Archibald Hamilton* said, that he rose for the purpose of redeeming the pledge, which, on the first night of the session, he had given, expressive of his determination to submit to the consideration of that house a motion, respecting certain transactions connected with the administration of justice in Scotland, and the conduct of the law officers of the crown in a recent state prosecution. He felt as sensibly as any man could feel the importance of the subject to which he had to request the attention of the house, and the duty it imposed on him of treating it with the utmost seriousness. In the discharge of a public duty, he trusted that it should be his uniform practice; but if ever there was a question that more strongly exacted that serious consideration, it was one that branched into an inquiry into transactions connected with the administration of justice, and of the conduct of the law officers of the crown in the prosecution of political offences. This case had every ingredient of gravity and importance. The subject related to the highest concern in this country, the purity of justice—the parties were the highest officers of the law as well as officers also of the crown—the scene of the transaction which he was about to notice, was the highest court of criminal law in Scotland. He was aware that this statement of the tendency and end of his motion was likely to produce a double prejudice. The first was, that being a subject somewhat in the nature of a law question, it might be thought by many of those whom he had the honour to address, that it should have been left to professional men to submit it to the consideration of parliament. To such an objection he would answer, that if only professional men could take up such important questions, involving grave matters of constitutional interest, he should much regret such an impression, as hostile to the best interests of the state. But he would contend that such an objection did not apply to the motion which he should have to submit to the house. It stood in need of no professional or technical qualifications (*hear, hear*).—it required only the suggestions of plain sense and sound reasoning; it involved no question of law, but the law of common justice—and nothing technical, but what might be artfully introduced into it, in order to perplex and obscure its real nature and its obvious merits; and therefore, however incompetent, on other grounds, he might feel himself for the due exercise of the duty he had undertaken, he would acknowledge no deficiency as arising from the mere circumstance of its not being left to a professional man (*hear, hear*).—The second and the greater prejudice with which he had to contend, was, that to accede to his proposition, might be construed into an interference with the administration of the courts of justice—a point that long experience had convinced him was one, on which that house entertained universally the greatest jealousy, if he might not say repugnance.—To meet such an objection, and to guard against any such inference, he begged to state, that he did not seek for any interference of that house with the administration of the courts of law in Scotland. His business, that night, was not

with the court, but with the law officers of the crown. All he asked was, to direct its attention to what had passed in the court, and to take cognizance of certain transactions which appeared on its records. From these records they would accurately ascertain what was the conduct of the law officers of the crown—conduct which he had no hesitation in asserting justified the charge of a subornation of perjury, and must be regarded as an attempt to procure an illegal conviction (*hear, hear*). Such a case, in his judgment, most urgently called for parliamentary inquiry; and though it might branch out into a variety of collateral details, the nature of the transaction to which his present motion specifically adverted, had undoubtedly the least connexion with topics of legal subtlety or of professional research. His motion was for the production of the record. He had little to submit but what that judicial document went fully to substantiate; indeed, the whole nature and character of the proceedings could not be better developed than as they there appeared It was, however, necessary to take a review of some circumstances that had occurred in that house, during the last session. It would be recollected that the Lord Advocate of Scotland had, in his place, on that occasion, asserted in the most solemn manner, (see vol. I. p. 352) that the population of Glasgow was contaminated with sedition and disaffection to the state; that from 3 to 400 persons in that manufacturing city, were bound by an oath, which oath the learned lord had, in a manner uncalled for, submitted to the consideration of the house. That some degree of discontent, or degree of disaffection, might exist in a period of great distress, amongst a large manufacturing population, he (Lord A. Hamilton) was not disposed to deny, or to dispute. But he would ask, were it now possible not to feel assured, from the circumstance that had since taken place, contrasted with the statement of the learned lord, to which he alluded, that all that had been said about that disaffection then existing, was highly extravagant (*Hear.*)? But whether it existed or not, its extent or character was not now the question: allowing that it was as prevalent as the learned lord assumed, it was at least the duty of the law officers of the crown to conduct themselves so, as to afford those whom they brought before the tribunals of the country, were they guilty or innocent, a fair and impartial trial. Such fair and impartial trial the panel M'Kinlay, whose case he was about to detail, had not received (*hear, hear*). He repeated, that he disclaimed all concern with the guilt or innocence of the persons accused. Even if guilty, the obligation was imperative that the fullest impartiality and fairness should be afforded them on their trials (*hear, hear*). And here he must observe, that the exaggerated statement of the learned lord, last session, and particularly the improper and uncalled for production to this house of the odious oath which had been disclosed to the secret committee, before the report of that secret committee had been made, tended not only to inflame the prejudices of those who heard it, but must have an influence prejudicial to the accused amongst those who were likely to serve on the juries that would have to pronounce on their guilt or innocence (*hear*). He must be allowed also to state, that the system which had been for months back introduced into all parts of the country, of employing spies in the manufacturing districts, for the purpose of watching the progress of popular discontent, had not alone produced incalculable mischiefs, but had led to a total misconception of the real feelings of the population of the country (*hear, hear*). For his part, he had papers totally to deny these sweeping charges of disaffection—there was not one solid ground, he was proud to say, on which such suspicions could be supported. Before he entered into the particulars of the trial, to which the record, for the production of which he should move, referred, he begged to be understood as entertaining no feelings of personal hostility towards the learned lord, whose conduct he was about to arraign. In all that he had yet said, or intended to say, he applied himself solely to the official character of the parties accused, and, with that limitation, he felt that any severity of language he could apply to the case, was amply justified by the case, and by the record of the judicial proceedings; and if, in describing those transactions to which they referred, he was compelled to use strong language, it was, because strong language could alone speak of that conduct as it deserved. He must, however, explain to those unaccustomed with the administration of law in Scotland, and who might imagine, that when he used the term subornation of perjury, he meant to charge the law officers with wishing or endeavouring to bring forward perjured evidence, no such object was in his contemplation. Such a charge would, indeed, infer a guilt of much deeper dye than even that guilt, bad as it was, which he was about to state, and which the record would substantiate. The course of proceeding at the commencement of a trial in Scotland varied considerably from the practice in this country. Writs of error from the high Court of Justiciary were not competent in Scotland—motions to the court to alter or qualify the verdict were, he believed, not known—and cross-examinations at the trial were far more limited than here. As a substitute, however, for these forms of law, but substantial fences of justice, they had in Scotland a solemnity of the gravest importance—he meant what was termed the purgation oaths—and these oaths are administered, by the court, to every witness, in a criminal process, before he can open his lips in evidence. In the case before them, the trial of M'Kinlay, the first witness called was John Campbell, and before he was allowed to enter into the detail of his evidence, three distinct questions were put to him by the court. First, do you bear any malice or ill will to the panel? Should the wit-

ness give an answer to this interrogatory in any way ambiguous, it was for the court more closely to examine him. Secondly, has any body taught or instructed you what to say as a witness?— The house would understand that this question was direct. It had no reference to the truth or falsehood of what a witness might be instructed to say, but went to ascertain whether instruction of any kind was given; and if given, the witness was disqualified (*hear, hear*). The third question was, have you received any reward, or promise of any good deed? It was not that the reward should be conditional, or the nature of the evidence, be it false or be it true—if reward was promised at all, that alone set aside the witness (*hear, hear*). It now remained for him to advert to the evidence which had been offered to the court, and he felt confident that every man who heard it must admit that it fully made out his case. He had first to premise, that on the trial of M'Kinlay an objection was tendered by the counsel for the panel, to the competency of the witness, John Campbell, on the ground that he had been refused access to that evidence. The counsel had applied to the gaoler for access to Campbell, but was refused under the orders of the Lord Advocate and the subordinate officers of the crown. The court overruled the objection, on the plea that application for access should have been made to the court, and not to the Lord Advocate. But what said the learned lord himself on that point? He said, that he had refused access to the witness, "to prevent tampering" (*hear, hear*). And yet any man who attended to these proceedings, must acknowledge that the whole evidence of the witness Campbell, exhibited one continued system of gross and palpable tampering (*cries of hear, hear*) on the part of those very law officers of the crown, who appeared so jealous and fearful of all tampering but their own. How the learned lord could have prevailed upon himself to give that answer, he knew not how to explain; when he must have known that the whole of the law officers had continued access to Campbell; and what took place at these interviews, he, for his part, could call by no other name than palpable tampering. When, however, the oath was put to Campbell at the trial, and the third interrogatory was asked respecting the promise of reward—to the surprise of the whole court, the answer of the witness was, that he had received such a promise. (See Vol. I. p. 1698.) Upon that answer, therefore, he grounded the present motion for the production of the record. From that instrument the house would be able to judge of the tampering in the gaol, and of those other incidents which he felt were fully sufficient to establish the charge he made against the crown officers, of endeavouring to produce against the accused, evidence which they must have known, from their own previous tampering, would have been, if not disqualified by its own confession, perjured evidence, in order to convict illegally the panel. The evidence, Campbell, made an open declaration of the tampering that had been practised. The charge then, that he founded upon this evidence, was twofold: first, this improper, odious, and illegal tampering in gaol; and secondly, the producing such a witness to the court, so disqualified, in order to procure an unfair and illegal conviction. Campbell said, that after having been lodged in Glasgow gaol, without cause assigned, or without warrant, on the 22d of February last, he was examined before the Sheriff-Depute of Lanarkshire, and declared, he did not know for what he was brought before him. He was then left with Mr. Salmond, the Procurator Fiscal, who said to him—"John, perhaps you do not know that I know so much about this affair. I know more about it than you think I do, and here is the oath you took at Leggat's on the 1st of January last." At another interview, Mr. Salmond said—"I assure you, I have six men who will swear you took that oath, and you are as sure to be hanged as that you are alive." Could any threat be more likely to operate on the fears and hopes of a man who was afterwards to become a witness? "But," continued Mr. Salmond, "John, you will ruin yourself if you take this way; take the other way, and you may do yourself much benefit." Was this not gross and palpable tampering? Could evidence thus acquired be described, according to the administration of the law in Scotland, without being chargeable with a subornation of perjury?—Referring again to the evidence, Mr. Salmond said—"The Lord Advocate was in Glasgow, and would come under any obligation he (the witness) chose, if he would be a witness." It was necessary here to remark, that whether in point of fact the Lord Advocate was in Glasgow or not, did not affect the character of this observation; because the functions of the Lord Advocate and of the Advocate Depute were frequently confounded together. After these communications at Glasgow, the witness was sent to Edinburgh, and there Mr. Home Drummond had access to him. Mr. Drummond told the witness, that M'Kinlay was served with an indictment, and that his name was in the list of witnesses—that now was the time for him to determine whether he would be a witness or not. This the witness refused, saying, that if he did so, he could not return to Glasgow. Mr. Drummond's reply was, that he might change his name and go to another town. This the witness would not accede to. "Well," said Mr. Drummond, "I have been thinking of a plan of writing to Lord Sidmouth, to get you a place in the excise." With these facts upon the record, would any man get up and state that no promise of reward was held out to induce the evidence to criminate the accused? On another occasion Mr. Drummond wished to know what the witness wanted to have? and added, that if he gave such information as would please the Lord Advocate (the house would attend to the words) —please the Lord Advocate—he should neither

be called upon as a witness, nor be tried. Now, the whole of this unfair tampering he did not exclusively impute either to the learned lord or to Mr. Home Drummond: they acted so in concert, and were, from the nature of their offices, so connected, that he could not separate them, nor their conduct They might abjure one another, and adjust their respective shares of guilt, but it was for the house to deal with the guilt itself, and the production of the record would help them to award a fair distribution of shame and punishment, as they might be due. It was for the learned lord to shew that he was no party to these gross and unjustifiable proceedings. If, in the course of the discussion, the learned lord should in his place feel enabled to say—"True it is, that from the record it appears that these tamperings were practised by Mr. Drummond, but without my knowledge or sanction"—if such should be the declaration of the learned lord, then he (Lord A. Hamilton) was ready to separate the conduct of the one from the other. On the learned lord himself it rested to shew that he did not act in concert with Mr. Drummond. And until he made that declaration, the house had a right to presume that the acts of the Advocate Depute were the acts of the Lord Advocate. (*Hear, hear.*) It was impossible that this man could be a witness without perjury—not perjury in the cause, but perjury by opening his lips to say any thing as a witness; because the law officers of the crown had themselves disabled him from taking the purgation oath of having received no promise of reward. The next person that appeared in this transaction was Sir William Rae, the Sheriff of Edinburgh. Terms, or rather bribes, had been proposed to Campbell to be a witness—these terms had been reduced to writing, and Sir William Rae was asked to sign this written agreement. Sir William Rae refused to sign the paper, and assured Campbell, that if he were to sign any such agreement, he would not be answerable for it for a good deal: for if when he was brought to his oath as a witness, having signed such an agreement, he were to swear that he had received no reward, or promise of reward, he would perjure himself. (*Hear, hear, hear.*) In spite, however, of this opinion of Sir William Rae's, the other gentlemen determined, that although the terms were not actually signed, they should be understood to constitute an agreement. Mr. Drummond said to the deponent—"now, Campbell, you know whether you can be a witness on these terms or not. Do you believe we are able to do for you what you expect, without its being put down on paper?" The deponent answered, "he knew they were able if they were willing." Mr. Drummond replied, "can you rely on us for that?" Campbell answered, "may I?" Mr. Drummond said, "you may." To which Campbell replied, "well, then, I shall rely on you as gentlemen." Some days after this the sheriff and clerk came up to sign the declaration, when the sheriff said, "Campbell, when you get rid of this business, go back to your loom, and leave them to rule the nation as they please." On which, however, Campbell observed, that after all that had passed he would rather be served with an indictment than return to Glasgow. He (Lord A. Hamilton) conceived that he had stated enough to shew that a promise was held out to the witness as a reward for his testimony; and that, from the time at which he was apprehended, to the time of his appearance in court, he was under the sole control and influence of the law officers of the crown. He was very happy on a recent occasion to hear the Attorney-General say, that God forbid he, or any one officially connected with him, should have any intercourse with a witness in a case of public justice, for the purpose of influencing his testimony. He trusted that, on the present occasion, a sentiment so exalted would not remain in the hon. and learned gentleman's breast, but that he would repeat it in confirmation of his (Lord A. Hamilton's) opinions. Government had avowedly employed spies and informers, who, it was generally admitted, had in many cases fomented the evil which it was the object to counteract. And he begged now to notice the lamentable condition, to which suspected persons, innocent or guilty, were thus reduced in this frank and free country. Any man was liable on the information of these "fomenting, instead of detecting" spies—out of malice or to earn their pay—to be taken by secret warrant—to secret imprisonment—to distant jail—all access denied him, "for fear of tampering"—a law officer to threaten or bribe—some accomplice to give agreeable evidence:—under such circumstances, what chance had he of bare justice, much less of successfully encountering his enemies? (*Hear, hear, hear.*) Such proceedings were in direct opposition to all that they had been accustomed to venerate in the British constitution. The facts he had disclosed amounted to subornation of perjury. He could find no other term adequately descriptive of the transaction; and had M'Kinlay been convicted on the evidence of Campbell, he would have had an undoubted right to say, that he had been convicted in consequence of the unfair practices of the law officers of the crown. Had Campbell, stimulated as he had been, given false evidence, he should like to know whether the law officers of the crown would not have been answerable for the crime? He would go one step farther. Had M'Kinlay been convicted on Campbell's evidence, in what situation would the country have been, if he had been executed or transported, and if afterwards it had come out that Mr. Home Drummond had been guilty of the practices in question, and had combined with the Lord Advocate and the Procurator Fiscal in prevailing on Campbell to attach criminality to M'Kinlay, and to suppress all those odious and disgraceful scenes in gaol, the result of which

disqualified him from giving evidence at all? He contended, that the monstrous iniquity would have been thus exhibited of an illegal sentence, produced by illegal means, by the very persons who were bound by office to protect favourably rather than oppress unfairly; in plain words, we should have seen a conviction by means of a perjured witness—whose perjury was first manufactured by the law officers of the crown in gaol, and afterwards brought into court as sound and valid testimony, themselves knowing its base nature and illegal origin. It was the duty of the law officers of the crown to uphold the dignity and interest of the laws; and he would ask whether, in the transaction under discussion, the law officers of the crown in Scotland did not violate the sanctity and purity of the laws as palpably, and, indeed, more palpably than M'Kinlay in the crime with which he was charged? (*Hear, hear, hear.*) What he asked of the house was simply the production of the record of the trial. He could not think that the learned lord could have any objection to be tried upon that document, the more especially when it was considered that it was the manufacture of himself and his legal colleagues. Such as the record was, it was their making, and the detail of what they had done. Guilt might indeed fly from such a document, but surely, any one pretending to innocence could neither resist its production, nor dispute its testimony. He could not possibly anticipate a defence of such practices. It was quite impossible that any thing could be said in justification of them; the only difference between himself and the learned lord must be with regard to facts, to what actually had taken place, and he trusted the house, as in duty bound, would decide that difference by the production of the record.—The noble lord then read the following extract from Hume's Commentary on the Laws of Scotland, on the subject of tampering with a witness. "If the prosecutor, or any for him, have tempted the witness with bribe or reward, this shall equally exclude his testimony *in odium corrumpentis*, whether the witness have yielded or resisted the temptation. Under this head would fall any promise of pardon for other crimes, provided it came from the prosecutor, or one authorized by him. Any magistrate, who so far forgets his character, and mistakes his powers, as to give assurances of this sort, is indeed guilty of a wrong which may reflect on himself." (*Hear, hear.*) His lordship concluded by moving, "That there be laid before this house a copy of such parts of the Books of Adjournal of the High Court of Justiciary in Scotland, as contain the several libels or indictments, and the Evidence and Verdict and Judgment, and all other proceedings in the case of Andrew M'Kinlay, who was tried before the said High Court of Justiciary at Edinburgh, on the 19th of July, in the year 1817."

The *Lord Advocate* said, that he rose for the purpose of taking the very first opportunity of meeting the charges which had been preferred against him by the noble lord, and of refuting the accusation of having, during the last session of parliament, made a statement with respect to the proceedings at Glasgow, which, if not unfounded, was substantially overcharged. He should begin with adverting to what had been said by the noble lord, respecting the statements made by him as to the proceedings of the disaffected at Glasgow. The noble lord had said, that when his (the Lord Advocate's) interference in the debate was quite uncalled for, he had come forward to inform the house, that an oath binding the takers to commit high treason had been administered to several hundred persons in Glasgow and its vicinity, and that he had read the terms of this oath to the house. The noble lord had said, that by the result of the trials at Edinburgh, those allegations were now disproved. But what was the fact? He was not going to enter into a discussion upon the evidence that had been produced on the trials;—into the depositions of the witnesses who had been examined;—nor into the admissions of the parties who had been brought to trial. Yet a reference to any one of these sources of proof, would be sufficient to clear him from the imputation of having, without adequate grounds, attempted to impose upon the house. He should briefly rest his defence against this part of the noble lord's accusation by referring to the charges preferred in the different indictments, and to the issue of the only trial upon which evidence had been adduced. The indictment in that case charged the prisoner with having been guilty of administering the oath which he himself had during last session the honour of reading to the house, binding the individuals taking it to commit high treason, and in that indictment there were particularly set forth the names of many of the persons to whom the oath had been administered. Such was the charge, and what was the result of the trial? Now before stating that result, it was proper to mention what gentlemen upon the opposite side of the house knew to occur in every day's practice, that in the courts of Scotland, when a jury were satisfied that the fact of the crime charged in the indictment having been committed was proved, or in the common language of the court, if they were satisfied with the proof of the *corpus delicti*, and that there was such evidence as to convince them that the prisoner was a partaker in the guilt, although it was not such as in their apprehension legally to entitle them to find him guilty, the verdict which they were in the use of bringing in, was a verdict of Not Proven. On the other hand, when the proof of the *corpus delicti* failed, or in other words, that there was no evidence of an offence having been committed by any one, the verdict was invariably Not Guilty. Wherever, therefore, there was a verdict of Not Proven only, the understanding of every man in Scotland was, that the jury meant to find, that the offence charged in the indict-

ment was proved to have been committed, although the evidence against the individual charged with having been concerned in it, was not deemed conclusive. Now, in the case in question, where the administering a treasonable oath to hundreds of persons in the vicinity of Glasgow had generally been charged, although the individual accused had been acquitted, the verdict returned by the jury was not a verdict of Not Guilty, but a verdict of Not Proven. The result of the trial therefore was, to afford the evidence of the conviction of the jury, that the treasonable oath which he had read to the house had been administered at Glasgow to many hundreds of individuals in the manner which he had during the last session stated in the course of debate. The accusation made therefore by the noble lord, of his having deluded the house by false, unfounded, or exaggerated statements, was utterly disproved. But not contented with this charge, of having practised imposition upon parliament, the noble lord had accused him of having interfered unnecessarily, by obtruding that statement upon the house in the course of the discussion which had taken place upon the bill for suspending the act of *habeas corpus*. Upon that charge he was at issue with the noble lord. The report of the committee of secrecy had referred to the transactions at Glasgow. The additional information which he had communicated to the house, could not be stated in that report, because it had only been received in town the very morning of the debate. That information appeared to him to be of the utmost importance, for the purpose of elucidating and confirming those statements in the report which the noble lord and his friends had so undeservedly charged with containing, if not falsehoods, very gross exaggerations. In that situation, as a servant of the crown, he conceived it his duty when the House was engaged in that most important discussion, to put it in possession of the latest information which had been obtained. And he must say, that the noble lord seemed to be profoundly ignorant of the duty of a member of parliament, if he conceived that the making such a statement under such circumstances, was uncalled for or unnecessary. With all deference to the noble lord, he apprehended that he would have been guilty of a dereliction of his duty, if in possession of such information, and being enabled without danger to the public service to lay it before the house, he had upon that occasion refrained from making the statement which he had made, in order that parliament might judge of the extent of the dangers by which the public tranquillity was threatened. (*Hear, hear.*) One other preliminary matter it was necessary also to advert to. The noble lord had said, that he had himself refused access to the witnesses who were prisoners in the castle to prevent their being tampered with, and this, it was said, appeared from the record. But although the noble lord said he had read the record, it appeared, with great deference to him, that the noble lord had not understood it. Neither in the record, nor in the short-hand writer's account of the trial, did one word appear of persons being refused access to the witnesses to prevent tampering. In point of fact, neither upon that account, nor upon any other, had he refused access to the witnesses; for in truth, he had no power to refuse access. Had the noble lord understood the record, he would have seen that such was the opinion of the whole of the judges, and that if any persons considered that they were improperly withheld from obtaining access to the prisoners, they had a clear and obvious remedy, viz. that of applying to the court, from which neither he nor any one else could debar them. (The Lord Advocate here read a passage from the record, from which it appeared, that instead of preventing persons from having access to the witnesses who were prisoners, he had taken upon himself the responsibility of facilitating that access, by his consenting to its being had without a reference in each instance to the court, which would otherwise have been necessary.) His lordship, therefore, asked, where was the proof of persons being prevented from having access to the witnesses in order to prevent tampering? The slightest knowledge of legal proceeding ought to have told the noble lord that such was impossible, had not the very evidence to which he had been pleased to refer as authorizing the statement itself disproved his allegation. He would therefore appeal to the House, whether this was not a most improper attempt upon the part of the noble lord to create an undue prejudice, by a statement which the evidence he himself held in his hand at the time he made it proved to be unfounded. Leaving, however, those preliminary matters, the Lord Advocate said, that he would proceed to that part of the noble lord's speech, in which he had referred to a supposed statement of the Attorney-General, of his never having any communication with the witnesses, for the purpose of shewing that the whole of his conduct must necessarily have been irregular and improper. Now, as to the duties of the Attorney-General he could say nothing. Whatever they were, he felt confident they would be discharged in an exemplary and proper manner by his hon. and learned friend. But every one knew, that the duties of the Attorney-General and of the Lord Advocate were in many respects of a different description. The Lord Advocate of Scotland was not only the public prosecutor as the Attorney-General was in England, but he was that which the Attorney-General was not, a police magistrate, or rather at the head of the police. In fact, he was the only servant of the crown in Scotland chiefly responsible for the general police of the country. This arose from the anomalous situation of that part of the empire which formed a separate government without a resident administration. From this circumstance, it was his duty to procure information of any designs against the pub-

lic tranquillity. He was bound to investigate offences in every stage of their progress, previous to conviction. If, from his omission to obtain information, the public tranquillity suffered, upon him the responsibility necessarily fell. In this respect his duties resembled those of the Secretary of State, more than of the Attorney-General. The latter was not required to do any thing for the preservation of the public peace, or to take any measures for procuring information, either of crimes which had been committed, or of crimes which were in agitation. But while such was the duty of the Lord Advocate, it was also incumbent upon him to discharge those duties for the whole country, which in England are imposed upon the grand juries of the different counties.—All investigations into crimes are made for his information, and in order to enable him to judge what persons ought to be brought to trial, or what proceeding, if any, should be had against the persons accused. In this way it is of necessity the constant practice for him to direct examinations, or re-examinations of witnesses in the presence of some officer, who should represent him *, either the procurator fiscal in the inferior courts, or sometimes the deputes in the supreme court. In fact, the Lord Advocate had an immediate interest, that there should be a full, authentic, and detailed account preserved of the evidence upon which he had proceeded upon bringing parties to trial; for he himself was liable to prosecution, unless he gave up the information on which he had proceeded, if the prosecution should appear to be malicious. This in particular had been settled in the case of Stephen against Lord Advocate Dundas, in the year 1727 †. Instead of there being any thing irregular, therefore, in his Majesty's Advocate of Scotland taking the necessary precautions for having witnesses pre-examined, it was obviously indispensable, in a great many cases, that he should do so. In the case of Campbell, the witness in question, this proceeding had been materially incumbent upon him. In the examinations of the different persons taken up as engaged in the conspiracies at Glasgow, Campbell had been referred to as being able to communicate circumstances highly important to the public tranquillity, not only in Scotland, but even in the northern parts of England, which were then threatened with disturbance, and there were strong grounds for suspecting that he knew a great deal of what the magistrates were yet in ignorance. It was, therefore, incumbent upon him (the Lord Advocate), to obtain from that person all the information he could give him. It was incumbent upon him to do so in another point of view: he meant for the purpose of having the fullest statement in writing of the whole evidence, upon which the prosecution which he was instituting against M'Kinlay was brought. For these reasons, and with the view solely of obtaining information, he had selected as the proper person to visit him, Mr. Home Drummond, the senior depute advocate, a gentleman of the highest reputation, of great prudence and legal knowledge. In doing so he felt that he was imposing a most irksome duty, a piece of duty which he was most reluctant to exact from a person of his accomplishments. But he felt that a due regard to the public tranquillity required that this duty should be performed, and upon the propriety of Mr. Drummond's conduct, he might have the most perfect reliance. In that conviction he had not been deceived. The noble lord had seemed to suppose that he might defend his own conduct by separating himself from his hon. friend, Mr. Drummond; and it was with astonishment that he heard such a supposition made by a person like the noble lord. He and Mr. Drummond must stand or fall together. He should consider himself utterly unworthy of the situation which he held, were he capable of resting his defence upon such a foundation. He wished the noble lord and the house to understand, that Mr. Drummond had done nothing which he himself had not sanctioned, and which, were it to do again, he would not authorize. He should now state, that when Mr. Drummond was directed to repair to the castle, his instructions were to learn whether, upon a promise of pardon, Campbell would give the information which it was supposed he possessed, relative to the designs and proceedings of the disaffected; and it was not then in contemplation to call upon him to give evidence as a witness in court. In short, Mr. Drummond had authority to offer a pardon *for information* solely, and not upon condition of Campbell giving evidence. When Mr. Drummond reported what had passed, he stated, that Campbell had declined to give information: and, although speaking in confidence to him (the Lord Advocate), he certainly did not state that he had made him any promise, other than the promise of pardon, and still less that that promise had been given for the purpose of prevailing on him to give evidence. He mentioned that the witness had stated, that he was in the greatest alarm for his life from the machinations of the disaffected, should he give information. This Mr. Drummond attempted to satisfy him was unfounded. But he had Mr. Drummond's authority to say, that he did not then, or at any time, give a promise of any place in the excise, even for the limited purpose of obtaining information, which was at that time the only object in view. In looking at the deposition of Campbell, that person stated, that Mr. Drummond repeated his visit; but the fact was, that Mr. Drummond was sent for by Campbell, when that person told him that whether he should give information, or whether he should give evidence upon the trials of the parties accused, it was indispensably necessary, that, as a preliminary condition, he should for the sake of his personal safety, which he be-

* Hume, Vol. II. p. 130. † Hume, Vol. I. p. 217.

lieved to be in the most imminent danger from violence on the part of his former associates, have passports to leave the country; and that as he and his family had not the means to travel, being utterly destitute of money, they must be supplied with that also, otherwise the passports would be useless, and their removal impossible. He added that, unless this was done, he would rather suffer perpetual imprisonment, because he felt that his life would not be secure one moment if he went back to Glasgow. Mr. Drummond acquainted him that he conceived all witnesses entitled to assurances of protection; but that he individually had no power to give him any promise: when the sheriff came to examine him would be the time for him to state his demand, and he would then be told what could be done for him. He then requested, as a favour, that some money should be sent to his wife, to enable her to leave Glasgow, where she might be maltreated by the populace, upon its being known that he had given information; but Mr. Drummond told him, that he would say nothing on the subject, but would report the request to him (the Lord Advocate), and he (Campbell) might write to her any letter he thought fit, which would be shewn, and transmitted, if approved of. When the request was communicated to him, along with a letter which Campbell had written, he stated that he could not authorize any money to be given to her, but he had no objection to the woman being sent to Edinburgh, at the public expense, to attend her husband; and that the means of conveyance should be furnished by the procurator fiscal. A letter to that effect was accordingly written to that officer, explaining that Campbell was to receive a pardon, and to be sent out of the country; but that in every other respect he was to be treated as any other witness, without receiving any additional indulgence. The sheriff of Edinburgh was then directed to proceed to take the full examination of Campbell in writing, and in a case of such importance, it was thought proper that the Solicitor-General and Mr. Drummond should attend on behalf of the crown. Sir William Rae, the sheriff depute, not having arrived, the examination was proceeded in by the sheriff substitute; but previous to answering any questions, Campbell stated that it was necessary for his personal safety that he should be protected and sent abroad after giving his evidence. This was taken down in writing, and the Solicitor-General assured him, by his (the Lord Advocate's) directions, that he should be protected—that he should have a passport—and that he should be sent abroad at the public expense. At this time Sir William Rae came into the room and remarked, that it was unusual to take down any thing of that nature in a declaration, but Campbell stated, that he thought it necessary to have evidence that the protection required by him was to be afforded. The sheriff replied, that he had no objection to repeat personally the assurances which had been given to him, that his safety and that of his wife should be provided for, and the Solicitor-General added, that beyond that assurance the witness must depend on nothing,—that nothing farther could be understood as being engaged for. It was altogether false as alleged by Campbell, that any thing was said about the sheriff refusing to sign the paper, and in point of fact, that officer considered it of so little importance, that he threw it into the fire. His having done so, could be accounted for on no other footing, without charging him with a gross breach of duty; because if he felt it of importance, he was bound to have preserved it. But, indeed, considering that the declaration was intended for no other eyes than those of the public prosecutor, such must have been the view entertained by the sheriff. Besides, as that officer was so scrupulously exact in the performance of his duty as was alleged by the witness, it would be a piece of perfect inconsistency to suppose that he was guilty of a wilful breach of it by throwing the paper into the fire. It was in fact, however, a matter of no importance, because the contents of the paper were fully admitted. He had only farther to explain in point of fact, that when messages were subsequently sent to Mr. Drummond through the gaoler, that person was directed to carry them to the sheriff, as Mr. Drummond would not receive them; that when a letter was written to him by Campbell, requesting 1*l.* 3*s.* to pay his rent at Glasgow, it was peremptorily refused, and that whatever articles of dress were furnished to Campbell were furnished by the gaoler. He himself, however, had no scruple in avowing, that had he been informed that such articles were required, he would have directed either that prisoner or any other prisoner to be supplied with any articles of dress which might be necessary for their comfort. Such was the statement which, he averred, correctly represented what had passed betwixt the crown counsel and the witness, and which he was prepared to contend was in every respect completely legal. Nay, he would go farther and say, that if he had omitted to direct any of those steps to be taken which he had directed, he himself, considering the circumstances in which the country was then placed, would have been guilty of a gross dereliction of his public duty. In making this statement, he was aware, that wherever it differed from the account given by the witness, he was requiring of the house to believe the testimony of a person not upon oath, in preference to that of a person who was upon oath. But in estimating the credit due to those different testimonies, it was necessary to recollect the situation in which Campbell the witness was placed when he was examined by the court. He was a *socius criminis* whose evidence could not be received, even upon the trial, without further confirmation. His being called by the crown therefore was no reason why the crown should be obliged to abide by every thing

which he might think fit to state. The crown called him as a stigmatized witness, and with that indelibly impressed upon him they could alone bring him forward. In the second place, he entered the box to give his testimony, having an immediate interest to disqualify himself from giving evidence. If he was examined and told all that he had told the public prosecutor on his pre-examination, his personal security required that he should be sent abroad and banished from his native land. On the other hand, if he disqualified himself, his accomplice would not be convicted, his own life would not be in danger, and while he obtained indemnity from the public, he might remain unmolested at home. If nothing else attached to the witness, it was impossible, under such circumstances, to have given him implicit credit. But he had not entered the court uncontaminated in other respects. In the course of the trial it would be recollected that the counsel for the prisoner had objected to Campbell's admissibility, because they had been refused permission to hold any communication with him. Now he would ask, was this true? Had they had no communication with the witness? (*Hear, hear.*) An hon. gentleman opposite could answer that question, and acquaint the house whether he was not correct in stating that for at least one week before the trial, the prisoner's counsel had been in actual communication with the witness, and that too upon the statement which he afterwards gave? But further still he would ask that hon. and learned gentleman, whether it did not consist with his knowledge, that after Campbell had given his testimony, he actually received from those acting for the prisoner under trial the reward of his perjuries? (*Hear, hear, hear.*) Those questions could not be answered in the negative, and if so, could the house, even if his story was consistent in itself, yield credit to such a witness? But it was impossible to read that person's evidence without being satisfied of the little credit that was due to it. In particular, by his own account, he had been practising a deceit upon Mr. Drummond, by allowing him to suppose that he thought his life was in danger, when he did not apprehend it to be so. But even this was contradicted by a letter which he had written to his hon. and learned friend. On the other hand, the gentleman whose statement he gave to the house, was a high and irreproachable character, and the whole circumstances of the case proved, that whether any thing illegal had been done, at least nothing illegal had been intended. Had any thing illegal been intended, would he himself and his colleagues have brought the sheriff depute, his substitute, the procurator fiscal and his clerk to be witnesses of their misconduct? The only reason for having those persons present was, that there might remain in the crown office an authenticated written account in justification of the proceedings which he had instituted. But would this have been the result of the very first step of the examination itself, if it was in the estimation of those acting for the crown an act of illegality? The thing seemed so utterly improbable, that he thought he might safely rely, that whether the house might ultimately think he had acted illegally or not, at least it was impossible they should be of opinion that he conceived it to be so at the time he authorized it. The question, therefore, was, and on which he was ready to meet the noble lord, had any thing illegal been done. He trusted he should immediately satisfy the house, that the giving that promise of a free pardon, a passport, and the means of leaving the country, was promising nothing which he was not in law entitled to have promised, nay, which under the circumstances in which he was placed, he was not bound to have promised. And here it was necessary to explain for the sake of gentlemen not acquainted with the practice of the courts in Scotland, that when a witness is put upon oath, three preliminary questions are put to him. First, have you any malice or ill-will against the prisoner at the bar? Second, have you received any reward or promise of reward for the evidence which you are to give upon the trial? Third, have you been told what answers you are to give to the questions that are put to you? Now, should the witness answer those questions in the affirmative, it may be supposed that his answer would at once incapacitate the witness. But this is not the result. If he answers for instance, that he has malice against the prisoner, the court then proceeds to examine into the nature of the malice, and unless the witness shall depose that it is a malice of that description which would induce him to swear falsely against the prisoner, it is not held that the evidence is liable to objection. In like manner, if upon the second question, he was to answer that he has received a promise of reward to give his evidence, the nature of the reward comes to be inquired into, and it must be admitted that it is not every reward that will bar him from giving evidence. Nay, it must even be admitted that it is competent to promise the witness the highest reward which any man can receive; that is, if he be a *socius criminis*, the promise of his life, without invalidating his testimony. For it is settled beyond all dispute, that a *socius criminis* having in his pocket the promise of a free pardon from the public prosecutor is yet a competent evidence on the trial of his associate. But it has even been laid down by the court of justiciary, that it is competent to offer a reward for evidence in order to convict one guilty of an offence, and that the hope of receiving that reward will not incapacitate a witness from giving his testimony upon the trial of the offender. All that is required is, that the reward should be offered or given under the condition that the witness should tell the truth, and not that he should give evidence in a particular way. The latter would be illegal: the other was not so. In support of this doctrine he referred to a case

mentioned by Mr. Burnett, in his Criminal Law, page 416, where the point had been solemnly declared by the supreme criminal court of Scotland. Of the law of Scotland, therefore, in so far as it concerned this subject, there was no doubt, and the house would observe in considering what had been done by him in the instance complained of, that he was only responsible for having proceeded according to the law of that country; whether it corresponded with the law of England (with which the house were more familiar) or not. But what he had now stated, he took upon him to assert, was not the law of Scotland only, but the law of England and the law of the British constitution. So at least the law had been laid down by no less authority than that of the twelve judges of England, on one of the gravest occasions on which the opinions of those learned persons had ever been required. On the trial of lord Melville it would be recollected that certain questions on matters of law were proposed to the judges by the house of lords, as to the admissibility of Mr. Trotter's evidence. The third of those questions was to ascertain "whether a witness, who, on making a full and fair disclosure, was to be excused from certain debts, could not be legally objected to, on the ground of his being interested?" To this question the judges, through the mouth of chief justice Mansfield, gave an unanimous answer,—that "a witness in the situation described, could not be repelled on the ground of being interested, as whatever was offered on the condition of his making a full and fair disclosure, could legally make no difference with respect to his evidence, he being bound by his oath, by law, morality and honour, to declare the truth, the whole truth, and nothing but the truth." (*Hear, hear, hear.*) The constitutional law of the country therefore was, that provided no reward was offered to a witness except a reward that he should tell the whole truth upon his examination, that witness remained in every respect unexceptionable; and there was no offence either in law or in morality in offering the witness a reward to that effect. He should immediately demonstrate that nothing more had been done in the present case, according to the shewing of the noble lord himself. But before doing so, the case he had just referred to required that he should express his astonishment that the noble lord, before he stated so broadly as he had done, that it was utterly inconsistent with English practice for a prosecutor to hold communication with the witnesses he was to adduce upon the trial, should not have, in the first instance, learned the opinion of his hon. and learned friend (Sir S. Romilly) who sat beside him. For that high authority could have told the noble lord that the proceedings in the case of Lord Melville had established a precedent diametrically the reverse In that case, he asserted without fear of contradiction, not only had the managers of the impeachment provided for Mr. Trotter that security and indemnity to which he had just alluded, but they had also held communication with him, as to the evidence he was to give upon the trial, previous to his examination. But that was not all. For after the trial was commenced, and after Mr. Trotter had been one whole day under examination in the high court of parliament; first, the managers of the impeachment re-examined Mr. Trotter in private; and not contented with that, the leader of the managers himself (the late Mr. Whitbread) acting, it was to be presumed, by the advice of the rest of his associates, of whom it would be recollected the attorney and solicitor-general for the time * were two, had a private communication with that witness, *remotis arbitris*, before his second examination in the witness's box. It must therefore be obvious to the house that there were no grounds whatever for accusing him and his colleagues with having acted in a manner that was unusual, in holding that communication with the prisoner Campbell, which was necessary for obtaining the information he was supposed to have; apparently so important to the public tranquillity. In this situation, holding himself entitled to have communication with Campbell either directly or by those under him, and holding that, according to the law of Scotland, and according to the constitutional law of Great Britain, he was entitled to offer that individual a free pardon, and that he was not only entitled, but was bound to ensure his personal security as well as the means of rendering that promise of personal security available, he had given it as his opinion in point of law, that the promise which had been stated by the noble lord as a ground of charging him with a high offence, should be given him in an avowed and authentic form before a public magistrate of the country. In the soundness of that opinion, he was, upon reflection, fully confirmed, and in the speech of the noble lord, at least, he had not heard one ground stated for doubting its correctness. The great object in promising a pardon to a *socius criminis* was to relieve him from fear of prosecution on account of those matters to which his evidence might relate. But a witness was not only entitled to be relieved of fear of prosecution, but of fear of personal violence from any quarter whatever, whether coming from the persons against whom he was to give his evidence, or those with whom they were connected. How this security was to be afforded, must depend upon circumstances. Thus in Ireland, where it was known that persons frequently associated together, binding themselves to put those giving evidence against their associates to death, it was necessary to place guards in the houses of the witnesses to protect them from violence. In some instances, it was even necessary to remove them within the walls of a garrison, in which they and their families must be maintained at the public expense. But in neither of those cases was it ever dreamt of, that an ob-

* Sir Arthur Pigott and Sir Samuel Romilly.

jection to the evidence of the witness could be entertained, founded upon the reward, which, in the shape of personal protection, had been conferred on him. Now in the present case, the individual not only had stated that he apprehended his life to be in danger, but it was obvious that he must have so thought it, from the circumstance that many hundred persons had bound themselves by an oath to put any individual to death who should give that information which he, the witness, was about to communicate. In that situation it was only by leaving the country, (unless he should be contented to remain a prisoner) that the safety of the witness could be guaranteed. Was it not, therefore, the bounden duty of the public prosecutor, not only to promise him a passport for leaving the country, which, as an artizan, it was necessary he should possess, but to promise him the means of using that passport, which his poverty would otherwise have rendered utterly unavailable. This, he maintained, he was entitled to promise, provided the witness would speak the truth. He was not entitled to promise that, or any thing else, to obtain false testimony; but to obtain a full disclosure, he was entitled, upon the authority of the cases to which he had referred, to promise that or a great deal more. Now what had been asked of the witness in the present case? This the house would find explained by that individual himself, hostile as he was to him and his colleagues, in a passage which, he must observe, the noble lord had thought fit to read in a tone of voice considerably lower than that in which he had read those parts of the deposition, on which, in the course of his speech, he had thought fit to comment, as more suited for the purposes of his present motion. That passage was in the following words: 'Depones that in the conversations abovementioned, with Mr. Drummond or any of the other gentlemen, there was no attempt whatever made to instruct him in any way as to what he should say in giving evidence as a witness. All which is truth, as the deponent shall answer to God.' The witness therefore fairly admitted, that nothing had been asked of him but to speak the truth. Not only, however, was there this direct evidence of that fact, but there was also this additional proof of it, that from the deposition of the witness, it appeared, that the Solicitor-General and Mr. Drummond had never once even put a question to him as to any of the circumstances of the case, for this obvious reason, lest by so doing they might have led his mind to give evidence in a particular way. It was no doubt true, that in one part of the witness's testimony he stated, "that Mr. Drummond then said, that if he would give such information as would please the Lord Advocate, he should neither be tried himself, nor made a witness." But this, it must be obvious, upon examining the context, related merely to telling the whole truth: because, according to Campbell's own account of the matter, Mr. Drummond did not want *his evidence*, but the private *information* which it was understood he could give; and it was quite absurd to suppose that he (the Lord Advocate) or any man of a sound mind, could wish to obtain false information, by which his own conduct was to be guided. His doing so could have served no purpose whatever, but that of deceiving himself. He, therefore, submitted upon the whole to the house, that there was not only no proof of an attempt to suborn false testimony; but, on the contrary, there was the clearest evidence, that nothing had been done, but what by the law of the land was constitutionally legal. No promise had been made to Campbell to state any thing which was untrue; no attempt had been made to instruct him; nothing had been asked of him but that he should speak the truth, the whole truth, and nothing but the truth. Now, according to the statement of Burnett, and the opinion of the twelve judges, even a promise of money to procure evidence to that effect, formed no ground of complaint, either against the party making the promise, or against him who received it. (*Hear, hear.*) But, no money whatever had been promised—nothing had been promised but a free pardon, which he was entitled to give, accompanied by a promise of personal protection, to which every witness was entitled, and of rendering that promise available in the only way in which the witness himself thought it could be made available, and by which alone, therefore, his mind, in giving testimony, was to be relieved from the influence of terror,—by sending him abroad at the public expense. The noble lord, no doubt, had alleged that greater indulgences had been given to the witness than those already mentioned; but he (the Lord Advocate) would assure the house, that those indulgences were not peculiar to Campbell, but had been extended to every one of the prisoners, even those who were indicted for trial. This appeared from the statement of the trial by the short-hand writer, which he held in his hand, although, in that mutilated account which the noble lord appeared to be possessed of, it would not be found. For, however unpleasant he must feel it to read any passage containing language complimentary to himself, he thought himself bound upon this occasion, (arraigned as his conduct had been for harshness and severity towards the prisoners) to read to the house a passage, shewing what passed upon this subject, upon the trial of M'Kinlay, which would in every respect confirm what he had now stated: "I wish to return my sincere thanks to your lordships for shewing me such kindness—to the gentlemen of the jury for their attention, and the verdict they have returned,—and to the lord advocate for his kind attention during my imprisonment,—and I wish publicly to declare, that I had all the liberty and indulgence that man could possibly have in such circumstances." In those respects, therefore, nothing had been done to Campbell that had not been done to the other witnesses. Indeed, the

fact was, that when that individual had, upon one occasion, requested that a very small sum, amounting to twenty-three shillings, should be given to him for the purpose of defraying the rent of his house in Glasgow, upon the request being communicated to him (the Lord Advocate), it was peremptorily refused. The noble lord had said too, that it was intended that all the communications between Campbell and the crown counsel should remain secret. But he would ask them, why should he have desired to have Campbell's testimony taken down in writing, in presence of the sheriff and the other local officers? There could have been no reason for his so doing, but to have enabled M'Kinlay to obtain, by legal means, full knowledge of every thing that had passed with himself and others respecting the charges which were brought against him. The noble lord too had said, that he had wished to hang M'Kinlay upon evidence so improperly and unconstitutionally obtained. But, here again the noble lord was mistaken; because, before Campbell was adduced as an evidence at all, he himself had secured the prisoner against the consequences of a capital conviction, by restricting the libel to infer only arbitrary punishment. No doubt this circumstance would not be found by the noble lord in his account of the trial, which, although certified to be correct, by persons of eminence at the Scotch bar (a circumstance he should not have expected), was thus in another, as well as numerous particulars, proved to be incorrect. He, therefore, submitted upon the whole of the case, that the noble lord had laid no ground sufficient for inducing the house to accede to his motion. The noble lord was in an error in every thing he had said, as to the practice of communicating with witnesses, whether the matter was contemplated with a view to Scotland or to England; he was in an error not only in so far as the law of Scotland was concerned, but in so far as concerned the law of the British constitution, with respect to the legality of inducing witnesses, under promises of pardon and of personal protection, to give evidence touching the commission of crimes.—Failing, as the noble lord had done, therefore, in his argument in point of law, he must now add, that if the house acceded to the proposal of making the present a matter of parliamentary inquiry, it would be interfering with the ordinary course of justice. For the noble lord was mistaken in supposing that any one of the persons taken up in Scotland, had been imprisoned in virtue of the suspension of the act of habeas corpus. (*Hear, hear, hear.*) One and all of the persons accused of state offences, had been confined in virtue of warrants granted under the ordinary administration of the law. (*Hear, hear, hear.*) In that situation, if any thing illegal had been done, either by himself or his colleagues, one and all of those prisoners had a right to recover damages by a common action at law. The individuals therefore, having that remedy open to them, it would not be according to the ordinary usage of parliament to institute a proceeding which must be attended with consequences injurious in the court below, either to the one party or to the other. He had thus, he trusted, answered the different charges which had been mustered against him by the noble lord, and while he returned his humble thanks to the house for the patience with which they had been pleased to listen to the long and dry detail into which he had been forced to enter, he felt confident that, as had been done upon the motion of Mr. Adam, in the year 1794, when he moved for the record of the trial of Palmer and Muir, they would reject the motion of the noble lord.

Mr. *J. P. Grant* then rose, and spoke as follows:—

Sir,—Alluded to as I have been by the learned lord, and having been of counsel for the prisoner in the trial in which the conduct of the learned lord is called in question, I have thought it necessary to offer myself thus early in the debate to your attention. I beg to assure the house, that nothing would have given me more sincere pleasure than that the learned lord had succeeded in removing the imputation cast upon him by the evidence of Campbell.—The learned lord may believe me when I state, that I have never approached any question with more personal pain, than I approach the present; but this is not a question in which personal considerations can be indulged. If there be any question on which such considerations must be sacrificed, it is this which arises out of the evidence of this man. This is as grave a charge, and on a matter as vital to the interests of the country, as ever was preferred to parliament. Even those who do not know me, will not suppose that I can rise in my place in parliament, to deliver the opinions, which I shall be compelled to deliver before I sit down, of the conduct of gentlemen with whom I am in the daily habit of professional intercourse—gentlemen against whose private character I know of no imputation; whose manners are conciliatory; some of whom are nearly allied to persons whose friendship I am proud to possess:—it cannot be supposed that I can deliver such opinions of the conduct of such persons, without feeling the greatest degree of uneasiness. With regard to the disturbances at Glasgow; the extent of the conspiracy alleged to have existed there; and the justification of the statement made in this house, in the last session, on that subject, by the learned lord; when the time comes for going into it, and a fit opportunity shall offer, I shall be ready to meet the learned lord. But I now wish to stick to the question properly before the house—a question which is alone sufficient to arrest its whole attention—namely, the conduct of the law officers of the crown in Scotland, in regard to this witness. I will concede, for the sake of argument, all that the learned lord has stated to be true, respecting the extent of the conspiracy

and the magnitude of the danger; I will assume, that the person of whom I am speaking was actively engaged in that conspiracy; that he was one of the most guilty of mankind. (*Hear, hear, hear.*) All this will not weigh one feather in the balance in favour of the learned lord —(*Hear, hear,*)—or in justification of practices such as are imputed to the law officers of the crown of Scotland. The learned lord has said, that my noble friend, in bringing forward this motion, is interfering with the ordinary course of the law; and he has stated, that the persons arrested, were taken up, not on the new law, suspending the habeas corpus act, or the similar act in Scotland, but under the common law of Scotland; and that the persons who think themselves aggrieved, may commence criminal or civil prosecutions. But is it any thing to this house, intrusted as we are with the care of the lives and liberties of our fellow-subjects; (*Hear, hear.*)—with the superintendence of the courts of justice—who are bound to watch their conduct with a jealous eye, and still more especially the conduct of the law officers of the crown —(*Hear, hear, hear.*) Is it to be told us, sitting here in parliament, that private individuals may commence actions such as have been described? Sir, private individuals may bring such actions as the law allows, or they may abstain from so doing; but we have a great and important duty to perform to the public, from which, I trust, we shall not abstain. Let us see what this charge is, and how it stands on the evidence of Campbell. To this I beg the serious attention of the house. The charge is twofold. First, that the law officers of the crown have tampered with a witness. Secondly, that, knowing that by the forms of the court, a question must be asked him, which, in order to be a witness, he must answer on oath in the negative; they have, notwithstanding, brought this witness forward, knowing that, if he answered in the negative, he perjured himself. (*Hear, hear, hear.*) I have now stated, as briefly and as clearly as I can, the accusations against the learned lord; I do not mean to say that they are true, but I will say that they are made on such authority, that they must be received as true in this house, till they are contradicted: and they stand to this moment uncontradicted even in statement, except by the statement of the learned lord, in this house. I will say for the learned lord and his coadjutors, that it is not fair to them to permit these accusations to stand uncontradicted. I will say it is not fair to this House, to ask of it to permit this evidence to stand uncontradicted on record; it is not fair to us, to ask that the record may not be laid on the table, that we may examine into the truth of this evidence. This evidence is contained in a deposition on oath of a credible witness, recorded in the books of the High Court of Justiciary. The deposition was taken down in writing, at the desire of the learned lord himself, contrary to the ordinary practice, and now forms part of the records of the court*. It is our duty, Sir, to have this matter clearly ascertained. The witness himself has taken pains, in the whole course of his deposition, to furnish the means by which, if untrue, his evidence may be contradicted: he mentions the names of many persons as privy to the transactions related by him, and states a number of minute facts: I will ask the house, I will ask my learned friend opposite, the Attorney-General, if this evidence be not true, whether he has ever, in the course of his experience, seen a single case where perjury might be so easily detected. (*Hear, hear, hear.*) Now, months after months have elapsed since this trial, on which evidence was given, imputing to these learned persons things, which till now I did not believe any man would have allowed to remain uncontradicted. (*Hear.*) Yet no prosecution for perjury has been brought. The learned lord has told us, that he acts as the grand jury in Scotland; he had nothing therefore to do but indict this man for perjury; and, I give him my word of honour, that he, the learned lord himself, could not be more pleased than I should have been, if the learned lord had succeeded in rescuing from this reproach his own character, and the character of the profession to which I have the honour to belong. (*Hear, hear, hear.*) Let it not be supposed that in any thing I have said of his conduct, I am actuated by any personal motives towards the learned lord. I can feel towards him, and towards the other unfortunate gentlemen concerned in this transaction, no sentiments but those of pity and compassion. (*Hear, hear.*) I am actuated by considerations of public duty alone. And why should it be otherwise? Is there any thing in the private life of the learned lord, which can induce me to bear rancour towards him? Is there any thing in his situation, notwithstanding he holds this important office, calculated to provoke political hostility? Where would be the victory over him? What party object could be accomplished by his defeat? This, Sir, is no party question. I am proud to say, that there exist persons in this country, who act together in this house, and elsewhere, to whom nothing is indifferent which concerns the public welfare, or the safety of the constitution. In this sense, this may be considered as taken up by a party; but in no other sense can it be supposed to involve any party question. (*Hear, hear.*) I request the house now to go along with me through the whole of this man's deposition, and I will ask them if they think the charge it contains ought to remain uncontradicted. The beginning of the statement is of use only to shew the general spirit with which this business was conducted; but it is useful to this purpose; and the house, by the displeasure which it expresses, will teach all inferior magistrates, that such practices cannot be suffered to pass with

* See the deposition at the end of this debate.

impunity. The deposition commences by stating, that the witness was apprehended, and so on. "That he was taken to be examined before the sheriff depute of Lanarkshire; and being interrogated if he knew what he was brought there for? he answered that he did not know. On which the sheriff insisted that he did; and added, "it would be wisdom of him to make his breast clean." He is then left with the procurator fiscal, Mr. Salmond, alone, at least the witness says he is not sure whether any other person was present or not. Mr. Salmond came up to the witness, saying, "John, you perhaps do not know that I know so much about this affair;" and adding, "I know more about it than you think I do." He was often closeted with Mr. Salmond; on one of which occasions, after using many entreaties to the witness, and these having failed, after railing at the prisoners as villains who had betrayed him (the witness), Mr. Salmond said, "John, I assure you, that I have six men who will swear that you took that oath, and you will be hanged as sure as you are alive." *(Hear, hear.)* After this, Salmond said, "John, you will ruin yourself if you persist in this way; but if you take the other way, you will do yourself much good." *(Hear.)* "Depones, That after much conversation, the witness said he was not afraid of the one way, and he did not see much good he could do himself by the other." Mr. Salmond said, "the Lord Advocate was in Glasgow." This was a mistake; Mr. Home Drummond, the advocate depute, was meant, and is by mistake here called the lord advocate. Mr. Home Drummond was at Glasgow at the time. Mr. Salmond said, "the Lord Advocate was in Glasgow, and he would come under any obligation he chose, if he would be a witness." The learned lord has said, that all that took place was for the purpose of obtaining information. But there was here, at the very first, no word of giving information. The reward was offered if he would be a witness. *(Hear, hear.)* The witness then states, that he was taken again before the sheriff, and there, to confirm the circumstance that Mr. Salmond spoke from authority, Mr. Drummond, the advocate depute, came into the room. But the witness admits the subject of the obligation was not mentioned. He was then removed to the castle of Edinburgh, there the operations of the advocate depute begin. "When in the castle of Edinburgh, Mr. Drummond came to him, and mentioned that M'Kinlay had been served with an indictment, and that his (the witness's) name was in the list of witnesses, and that now was the time for him to determine whether he would be a witness or not." "The deponent stated, that he did not wish to be a witness, and that he, Mr. Drummond, knew that if he was, he need not go back to Glasgow, as he could not live there. Depones, That Mr. Drummond then said, that he was quite sensible of that, but that he might go and reside somewhere else, and that he might change his name; but the witness said he would not change his name, and that it would be much the same if he lived in any other manufacturing place, as in Glasgow. Depones, "That Mr. Drummond then said, he had been thinking of a plan of writing to Lord Sidmouth, to get him into the excise, and that if he, the witness, chose, he would write to Lord Sidmouth, and shew him his answer." This offer was made after the witness was told he was in the list of witnesses, that he must appear and give evidence, that he was in a situation where he could not help himself, where he could not avoid speaking out, but where he might avoid saying what would be agreeable to those who wished to produce him. *(Hear, hear.)* The record goes on to state, that the witness answered, he did not choose to be an exciseman; and remarked at the same time, that it was perhaps the only office under government which he was fit for; but as it was an office attended with risk and ill-will, he did not choose to accept of it, as he had suffered already considerably in that way, by being a peace officer. He was then asked what he would have, and afterwards the offer was made to him to be sent abroad. Was this necessary to a witness who was already on the list, and might be compelled to appear? Was all this requisite for his protection if he spoke the truth? Was sending him abroad protecting him? Was the offer of making him an exciseman, an offer only of protection? But the witness adds, that nobody was present at this conversation, and that it was conducted only by Campbell and Mr. Drummond, and therefore it must rest on the testimony of Campbell. But its probability or improbability will appear from subsequent parts of the deposition. The witness did not take the office of an exciseman, as it was exposed to danger: then the advocate depute was ready to come to any other terms he chose: he says, if you will not be an exciseman, what then do you want? what will you have? *(Hear, hear.)*—"Depones, That at the first interview, after what is above mentioned, Mr. Drummond asked him what he wanted to have." *(Hear, hear.)* Was there any question about giving information here? Was there any thing here like the fair and candid examination by a magistrate, of a person called before him to disclose circumstances material to the ends of justice? The advocate depute told him that he was already in the list of witnesses, that he must be put into the witness-box; and yet, he adds, now is the time for you to determine whether you will be a witness or not. *(Loud cries of hear.)* Is any body so dull as not to understand the purpose of this conversation? He was already a witness, why then was he asked if he would be a witness, unless the question alluded to the nature of the evidence which it was wished that he should give? *(Hear, hear.)* Now, had all

this about the exciseman's place been a fabrication, it is probable the man would have let it rest here. He would have been contented with having once announced it. But not so. In a subsequent part of his deposition he recurs to it again. A little further on he says, that, at a subsequent interview, he asked Mr. Drummond "if he had wrote to Lord Sidmouth, and Mr. Drummond answered he had not, as the witness had rejected it." Could all this escape the recollection of Mr. Drummond? The circumstances are most particularly stated. First, the offer made, which was declined.—Then, the conversation which ensued at the time.—And again, the subsequent mention of it, the question of the witness, and the answer of Mr. Drummond. I come now to what I consider as the most painful passage in this record. It is one on which the learned lord has particularly dwelt, and it is the only passage in which there is any mention of obtaining information. "Depones, That at the first interview after what is above-mentioned, Mr. Drummond asked him what he wanted to have? The witness remained silent, and made no answer. Depones, That Mr. Drummond then said, if he would give such information as would please the lord advocate, he should neither be tried himself, nor made a witness." Here is the distinction clearly drawn between the functions of an informer and a witness. The man is in no mistake. He knows well what he says. Mr. Drummond was willing to compromise the matter. The first attempt was to make him a witness, but this failed. He was offered an exciseman's place, but he refused it. He is then asked what he would have?—he remains silent. And when Mr. Drummond finds he cannot prevail on him to be a witness, at least such a witness as he wanted, he is willing to compound for receiving information. He had refused "to be a witness;" and the advocate depute, after having told him that he was in the list of witnesses, and could be compelled to appear, now said, if you give information, you shall not be made a witness.—*(Hear, hear, hear.)* Does not this mention of information, coupled with the offer of exempting him from being a witness, sufficiently prove that they had dealt with him as with a witness before? *(Hear, hear.)* But this is not all.—What is the threat held out to him? to this man whom they were endeavouring to prevail on to give evidence? Mr. Drummond begins with promises of reward, and concludes with no obscure hint of his danger. His interest is first appealed to by holding out the prospect of situations of advantage; and his fears are next assailed by intimating, pretty plainly, the possibility of his being tried for his life. However necessary it may be to hold out promises of pardon to those who are concerned in public crimes, and to make use of their evidence with proper caution, it surely cannot be maintained, on any plea of necessity, that such a method of producing witnesses as is here divulged, supposing the statement to be true, is justified by law, or consistent with humanity. On this proposition being made to the witness, he hesitated. "He said that was an uncertain matter, as he did not know what information they wanted." And more to the same purpose.—"Mr. Drummond then said, I do not know what to do with you, Campbell—I wish to do every thing I can to favour you—I shall give you a day or two to think of it. Mr. Drummond added, do you wish I should call back again?" He will not leave him without the hope that his offers and persuasions may be renewed. As he is going away, he turns round, and says, "shall I call back again?" I do not state these assertions as proofs—and I repeat, that I desire to be so understood; but they amount to such a degree of probability, and are calculated to make such impressions, as ought at least to be met with some explanation or contradiction, if they are liable to be so met. The witness proceeds to state, that when Mr. Drummond called afterwards at the Castle, where these conversations took place, he asked him if he had made up his mind? He answered that he had, upon conditions. The conditions were, that he should receive a passport to go to the continent, where, being a mechanic, he feared that the laws of the country would not allow him to go. Mr. Drummond replied, "There is no question but you will get that, and means to carry you there." *(Hear.)* The witness then said, that, upon these conditions, he would be a witness, provided his wife was also taken into consideration; and on his stating that she was in delicate health, had no means of support but what she earned, and that he feared the public might manifest their displeasure at his becoming a witness, by ill-treatment of her; Mr. Drummond desired him to write to her, stating what he was about, and that a one pound note was inclosed, and desiring her to retire for the present to his father's, Mr. Drummond undertaking to furnish the one pound note. The letter, however, was not sent, but the procurator fiscal of Glasgow was written to on the subject by the lord advocate's desire. I shall not trouble the house by going over more minutely the story of this one pound note. I now come to what summed up the whole of these proceedings. The witness says, that an examination afterwards took place in the presence of the sheriff, the sheriff substitute, the solicitor-general, a clerk, and the procurator fiscal of Edinburgh. "He depones, That he was informed by Mr. Drummond, that the sheriff was coming to examine him; and that it was agreed upon, that, in answer to the first question, he (the witness), was to state, and have it taken down, that he was to receive a passport to go to the continent, and the means to carry him there, it being understood that Prussia was to be his destination; that the sheriff, and, as he believes, the sheriff substitute, the solicitor-general, the procurator fiscal of Edinburgh, as he understood, and a

clerk, came into the room; and Mr. Drummond having asked Campbell 'What have you got to say in this business?' the deponent answered, that supposing he was concerned in that affair, and was to tell the whole truth, that he did not consider either himself or his wife safe, and that without his getting a passport to go to the continent, and the means of carrying him there, he could not be a witness; upon which Mr. Drummond, turning to the solicitor-general, said, 'Answer you that.' That the solicitor-general then ordered the clerk to write these words, as he thinks: 'Whereupon the solicitor-general assures the declarant, that every means necessary will be taken to preserve him and his wife, and that he will get a passport to quit the country, or go to the continent (he is not sure which), and the means to carry him there;' that, during this time, the sheriff was walking up and down the room, which is a pretty large one; and when the above words were taken down, he was desired to come and sign this. Depones, that the sheriff came and sat down at the table, and after perusing the paper for some time, said, 'I will not sign this;' and added, that as he was an officer of the crown, it was his duty to see justice done; and he could assure the witness, if he was to sign that paper, he would not be answerable for it for a good deal; for that if the deponent was brought to his oath, and should swear that he had received no promise of reward, and this paper signed, he would perjure himself: that the witness answered, no, if it was considered as a means of his preservation; upon which he was supported in the same argument by Mr. Drummond. Upon which the sheriff said, he would sign no such paper. That Mr. Drummond then proposed that it should be put down, that he was to get the means of carrying him to any of the British colonies, in place of going to a foreign kingdom; but the sheriff also refused that, and added, that he was willing every thing should be set down for the preservation of him and his wife, but nothing further: that after the sheriff had stated this, there was a pause for some time, when Mr. Drummond, looking at the deponent, said, 'Campbell, you know whether you can be a witness on these terms, or not.' The witness remained silent; and some time after, Mr. Drummond said, 'now, Campbell, do you believe that we can do that for you which you expect, without its being set down in the paper?' and that at this time, as he thinks, the sheriff was sitting at the table, the Solicitor-General and Mr. Drummond standing at the fire, and the other gentlemen walking about the room: that the witness answered, he knew they were able if they were willing; to which Mr. Drummond replied, 'could he rely upon them for that?' The witness answered, 'may I?' Mr. Drummond answered, 'you may;' and that the witness said pretty loudly, 'well, then, I shall rely upon you as gentlemen.'" After this he was permitted to write his declaration himself for the information of the law officers of the crown, and was afterwards brought forward as a witness against M'Kinlay at the trial. Now, here we have the whole sum and substance of all the previous communications with Mr. Drummond brought together, and detailed in the presence of all these persons. The witness has himself furnished you with the names of all these persons. He has minutely described their positions in the room at the time. Could any thing be more easy than to contradict him if all this was a lie? *(Hear, hear, hear.)* There was Mr. Home Drummond; there was the Solicitor-General. It may be said they were interested to contradict him. They were nevertheless good witnesses against him, and would have been perfectly credible witnesses. But there was the clerk who sat at the table, and wrote the extraordinary instrument which was to record this yet more extraordinary bargain. He had no interest, and could not have forgotten what passed. There was the sheriff, who read and carefully considered the terms of the writing, and then refused to have any thing to do with the transaction. There was the sheriff substitute; there was the procurator fiscal; these persons had no interest, but were in every respect most unimpeachable witnesses. Why have not those persons been brought forward to contradict him? It was agreed, then, that he should be carried to the place of his destination, which was Prussia. It has been said that it was fair to engage to carry the prisoner out of the reach of danger; but how does the fact appear? The trade to which he belonged was at the time paid at the rate of about 4*s.* 6*d.* or 5*s.* a week at Glasgow, with which the workman had to maintain himself and his family. It is notorious that the manufacturers of Glasgow were in a state of actual starvation, and equally well known that in Prussia great encouragement was held out to men in the situation of this witness: in truth, there was the greatest desire among them to obtain the means of going to Prussia. Can we then be told that this was not in the nature of a reward? Was it no offer of reward to offer to convey a man from a place where he and his family were starving, and where he felt his situation hopeless, to where he believed he would obtain an adequate recompence for his labour, and be placed in a state of comparative opulence? I would beg to know how another fact can be got over? He wrote to Mr. Drummond for a pair of shoes, and a pair of trowsers, and some money for his wife. He got the shoes from the gaoler, but was informed by him at the same time, that he could not give him any money till after the first trial was over, and that this was the answer he was desired to make by Mr. Drummond himself. If these were not facts, what could be more easy than to prosecute this man for perjury? He mentioned facts and circumstances which must rivet what passed in the minds of the persons stated to be present,

or to have been privy to them, and those persons might appear as unimpeachable witnesses against him in a trial for perjury. He said further, that the engagement, which had been reduced to writing, had been burnt in the presence of the sheriff. The learned lord admitted that a paper was burnt (*hear!*); but argues, that because it was destroyed in the presence of the sheriff, we are justified in concluding that there was nothing in it but what might fairly see the light. (*A laugh.*) I will not consume the time of the house in replying to such an argument as this. I will leave it to the house to determine between the gloss of the learned lord on this fact, and the inference which I am disposed to draw. In doing so, they will decide whether, if that paper could be produced, it is probable that it would contradict the evidence of the witness. The man also states having received a number of books from a circulating library, naming the day on which he received the first. In short, he has omitted nothing which was calculated to shew the accuracy of his recollection, or to detect him if he swore falsely. (*Hear.*) Another part of the evidence which I shall notice is the account which the witness gives of the manner in which the opinion of his life being in danger originated. The sheriff and procurator fiscal of Glasgow first asked him if he considered his life in danger. "Depones, that the first idea of apprehension of his being in danger was suggested to the deponent by the sheriff and fiscal at Glasgow, who asked him if the reason why he would not be a witness was, that he considered his life to be in danger? that he cannot say that he considered his life to be in danger: but that he did not choose to go back to Glasgow after being a witness. Depones, that he did not tell Mr. Drummond that his life was in danger;" but he admits that "Mr. Drummond seemed to be impressed with that idea, and the deponent continued to carry it on." So that the very idea of the danger from which they were so anxious to assure the witness they would protect him, was started by the law officers themselves. The witness not only did not consider his life in danger, but he never told any of them that he did consider it in danger. They took it from the first for granted; and were never at the pains even to question him seriously on the subject. But so eager were they to afford him their protection, that they never inquired into the reality of his danger, but were quite satisfied with their own impression, which, it seems, he had no desire to remove, but "continued to carry it on." The learned lord has charged my noble friend with reading those parts of the evidence which are in the learned lord's favour in a lower tone of voice than those which he conceived to make against him. But I am not aware of any such difference. I believe my noble friend's tone throughout to have been sufficiently audible. And the nature of the accusation preferred by my noble friend, and the scope of his argument, shew that he could not mean to sink that part of the evidence on which the learned lord relies. I will read it, for the learned lord's satisfaction, in a louder tone of voice. "Depones, that in the conversations above-mentioned with Mr. Drummond, or any of the other gentlemen, there was no attempt whatever made to instruct him in any way as to what he should say, in giving evidence as a witness, &c." Now I take upon myself distinctly to say, that if the witness did receive a reward, or the promise of it, on condition of giving testimony, though nothing should be said as to what the nature of that testimony was to be, the witness was by the law of Scotland disqualified. The sheriff has so decided in this very case; the court has so decided; the learned lord has himself so decided, by withdrawing his witness. Why did he withdraw the witness, but that he knew, that, if what he stated was true, he was inadmissible? We have the authority of the sheriff, who declared, that, if he took the oath, he would be perjured. We have the authority of the court, who declared that, if that had passed, which he swore had passed, he could not be received as a witness. Now, in opposition to this, the learned lord has quoted Mr. Burnet's book; and a case, I think, of a man of the name of Home. I beg to say, that the book to which he has alluded is not a good authority, nor is the case, if it be as reported, held to be well decided. I knew the author of that book very well: he was a very excellent and pains-taking man; but his book is not a book of authority: and as to Home's case, we have not the case fully reported. I have understood, that it was a case where a third party had made the offer to the witness, and it was decided, and, if so, it was without doubt properly decided, that the crown could not be deprived of its witness by the act of a third party. If the learned lord means to say it is the law of Scotland, that a witness, to whom a reward is promised for being a witness, is not disqualified to give evidence, I will meet him, not with my own authority, but with what is of much greater weight, the authority of some of the most eminent counsel at the Scots bar. An hon. and learned friend of mine, desirous of not trusting entirely to his own recollections of Scots criminal law, has been at the pains of obtaining an opinion, which I hold in my hand, signed by five eminent lawyers, whose names I do not think it necessary to mention. (*A cry of name, name.*) The opinion, to which I allude, goes to state, that a person is disqualified from appearing as a witness, if he is adduced by the party who has promised him reward; and that the only case which seems to make against that opinion is the case of Home, mentioned in Burnet. But Burnet they considered as incorrect, and in their judgment of no authority.—[*The call to name was repeated.*] I have no objection to read the signatures to this opinion, as it is the pleasure of the house that I should do so.

They are these, George Cranstoun, (*hear, hear*) I hope the learned lord is satisfied—(*hear, hear*) James Moncrief, John Archibald Murray, Henry Cockburn, and J. Rutherford. (*Hear, hear, from the ministerial side.*) I do not perfectly understand the meaning of these cheers, but I suppose they relate to most of these gentlemen having been of counsel for the prisoner. But I will ask the hon. gentlemen opposite, if they really think this shakes the authority of their opinion? I will ask my hon. and learned friend opposite, the Attorney-General, whether, if my learned friend near me, (Sir S. Romilly) or any other of my learned friends, had been counsel in a cause, and were asked their opinion on an abstract point of law, which had been involved in it, he would consider their opinion as the less intitled to credit? Sir, there is not one of us, but, as lawyers and as gentlemen, would disdain to put our names to an opinion which we did not in our consciences believe to be founded in law. (*Hear, hear.*) On the authority of these five respectable names, therefore, and on that of the High Court of Justiciary, I maintain the disqualification of this witness. It is so laid down by every text-writer on the law of Scotland—by Erskine—Hume—every writer—except this passage in Burnet, who is of no authority, and it has been always so held and decided by the courts. When, therefore, they put the witness in the box, in what situation did they stand? They knew, when they called him as a witness, that, either he could not serve them, or, if he did serve them, he must perjure himself in the first place. (*Hear, hear.*) I repeat it; unless he denied that to have passed which had passed, he could not be examined in the cause; and they knew, therefore, that in order to be examined in the cause it was necessary he should first of all commit perjury. (*Hear, hear, hear.*) There is no way of getting out of this dilemma; I have examined it with my best attention; I have taxed my invention and my imagination to conjecture a way of escape, and I have found it impossible. If any answer to this should occur to any gentleman on the opposite side, I trust that he will have the goodness to state it to the house. The man was not examined; several other witnesses were examined, but they could prove nothing, and the learned lord threw up the case. The reason assigned for this by the Lord Advocate was, the unexpected turn which the evidence had taken; but what was that turn?—the fact of this man's evidence being inadmissible. (*Hear, hear.*) Now, sir, as to the question how far it is allowable to hold out indemnities to witnesses. It is said, all that was done was to promise the witness protection and security. This is pretty well illustrated in a case in the State Trials in which Mr. Pollexfen and Serjeant Maynard were employed, names familiar, not only to all lawyers, but to all men acquainted with the history of England. It is the case of a Mr. Lasborough and a Mrs. Price, who were tried for suborning a Mr. Dugdale, who was one of the witnesses in the plots of Titus Oates. Mr. Pollexfen, who was counsel for the prisoners, appears to have been driven into a corner, in the course of the trial, by some evidence which came out against him. The passage is curious. I have copied it, and I will read it to the house. Mr. Pollexfen says, "Whether my answer will take with your lordship or no, I cannot tell, but the answer I would give is this: there are several things in that paper, as, amongst the rest, that he should fall under great dislike and danger, and therefore was forced to hide and secure himself, for fear of those whom he should make his enemies by it; and that was terror enough to any man that should run into such a retraction. Therefore, now he must live when he has done this, and so we should apply the other part of the discourse; whatever money she had promised was to take off his fears of want. And so his coming there was to make good that part of the paper which says he must be protected, and maintained, and preserved, that he may see he hath a subsistence and provision for him if he did deserve it. And, my lord, it will be greatly distinguishing in our case, and turn much upon this point, with submission. If I give or offer money to any man to swear a falsehood or retract the truth, it is a very great crime, and if we are guilty of that, undoubtedly our crime is very bad; but in order to the bringing of truth to discovery, and to have a retraction, not of a truth but of a falsehood, and to preserve that witness from perishing, I may promise him protection and subsistence." Old Serjeant Maynard interrupted him. "Then," says he, "you have found out a better way than the devil himself could have suggested to uphold subornation." (*Hear, hear, hear, hear.*) The Lord Chief Justice says: "Upon my word, if that were a way that were allowable, then woe be to us! We should easily have all the witnesses tampered with by the temptation of 1000*l.* reward." The learned lord seems to have acted on the apology of Mr. Pollexfen. But I have never before heard it seriously asserted, that it is allowable in any case, much less in a criminal case, for a party thus to deal with witnesses. Of this I am sure, that, if it is permitted to go abroad, as the decision of the House of Commons, that such things may be done, there is not a petty trafficker in accusations, in the office of any magistrate in any part of the kingdom, nor a pettyfogging attorney throughout the country, who is charged with a criminal prosecution, who will not feel himself justified by such a decision in protecting, maintaining, and dealing with witnesses. They will not, indeed, attempt to induce them to say any thing but the truth. But they may give them to understand, that if they do tell the truth, they shall be no losers by it. (*Hear, hear.*) I have felt the question to be of such vital importance, that I should have considered myself guilty of

a dereliction of my public duty, if I had not attended in my place to state my opinion fairly on the subject. To decline going into this investigation, would be attended with the most mischievous effects. It is my fortune to see many questions carried contrary to the opinion and advice of those with whom I have the honour to act: but we have in most cases this consolation, even in our defeat, that if our arguments do not at the time succeed, experience may produce that conviction which we have been unable to command, or an evil which cannot be entirely prevented, we may yet have had the power to mitigate. But in the present case there is no consolation. The public justice of the country is not to be trifled with. (*Hear, hear.*) I feel most sincerely for the unfortunate gentlemen who have been engaged in this transaction; I feel for their families and for their friends. But every feeling must give way before the due administration of justice, upon which, above all other securities, depends the protection of all our rights and liberties: nor can I forget how many men there are in this country who also have families and friends, though perhaps humble ones, whose safety, whose liberties, and whose lives depend on the repression of such practices as these. (*Hear, hear, hear.*)

Mr. *Grant*, having sat down, rose again to state, in answer to a question which had been put to him, that Campbell had sent a detailed statement in writing of the facts, to which he afterwards deposed, to one of his learned friends, counsel with him for the prisoner. He contrived it in some ingenious way; he believed it was sent in a roll of tobacco.* He wished to mention also, that at the consultation of all the counsel for the prisoner, which took place before the trial, there was but one who believed it possible that the thing could be true. (*Hear.*) It appeared to the rest impossible in its nature, and like many other stories to which the profession were accustomed, one under which (to use the technical phrase) they expected the witness would break down. It became a question whether the witness should be objected to on the ground of want of access. It was determined, however, in the first instance, to object to the witness on that ground, and, if they failed in that, to trust to the examination *in initialibus*.

Mr. *A. Colquhoun* (Lord Register of Scotland) said, he had never been present on any occasion when charges more unfounded were brought forward. (*Hear, hear.*) There was not a shadow of foundation for the charges this night produced: he denied that they were charges—they scarcely deserved so grave an appellation, since they rested entirely upon bare assertion or distorted proof. The hon. member who spoke last had even gone beyond the noble lord with whom the motion originated, and had brought forward written opinions, upon which he intended to overthrow the established law of Scotland. He had termed the learned lord and his coadjutors "unfortunate" gentlemen, and had affected to lament an unlucky dereliction of their duty; but he could confidently ask the learned gentleman whether he did not know that Mr. Drummond, one of the persons accused by Campbell, was a gentleman who was held in high estimation, who had received the approbation of every judge in the Court of Justiciary, and whose honour was as unsullied as his talents were splendid? The deposition of Campbell contained contradictions. He asserted that Mr. Drummond had offered him the place of an exciseman; while in the next passage he stated, that Mr. Drummond was persuaded that his life was in danger, and that he could not remain in safety in the kingdom. Were the two assertions consistent—could they both be true—first, that Mr. Drummond thought the man's life in danger; and next, that in order to protect his life, he would make him a marked character, as a person holding an office obtained by his unfounded disclosures? (*Hear, hear, and cries of misstatement.*) He was not misstating any thing: if gentlemen would read the report, they would find that Mr. Drummond apprehended that Campbell could not live in Glasgow, or in any other part of the kingdom. Would the house act upon such contradictory information, where it was obvious that the scanty leakings of truth had been poured into an overflowing cup of falsehood? The hon. gentleman who spoke last, and the learned lord, were at issue upon a point of law; the latter contending that he was right in securing to a *socius criminis* protection and security. This was to be accomplished by sending the man out of the country at the public expense. But how could it be distorted into a reward? Was it a reward to send a person into exile to protect him from his enemies? (*Hear, hear.*) It was absurd to say that this was a reward: it was only putting the man in a situation to tell the truth, the whole truth, and nothing but the truth. The learned gentleman had brought forward the opinions of five very eminent lawyers. He (Mr. Colquhoun) did not mean to cast any reflexion upon them or their conduct. They had done their duty, no doubt; but the house should recollect that they had been of counsel for the panel. Such an array of legal advisers had seldom or never been witnessed in favour of an individual accused; but although they obtained information in the roll of tobacco of what Campbell meant to say, and then objected to his evidence, the cause was not given up on account of the incompetency of that witness, but because another part of the evidence had failed. He did not think that the house could, on the statement of such a person as

* The fact was, that Campbell threw his statement, rolled up in a roll of tobacco, out of his window, to another prisoner, who was walking on the terrace before the windows of the rooms they were confined in; and that prisoner found means to send it to one of the counsel.

Campbell, affix a stigma on gentlemen of the very first character, some of whom were not members of that house. They had done nothing illegal, nothing improper; and it was not a little singular, that the counsel for the prisoners, among whom was the hon. gentleman (Mr. Grant), at the conclusion of the trial expressed their full approbation of the conduct of the learned lord, though now he stepped forward and could not find terms sufficiently forcible to express his disapprobation.

Mr. *J. P. Grant* said, that, on the conclusion of the trial, he had not paid any compliment to the Lord Advocate; neither had Mr. Jeffrey bestowed any praise on him, though it was stated in some of the public prints that he had done so. The latter gentleman had only paid a brief compliment to the court.

Mr. *Williams Wynn* said, that if it had been necessary on this occasion to enter into a discussion respecting the law of Scotland, he should not have troubled the house; but he thought the question lay within a very narrow compass, and might be decided without much knowledge on that subject. If the question was for an address to remove the Advocate Depute (Mr. Drummond) from his office without further investigation, the observations which had been made by the learned gentleman (Mr. Colquhoun) as to the credibility of the witness Campbell, would forcibly apply. But this was a motion for enquiry, to obtain information on this extraordinary case. No doubt, implicit confidence ought not to be given to the deposition of Campbell; but it afforded sufficient ground for examination, how far it could be corroborated and supported by other evidence.—It was not an unprecedented occurrence, that a witness at the trial should give testimony in favour of a prisoner when there was previously every reason to think that his evidence would induce a conviction. A case of this sort occurred on the trials for treason in Lancashire and Cheshire in the reign of King William, at Manchester, in 1694, where one of the principal witnesses, on whose evidence the prisoners had been committed, when called upon the trial, directly contradicted his former testimony. The crown lawyers had of course nothing to do but to fold up their briefs and consent to an acquittal*. What then was the conduct of the House of Commons? On the second day of meeting after this transaction, they sent for all the witnesses; they examined them from day to day, till they were at length fully satisfied, and came to the resolution that there had been sufficient grounds for the prosecution. (*Hear, hear.*) In that case, then, the house considered themselves bound to institute an inquiry. The present motion was for a similar inquiry, and on grounds equally strong. The learned lord appeared to have in his possession, and to quote from a printed report of the trial, which was stated to be an uncorrected proof from the notes of the short-hand writer, copies of which had been circulated in the house by the learned lord's friends, and one of which had been put into his (Mr. Wynn's) hands since the debate began: but it was desirable that every member should have the opportunity not only of seeing this, but of considering it with more attention than from the length of the evidence, it was possible to pay to it, while the debate was going on. The hon. and learned gentleman who spoke last had stated, that in the deposition of Campbell there was convincing evidence of falsehood. He (Mr. Wynn) had just looked at a copy of the trial, and it contained no such thing as the learned gentleman had asserted. The learned gentleman had represented to the house, that Campbell had stated in his deposition, that he was in danger of his life in any part of the kingdom, and that Mr. Drummond was impressed with this opinion, and yet, that Mr. Drummond had offered him the place of an exciseman. If Campbell had stated this, he would have been guilty of an inconsistency,—but in fact, he had stated no such thing. According to the trial, he said, that he had told Mr. Drummond that he would not change his name, and that he could not live in Glasgow, "or any other manufacturing place" in the event of his giving evidence, (*Hear*) but he said nothing of the rest of the kingdom; and there was no inconsistency between this statement and the offer to him of a place in the excise—which might be given him in some part unconnected with any of the manufactures, where his life would have been in no danger (*Hear.*) He should not enter into the question of Scotch law, but there was a *primâ facie* case for inquiry, since, on the deposition of the evidence for the crown, the court unanimously determined that the case of the public prosecutor could not be supported. If this were a transaction at which only the witness and the advocate depute had been present, it might be argued, with some reason, that as their statements were directly opposite, there was no use in enquiry, since no decisive result could be obtained; but here the point might at once be determined by the production of Sir William Rae, to whom it appeared that at the trial both parties referred, and whom the Lord Advocate then professed the greatest wish to examine.—It had been stated by the Lord Advocate that it was the practice in Scotland for the public prosecutor to hold these private examinations of accused persons. That such a practice should ever have existed, or having existed, should have been continued to the present day, was most extraordinary†. It appeared to him most surprising that any man having a fair regard for his own character, and a desire of avoiding the possibi-

* There is no full report of these trials on record: the best account of the proceedings will be found in Tindal.

† See the Note, page 277.

lity of future misrepresentation, should hold communication with a witness to receive his testimony in secret, and without the presence of any other person. Sure he was that there was not a justice of the peace in England who would not have adopted the precaution of using the assistance of his clerk in a similar situation. The conduct of the Advocate Depute seemed to be, at [illegible] very imprudent. The learned lord had maintained, that the sole object in the various communications with Campbell was to procure information, not evidence; but if they did not intend to use his evidence, they should have acted differently. (*Hear, hear.*) The circumstances of the case were such as loudly demanded the attention of the house; it was a case altogether so flagrant that they could not overlook it, or suffer it to stand upon record without examination. The case of Muir and Palmer which had been referred to, was essentially different from the present, there it was proposed that the house should examine into the proceedings of the judges *. Here the question was, whether the house would inquire —not into the conduct of a court of justice— but how the servants of the crown had conducted themselves, so as to draw down the unanimous disapprobation of a court of justice. The propriety of any interference on the part of the house was questioned by the learned lord, because it might prevent the institution of civil proceedings by the injured party; but such an observation, if allowed in this instance, must be held valid also in every case of oppression and injustice, even in a minister of state, and might be a bar even to a parliamentary impeachment. (*Hear, hear.*) It was right that individuals should have compensation for individual losses,—but the house were guardians of the public, and had a right and a duty to see that public functionaries acted properly in the discharge of their functions. He trusted, therefore, from what had appeared in the course of this discussion, the house would be unanimous in the opinion, that a sufficient case was made out to justify them in entering on an inquiry. (*Hear, hear.*)

Lord *Castlereagh* hoped, that notwithstanding all that had been said and the ingenuity displayed to bring the conduct of the learned lord and his colleagues into discredit, the house would not be persuaded to agree to the motion, unless they were prepared to follow it up. It did not appear to him that any sufficient grounds of inquiry had been established. He saw nothing to warrant any motion on the case; and he trusted that the house would agree with him in thinking that there was nothing so novel in the circumstances before them as to warrant a call for the record. He apprehended there was nothing at all on the face of the record that tended to shew that the officers of the crown were not strictly in their duty. This must be the conviction of every unprejudiced mind. The whole course of the trial was to establish that a conspiracy existed among the workmen of Glasgow, and that illegal oaths had been administered. What was the practical meaning of the step which the house were now required to take? It must be followed up with proceeding either against the Lord Advocate, or against Campbell. If it were intended to proceed against the Lord Advocate, what was there that called for that proceeding? The witness, on whose credit the proceeding must be founded, had been nullified by the trial, his credibility had been destroyed in a court of law. (*Hear, hear, from the Opposition.*) Was the man, who was declared unworthy of credit in a court of law, to be deemed worthy of credit in parliament? (*Hear.*) If there was a flaw in this argument, he could not discover it. Campbell's evidence was unworthy of credit (*Hear, hear.*) because it was not admitted in the Court of Justiciary; and if his evidence were not admissible, what would the record avail? That man's evidence was incredible from what he had said of Mr. Home Drummond. No instance of tampering was alleged but between himself and that gentleman. All agreed that protection was held out, but this was in order to procure information, and to induce the witness to tell the truth, which he was bound to do by every principle of law, morality and justice. In this there was surely no ground to put Mr. Drummond on trial. The evidence of Campbell must be regarded as suspicious even from the very means he had recourse to in communicating it. As to a prosecution of perjury against Campbell, it could not be maintained without two witnesses, and in the allegations of Campbell he never stated any thing that had been questioned, as having passed when more than one other person had been present, except the interview with Sir W. Rae, respecting which the discrepancies between the statement of Campbell and the others related to minute matters, not sufficient to constitute a *corpus delicti.* It was unfortunate that Sir W. Rae had destroyed the paper which had been referred to (*Hear, and a laugh,*) but, he maintained, that there was no appearance of improper concealment. There was no difference between the evidence which might be received in the house, and that which might be received in a court of law. The house, he was convinced, would not take the testimony of such a man as Campbell, in order to put such a man as Mr. Drummond on his trial. The witness seemed to have conspired against the advocates of the crown. The Lord Advocate or his depute were not in situations of life to lead them to commit subornation of perjury; but it was evident that the prisoners had inducements to commit that crime. He hoped the house would not give countenance to the trick, which was too much the fashion in these days, of getting up a case of this sort (*Hear, hear, from the Opposition*); but would concur with him in thinking that there existed no ground for inquiry, nothing to warrant a call for the record.

* See the Note, page 275.

Sir *Samuel Romilly* said, that after the able, eloquent, and unanswerable speech of his hon. and learned friend (Mr. J. P. Grant), he should have thought it unnecessary to offer himself to the attention of the house, but for the extraordinary confidence with which the noble lord had defended the measures in question. The noble lord had talked of the record, as if it had been on the table; but till the record was produced, the noble lord could not be prepared to argue on the subject. The learned lord (the Lord Advocate) had argued against the production of the record as unnecessary and improper, because it would be interfering with the courts of justice. He had said, that if any thought themselves aggrieved by his conduct, they could bring an action in a court of law; and therefore to bring the record before the house would be directly interfering with this right: but what lawyer in that house could maintain such a position? Besides, what actions could be brought against the Lord Advocate? None, certainly, for injury done by the production of Campbell as a witness; for he had been rejected. He had said also, that when Mr. Adam moved for the record of the trial of Messrs. Muir and Palmer, the motion was refused. But that was a motion which called in question the conduct of the Court of Justiciary*; whereas, in the present case, the lords of justiciary themselves had declared, that there were several circumstances which demanded investigation. (*Hear, hear.*) One of the judges (Lord Gillies) spoke to the inadmissibility of the witness Campbell—inadmissibility it must be remarked, not on account of incredibility, but on account of the misconduct of the prosecutor—and observed "that the court were sitting to try the case of M'Kinlay—that it would be desirable that the evidence of the witness Campbell should be investigated farther—but that was not the subject of the trial." Now this subject was to be investigated in one of two ways:—either by a trial of Campbell for perjury, or by an inquiry instituted by that house. The first had not been thought of; how, then, could the subject be investigated with

* Mr. Adam's motion, which came before the house on the 10th of March, 1794, was, "That there be laid before this house a copy of such parts of the books of adjournal or criminal records of the Court of Justiciary in Scotland, as contain the libel or indictment, the verdict, and judgment, in the case of Thomas Muir, Esq. the younger, of Huntershill, who was tried before the Court of Justiciary at Edinburgh, on the 30th and 31st days of August, 1793." The object of this motion was, to found on it an address to his Majesty, stating, that there were doubts in regard to the legality of the sentence (transportation for 14 years,) and praying his Majesty to extend his justice and mercy to the defendant. In a most able, eloquent, and luminous speech, the hon. and learned gentleman endeavoured to establish the three following propositions: first, That the crime set forth in the indictment was what the law of Scotland terms leasing-making, which, by the English law, is a misdemeanor, in the nature of a public libel, tending to affect the state; and the indictment charged no other offence whatever. Second, That the punishment of transportation could not, by the law of Scotland, be legally inflicted for the crime of leasing-making or public libel:—the Scots Act of Queen Ann (1703, c. 4), having appropriated to that crime the punishment of fine, imprisonment or banishment, under which pain of banishment, transportation was not included. And that the annexing the pain of death to the return from such transportation, was an aggravation not warranted by law; the punishment of death being expressly taken away by the statute of 1703, c. 4. and no statute had passed since that time which varied or altered the law. Third, That if the acts charged in the indictment did not constitute the crime of leasing-making, or public libel, the indictment charged no crime known to the law of Scotland: First, because there was no such crime known to the law of Scotland at common law, as sedition constituting a distinct and separate offence; and this offence did not fall within the statutary seditions. Secondly, because if there were such a crime at common law, this indictment did not charge it, and it would be contrary to law, to punish that offence by transportation; and not warranted by law to inflict the pain of death for returning from such transportation.——The motion was supported by Mr. Sheridan, Mr. Whitbread, Mr. Fox, and Mr. (now Earl) Grey; and was opposed by the Lord Advocate (Robert Dundas, Esq.), Mr. Windham, and Mr. Pitt. After a very able reply from Mr. Adam, the house divided: Ayes 32, Noes 171. Mr. Adam then made a similar motion with regard to the trial of Mr. Palmer and moved also an address to his Majesty, on behalf of Messrs. Muir and Palmer, embodying the various arguments made use of in the course of his speech. They were negatived without a division.—On a subsequent day, (March 25th,) Mr. Adam moved, "That a committee be appointed to take into consideration so much of the criminal law of Scotland as relates to the crime of leasing-making; the crime of sedition; the right of appeal from the supreme courts in Scotland; the right of committed persons to a new trial; the law as it regards the competency and credibility of witnesses, particularly in answering the preliminary questions; the law respecting the admissibility of evidence under the allegation of art and part; the mode of returning and choosing the common jury; the legal grounds of objection to jurymen; the power of the lord-advocate as public-prosecutor; the propriety of introducing a grand jury for the purpose of finding bills of indictment, and making presentments in capital cases; the power of the court to punishing contempts of court; the power of the sheriffs, and other magistrates, in taking precognitions, or informations for the commitment and trial of persons accused; the power of courts of inferior jurisdiction in criminal matters to try crimes without the intervention of a jury; and to report the same, with their opinion thereupon, to the house." This motion was supported by Mr. Serjeant Adair, Mr. Fox, and Mr. Michael Angelo Taylor; and was opposed by Mr. Secretary Dundas, the Master of the Rolls (Sir Richard Pepper Arden, afterwards Lord Alvanley,) the Lord Advocate and the Attorney-General (Sir John Scott, now Lord Eldon.) On a division the numbers were, Ayes 24, Noes 77.

more dignity, propriety, and certainty, than in that house? The whole of the noble lord's argument tended to shew, that Campbell was an incredible witness. He (Sir S. Romilly) saw nothing which took from his credibility. He had been sworn, and might have been contradicted by other witnesses. But he had not been contradicted; and the noble lord was bound to give credit to him, until his assertions were disproved. It had been said that his transactions with Sir William Rae, even according to his own statement, were of no importance. One of the judges of the justiciary had thought them of considerable importance, and deserving of investigation. Sir William Rae had not been examined. That gentleman's evidence would have been very material, and was repeatedly called for by one of the learned counsel (Mr. Jeffrey), but was resisted, because the evidence of Campbell had been rejected. He (Sir S. Romilly) would say, notwithstanding the confidence of the noble lord, that when inquiry should take place, it would require better authority than his to shew that Campbell's evidence was incredible. The noble lord had said, that no prosecution was instituted for perjury, because two witnesses were necessary to convict a person of that offence, and so many could not be brought forward; but the learned lord (the Lord Advocate) had said no such thing, and the statement seemed to be altogether without foundation. The learned gentleman (Mr. Colquhoun), it had been already shewn, had stated a contradiction in the testimony of Campbell which did not exist. Campbell was unwilling to remain in Glasgow or in any manufacturing town, with which probably there would be a communication, so that he would be liable to be persecuted; but it was not inconsistent with this to offer him the place of an exciseman in some other part of the kingdom. Had the noble lord, or the learned gentleman, never heard of a Scotchman having a place in the excise out of Scotland, in Cornwall, for instance, or elsewhere, far enough removed from any dangers at Glasgow? (*Much laughter.*) The reasoning, then, that Campbell could not take a place in the excise, and that none could have been offered to him, was altogether unwarranted and inconclusive.—To come to another point—the result of the trial. The learned lord had told the house, that the trial of M'Kinlay proved the fact of unlawful oaths having been administered at Glasgow, because the verdict against him was, "Not proven." (*Hear, hear.*) And so the learned lord had presumed, that the House of Commons, in its ignorance of Scotch law, would be induced to believe that "Not proven," meant "proved!" He had asserted, that a verdict of "Not proven," meant that the *corpus delicti* was established, and that nothing was wanting but the bringing home of the guilt to the panel. He certainly could not cite for this, either Sir George Mackenzie, or Hume, or Erskine, or even Mr. Burnet, for whom he seemed to have a much greater reverence. This was not the meaning of the verdict. It meant, that the guilt was not made out to satisfy the jury, and that neither was the innocence of the panel clearly established. It was equivalent to the *non liquet* of the Roman law, and was a middle course which the jury took when the case was not perfectly clear as to the innocence of the panel. All the great law-writers of Scotland had declared, that "Not proven," amounted to an acquittal, not, indeed, an honourable acquittal, but an absolute dismissal from the charge brought forward: and yet the learned lord did not hesitate to say, that all the unlawful oaths were fully proved by the magical words "Not proven." (*Hear, hear.*) The learned lord had next endeavoured to make a great deal of the communication between the prisoner and the witness Campbell, but it was the duty of the learned lord to facilitate the communication between prisoners and witnesses. By the law of Scotland, which differed from the law of England in this respect, the prisoner was entitled to a list of all the witnesses (an advantage permitted by the law of England only in cases of high treason:) he was allowed also to communicate with them, that he might know before-hand what facts were to be alleged against him. The noble lord (Castlereagh) had called on the house to concur with him in stifling all inquiry. If he gained a majority of the house, he certainly would not gain a majority of the country; and he believed that there was not one man out of doors, and, perhaps, not even in that house, who would agree with the noble lord in saying that this was a case "got up," as he had been pleased to call it. If it was important to the country that the administration of criminal justice should be pure and unsuspected, could they resist inquiry into a case like this? It was a case which the Attorney-General himself had declared he could not defend: his honourable and learned friend had said, God forbid that he should go into prisons to communicate with prisoners before they were publicly brought to trial. (*Hear, hear, hear.*) But the learned lord had said, that the duties of the Lord Advocate of Scotland were of a different description from those of the Attorney-General of England: he had said, that the Lord Advocate was the public prosecutor, was a police magistrate, or rather at the head of the police, and, in fact, was the grand jury of the country*. It was his duty,

* On the 15th of April, 1794, the Earl of Lauderdale moved for the production of the papers respecting the Trial and Sentence of Mr. Muir and Mr. Palmer, and any minutes that might have been made in regard to the challenge of jurors, the exhibition of evidence, &c. On that occasion, the noble earl, who was educated for the Scotch bar, went into a short detail of the ancient practice in criminal trials in Scotland. His lordship said, that "none of the powers now exercised by the Lord Advocate existed in the ancient practice. The power of informations did not exist, and the precognition,

however, to protect prisoners, and to see that no evidence should be adduced against them, influenced either by fear or hope. The law of Scotland differed from the law of England in this respect. The law of England did not begin by examining a witness as to his fears or hopes; but in Scotland the witnesses always went through that ordeal first: every witness was required, previously to giving evidence, to swear that he had received no reward, nor promise, nor good deed (a very comprehensive word) for giving his evidence. Now, previously to the trial, it was sworn that Campbell had been worked on by the promise of reward on the one hand, and the threat of death on the other. He was told, that there were six witnesses against him, and as he knew the mode which had been employed to obtain evidence, he might also know that conscious innocence was of no avail. (*Hear, hear.*) The man said, "If I do give the evidence you require of me, I shall be perjured:" but when he considered that these six men were also to be influenced—that on one side a shameful death might await him, and on the other a fortune beyond his circumstances and previous situation in life, could it be supposed that his testimony would be unbiassed? And yet with these powerful engines of hope and terror working on him, he was sent forth to give his evidence. And what was the defence? Why, it was merely asked, would the house call on such a person as Mr. Home Drummond to answer the testimony of such a man as Campbell? He (Sir S. Romilly) would answer yes—there was no one so high in this country as to be screened from the obligation of answering to such a charge:—he would, when justice required it, call on Mr. Home Drummond, or even on the noble lord himself—he would say that the noble lord was wholly unfit for a judicial inquiry, if he was ignorant, that no man, be he who he would, whether Mr. Home Drummond or the noble lord himself, could avoid being bound on oath to answer when called on for the purposes of justice. Those who should be persuaded to refuse that gentleman, and the others who were implicated, the power of clearing themselves, would do a great disservice to their characters. Nothing but an investigation could remove from them a cloud of the worst suspicion—of unfair practices in cases in which the lives of men were at stake. (*Hear, hear.*) The prevention of this inquiry would subject them to imputations for ever: and he therefore trusted, that on this ground at least, if on no other, the house would not refuse that examination so necessary to their vindication and credit.

The *Lord Advocate*, in answer to the allegation of the offer of a place in the excise, to Campbell, affirmed, that he had stated that no such offer had been made, and that it had been impossible to make it. He had never said that entering on the inquiry would prevent an action being brought against himself, but that it would be unnecessary to go into the inquiry while such actions could be brought. As to the matter of access, it had been allowed by the court that all facility had been afforded to the prisoners.

Sir *S. Romilly* explained.—He had stated the place in the excise to have been promised, not by the learned lord, but by Mr. Home Drummond. With respect to the question of access, it certainly appeared from the report of the trial which he (Sir S. Romilly) held in his hand, that the learned lord had prevented persons from communicating with the witnesses.

Mr. *V. Fitzgerald* thought that the Lord Advocate was not only authorized but bound to do what he had done for the furtherance of public justice. He complained that the learned gentleman (Sir Samuel Romilly) had misstated what had been said by Lord Gillies. That learned judge observed, that the witness was disqualified in every way, and not by the promise to provide for him only. Lord Hermand thought him equally disqualified, whether his statement were true or false. He (Mr. Fitzgerald) perfectly agreed with the learned lord in his construction of the words "Not proven:" he thought they clearly proved, that the unlawful oaths had been administered. (*Much laughter.*) The learned lord would have been wanting in duty, if he had followed the course of the Attorney-General here. But he (Mr. F.) would not hesitate to put Mr. Home Drummond on his trial, if he thought the statement of Campbell could be

which is now taken *ex parte*, used to be taken in the presence of the parties. The Lord Advocates, at the union, or soon after, assumed all the powers exercised by the privy-council, and many powers which they did not possess: formerly prosecutions originated from the private party; now they must originate with the Lord Advocate: formerly a presentment of offences was made by the justices at the quarter sessions; now there are no such presentments, and it is entirely at the discretion of the Lord Advocate to take up cases or not. A new practice has obtained which cannot be found in any of the books, and which does not appear to be founded on any statute or law. A paper of instructions is circulated to the sheriff's offices, and that from an office unknown to any ancient writer on the law, the office of the solicitor to the crown, and these instructions do not go upon the acts of Queen Anne, but on the authority of another officer equally unknown, the procurator fiscal. In short, the whole practice of the law of Scotland, in regard to criminal procedure, has undergone a most material change since the union; not for the better, by assimilating it with the law of England, but by which more unlimited powers are given to the advocate of the crown; the whole power of originating prosecutions taken out of the hands of the individuals best calculated to know the necessities, the manners and the habits of the people; and such arbitrary alterations made in all the forms of proceeding, as to make it in almost every thing unlike the ancient practice."

credited; and that was all the noble lord (Castlereagh) had meant in protesting against putting that gentleman on trial. He had no wish whatever to screen offenders, but he thought that the house could not proceed on Campbell's statements.

Sir *Samuel Romilly*, in explanation, stated, that he had quoted the words of Lord Gillies, declaring the inadmissibility of Campbell's evidence, from the published report of the trial of M'Kinlay, which, however, might be different from the report in the possession of the Lord Advocate, and which he understood was different from every other. The report in the possession of the learned lord had not indeed been yet published, owing, it was said, to the delay that had taken place in correcting the notes, but he was told that the learned lord had received a proof copy of it from Edinburgh.

Mr. *V. Fitzgerald* said, he was not aware of the difference, when he complained of misrepresentation.

The *Lord Advocate* stated, that the report of the trial from which he had quoted, was that which had been made by a short-hand writer, whose only instructions were to give an accurate detail of what had passed, and who was so far recognized by the court, that the judges had agreed to revise the notes of their own speeches. (*Hear, hear.*) The work itself was not published, and what he held in his hand, were only the proof sheets, several copies of which had been sent him by his own desire, and which, though typographically they might be incorrect, he had every reason to believe were substantially otherwise. The hon. and learned gentleman had spoken of the delay which had taken place in giving that account of the trial to the public, and had urged *that* as an excuse for the short statement of it that had been published, authenticated by the *imprimatur* of the gentlemen who had acted as counsel for the prisoner upon the trial. The house, however, would be surprised to learn, that the whole delay had originated with those learned gentlemen themselves, some of whom had been furnished with the short-hand writer's notes of their speeches for revision so far back as the month of August, but which they had not thought fit to return, he believed, at the very time at which he himself was speaking. (*Hear, hear.*) Availing themselves of this delay, persons had obtained what he had been informed were the notes of the trial, taken by one of the counsel for the prisoner, and had published those for the purposes of that debate, curtailed of every thing which could be calculated to place himself and his colleagues in a fair point of view. Upon this he should make no remark, further than to observe, that the conduct of the learned persons whose names were prefixed to it, seemed no less extraordinary in sanctioning that production, mutilated and garbled as it was, than situated as they were as counsel for the prisoner, in volunteering that extraordinary opinion, for the purpose of arrogantly controuling the debates in parliamant, with which the hon. and learned gentleman had favoured the house.

Mr. *J. P. Grant* said, that the delay with the notes of the short-hand writer, proceeded from their having been so very incorrect and unintelligible, that it required a great deal of trouble on the part of his learned friends, to put their speeches in a correct shape. He begged to add, that the pamphlet which he held in his hand was a very correct report, though the learned lord had called it mutilated. The names of all the counsel for the panel* were attached to a letter to the printer, attesting that the notes published by him were correct. (*Hear, hear*).

The *Attorney-General* said, that before he proceeded to offer any observations on this case, he thought it necessary to correct an expression that had been imputed to him, as if he had stated that he could not defend the conduct of the learned lord. He had read the case with great attention, and he could not see it in the light that the learned gentleman (Sir S. Romilly), had done; but he thought that he clearly saw in the account of Campbell, the artful story of a cunning and designing man, who, upon a little truth, contrived to raise an extensive fabric of falsehood, by which he sought to disqualify himself from giving evidence, because he did not wish to tell certain truths. His learned friend had stated, that Mr. Home Drummond and the noble lord would be equally liable with any one else, to give their testimony where the justice of a case required it. He (the Attorney-General) knew it well; but he also knew that it did not follow, because a witness stated upon oath transactions, which, if true, constituted an attack upon the character of an individual, that that individual should be the subject of inquiry in that house, or in any other court. Before the house agreed to this, they must conclude, on a consideration of all the circumstances, that there was ground for a serious investigation against the Lord Advocate, because the question was not, whether the house should have the record on the table, that they might there read what they knew equally well from other quarters; but, truly, whether there was matter to satisfy them that there was ground of charge against the Lord Advocate. A comparison had been made between the office which he so unworthily held, and that filled by the Lord Advocate; but all the differences between them had not been fully stated. With respect to inquiries made previous to trial, and functions that formed a duty of police, they certainly differed very materially. But when the learned gentleman, deprecating a communication between the crown and its witnesses, had represented him to say, that he would not on any account communicate with his witnesses, the learned gentleman had fallen into an error,

* John Clerk, George Cranstoun, Thomas Thomson, Francis Jeffrey, J. P. Grant, James Moncreiff, J. A. Murray, and Henry Cockburn, Esquires.

for he (the Attorney-General) must communicate with his witnesses, must be informed what they had to allege, or he could not know with safety when to prosecute, or when to abstain. The noble lord who made the motion had said, that he (the Attorney-General) never communicated with witnesses; he had only said he never communicated personally; other communication he must have, or he should never know how to proceed; he could not know what case to state, or whether the case could be sustained. As to the imputation cast on the learned lord, he should have given the same advice as the learned lord had done. If he had been told that a witness could not appear, lest his life, or that of his wife, should be in danger—whether right or wrong, others might determine—but he should have considered it his duty to say, "assure him of protection." This was not tampering with witnesses, (*hear, hear, hear, from the opposition*); it was doing a duty which the public prosecutor owed to public justice. He knew it was a very convenient doctrine to some persons, that the obtaining information was a corruption of the sources of justice, (*loud shouts from the opposition benches*,) and that to assure a witness protection was tampering with him (*cries of hear*); but when this was done fairly and honestly, it was not tampering. The charge of the noble lord (Lord A. Hamilton), did not put it as having been done corruptly, but merely thus,—"You know that by the law of Scotland, the preliminary to examine a witness, is to ascertain that he is not influenced by fear or promises; knowing this, you promise a reward, and then by putting the witness in the box expose him to the perilous situation of becoming guilty of perjury." If it were clearly made out that a positive promise had been made to the witness, he should say that it was putting him to this perilous situation; but a mere promise of protection amounted to no such thing. The house were told, that the conduct of the law officers in Scotland was contrary to the import of a question put to every witness in Scotland, "Have you received any reward, or promise of reward?" This was a competent question, it was true; but what was a reward or promise of reward? It was an old and a just maxim in law, *dolus versatur in generalibus*. Was the promise of protection to a witness within the comprehension of those terms?—(*Hear, hear.*) If it was, if that was the law of Scotland, he would say that the law of Scotland respecting evidence, was a great protector of crimes. He protested against the motion, because Campbell was an artful man according to his own evidence. He told Mr. Home Drummond that he was afraid of his life, and that it was necessary for the safety of himself and family that they should go abroad. He said in evidence—"but I was not afraid of my life.—Mr. Home Drummond seemed to think that I was, and I continued to allow him to think so. I did not tell him that I was in danger of my life." (*Cheers from both sides of the house.*) It had been asked, why Campbell had not been indicted for perjury? He would say, that he could not be indicted, so artfully had he contrived to disqualify himself from being a witness. He would affirm, that protection, according to the law of Scotland, was not a promise of reward. The promise of an exciseman's place, the whole of the conversation respecting that, and every subsequent conversation till the moment in which Campbell gave evidence in court, were represented to have taken place between Campbell and Mr. Drummond alone. If Mr. Drummond was the respectable man he was said to be, and he had every reason to believe he was, still he would be but one witness against one witness; although his testimony was equal to that of ten men such as Campbell, still he could be but Drummond against Campbell. Campbell could not, therefore, be indicted for perjury. He again repeated that he considered Campbell as a man who had determined to disqualify himself from being a witness. His learned friend (Sir S. Romilly), must allow him to view the motion before the house, not as a motion for inquiry, but for censure. If the house voted to have the record put on the table, they would vote that there was matter of impeachment against the Lord Advocate. (*Hear, hear, from both sides of the house.*) Although he would scorn to defend a case such as the noble lord (A. Hamilton) viewed this case; yet, v[illegible] the case, as he did, very differently from the noble lord, he considered it his duty to defend it. (*Hear, hear.*)

Mr. *Kirkman Finlay* said, he had listened with great attention to all that had been said on both sides of the house, and had endeavoured to form an impartial opinion on the subject. He would ask, in reference to Mr. Home Drummond's conversations with Campbell, was it usual to ask a person whether he would choose to be examined or not? (*Much cheering from the opposition.*) That Mr. Home Drummond had a right to afford him protection, he would admit; but a removal to some place abroad seemed to him to be something more than mere protection, and to be therefore unwarrantable. (*Hear, hear.*) For the sake of inquiry, he must vote for the production of the record. He would explain his reasons for giving that vote. He agreed with the learned Lord Advocate, that the state of the country had been alarming and dangerous; but agreeing with him in this opinion, he would ask, how it happened, that there had been no trial for two months after this period of alarm and danger, and that no conviction at all had been obtained? (*Hear, hear, hear.*) It appeared to him, and it was the general impression in Scotland, that the public prosecutor had, in the case under consideration, made a bargain with the witness, Campbell, before he was adduced upon the trial. It was necessary, therefore, that the house should institute an inquiry into the subject, if it were only, as the learned gentleman (Sir Samuel Ro-

milly) had observed, to vindicate the characters of those who were implicated in the charge of having acted contrary to law, and to every principle of justice. (*Hear, hear.*)

Lord *A. Hamilton* said, that he was so perfectly satisfied with the whole course and tenor of the debate, to establish his own views of the transaction which had been the subject of it, that he did not wish to detain the house with any length of reply. He would merely make a statement of a few facts, or, in corroboration of facts.—First, he must observe as a fact, that Mr. Home Drummond sat in the court while Campbell was giving his testimony, and never offered any evidence or expressed any desire to offer evidence, that any one circumstance stated by Campbell was false. (*Loud cheering.*) He never said that Campbell was perjured, and he (Lord A. H.) did not believe that he had ever considered him perjured. (*Hear, hear.*) Why was perjury now insinuated for the first time? (*much cheering.*) Had the learned lord in Scotland ever held out as a reason for not prosecuting Campbell for perjury, that he could not procure a sufficient number of witnesses to convict him? (*Hear.*) He had never heard while in that country, and he had heard much on the subject, he had never heard it alleged that the evidence of Campbell was false and perjured, and he was convinced that it had never been considered so, because, if it had, the learned lord would not for five or six months, that is, from the trial in July up to this hour, have allowed himself and his colleagues the law officers of the crown, to have been the subject of obloquy and reproach throughout Scotland. (*Repeated cheers.*) If the house should resist further inquiry, he was sorry to say that the vote of the house could not clear the characters implicated, or give satisfaction to the country. (*Hear, hear.*) Campbell, when giving the evidence in question, said, "I stand before persons who can contradict me if I speak falsehood." Was he contradicted? No. It had been said, that every thing material in the charge had taken place in the presence only of Campbell the witness and Mr. Home Drummond, and that therefore it was that no prosecution for perjury had been instituted. That he (Lord A. H.) denied, and would read from the evidence its contradiction.—He then read from the trial—Campbell further deposes, "that the sheriff, and, as he believes, the sheriff substitute, the solicitor-general, the procurator-fiscal of Edinburgh, as he understood, and a clerk came into the room." No less than five persons. Now what passed at that meeting? The most important and most criminating fact of all. It was at that very meeting that Sir William Rae, sheriff of Edinburgh, burnt the agreement which had been reduced to writing, and declared, that if that agreement were signed and in effect, Campbell could not take the purgation oath without being perjured. Was there no witness, then, to prove perjury on Campbell, if perjury had been committed? The learned lord had a stronger and better reason against *instituting a prosecution for perjury*. Such a prosecution would elicit the real truth, and fix the guilt where it was due. And therefore it was, that he (Lord A. H.) felt justified in declaring his firm belief, that disagreeable as his motion and this debate had been to him, the learned lord would dread much more any prosecution of Campbell for perjury, though instituted and conducted by himself. It seemed but fair, however, that Mr. Home Drummond, whose name and character had been so much implicated in this matter, should be allowed the benefit of such a prosecution, if he should wish it, even though it should not suit the case of the Lord Advocate. The learned lord had admitted great part of his former statement. He had yet to learn what part of the law of Scotland allowed what he called, and must still call tampering with the witness Campbell, and the house must observe that so much of this case had been admitted, so little contradicted, and nothing of it disproved, as to render some inquiry indispensable, otherwise the Lord Advocate might return to Scotland and repeat the same conduct, and give to other inferior courts the same bad example under the apparent sanction of that house. He would only further add, that if the vote of the house interposed between the case he had stated, and the inquiry which it loudly called for, that vote would do very little credit either to the learned lord or to the house itself. (*Loud and continued cheering.*)

The house then divided—

Ayes	71
Noes	136
Majority against the motion . .	65

LIST OF THE MAJORITY.

Acland, Sir T.
Alexander, J.
Allen, G.
Apsley, Lord
Arbuthnot, Right Hon. C.
Bankes, H.
Bankes, G.
Bathurst, Right Hon. C. B.
Beresford, Sir J.
Binning, Lord
Blair, J.
Boswell, A.
Bourne, Right Hon. W. S.
Brogden, J.
Calvert, J.
Canning, Rt. Hon. G.
Canning, G.
Chetwode, Sir J.
Chute, W.
Clerk, Sir G.
Clive, H.
Collett, E.
Colquhoun, Right Hon. A.
Courtenay, W.
Courtenay, T. P.
Crickett, R. A.
Croker, J. W.
Cust, Hon. W.
Dalrymple, A.
Davenport, D.
Davis, R. H.
Dawson, G.
Dering, C.
Disbrowe, E.
Don, Sir A.
Douglas, W. R.
Drummond, J.
Drummond, G.
Dugdale, D. S.
Dundas, Right Hon. W.
Edmonstone, Sir C.
Egerton, W.
Ellison, R.
Fane, Sir H.
Fane, T.
Farquhar, J.
Fellowes, W. H.
Fitzgerald, Right Hon. W. V.

Fitzhugh, W.
Forbes, C.
Frank, F.
Fraser, C.
Gifford, Sir R.
Gilbert, D. Giddy
Glerawley, Visct.
Golding, Esq.
Gooch, T. S.
Goulburn, H.
Grant, A. C.
Grant, C. jun.
Gunning, Sir G.
Harvey, C.
Hill, Sir G.
Holford, G. P.
Holmes, W.
Hope, Sir A.
Huskisson, Right Hon. W.
Jackson, Sir J.
Jolliffe, H.
Lacon, E. K.
Law, Hon. E.
Legh, C.
Littleton, E. J.
Long, Right Hon. C.
Lowndes, W.
Lushington, S. R.
Lygon, Hon. H.
Maberly, J.
M'Donald, R. G.
Maconochie, A.
Manning, W.
March, Earl of
Milne, P.
Montgomery, Sir J.
Moorsom, Sir R.
Morritt, J. B.
Murray, Sir J.
Naper, J.
Neville, R.
Odell, W.
Ogle, H. M.
Osborn, J.
Paget, Hon. B.
Palmerston, Visct.
Peel, Right Hon. R.
Peel, W.
Phipps Hon. E.
Pocock, G.
Pole, Right Hon. W. W.
Robinson, G. A.
Robinson, Right Hon. F.
Round, J.
Ryder, Right Hon. R.
St. Paul, H.
Saville, A.
Scott, Right Hon. Sir W.
Shaw, B.
Shepherd, Sir S.
Simson, G.
Singleton, M.
Somerset, Lord G.
Strahan, A.
Stirling, Sir W.
Sumner, G. H.
Swann, H.
Thornton, S.
Thornton, W.
Trefusis, Hon. C.
Ure, M.
Vallefort, Visct.
Vansittart, Right Hon. N.
Vernon, G. V.
Wallace, Right Hon. T.
Walpole, Lord
Ward, R.
Warrender, Sir G.
Wedderburn, Sir D.
Wharton, Richard
Whitmore, T.
Wilder, General
Wilson, C.
Wood, Mark
Wood, T.
Worcester, Marquis
Wright, J. A.
Wrottesley, H.
Wyatt, C.
Yorke, Right Hon. C.
Yorke, Sir J.

LIST OF THE MINORITY.

Abercromby, Hon. J.
Althorp, Visct.
Anson, Sir G.
Atherly, A.
Barnett, J.
Bennett, Hon. H. G.
Birch, J.
Brand, Hon. T.
Brougham, H.
Byng, G.
Browne, D.
Burroughs, Sir W.
Calcraft, J.
Calvert, C.
Calvert, N.
Campbell, Hon. J.
Carter, J.
Curwen, J. C.
Douglas, Hon. F. S.
Duncannon, Visct.
Findlay, R.
Fazakerly, N.
Fitzgerald, Lord W.
Fitzroy, Lord J.
Folkstone, Visct.
Freemantle, W.
Gordon, R.
Grenfell, P.
Guise, Sir W. B.
Gurney, H.
Heron, Sir R.
Howard, Lord H.
Howard, Hon. W.
Hurst, R.
Jervoise, G. P.
Leader, W.
Lyster, R.
Lyttelton, Hon. W.
Methuen, P
Macdonald, J.
Macintosh, Sir J.
Markham, A.
Martin, J.
Mildmay, Sir H.
Milton, Visct.
Monck, Sir C.
Morpeth, Visct.
North, D.
Nugent, Lord
Ord, W.
Ossulston, Lord
Philips, C.
Ponsonby, Hon. F. C.
Phillimore Dr.
Ridley, Sir M. W.
Romilly, Sir S.
Russell, P. G.
Scudamore, R.
Sharp, R.
Smith W.
Smith, J.
Smith, R.
Smyth, J. H.
Tavistock, Marquis
Tierney, Right Hon. G.
Waldegrave, Hon. W.
Warre, J. A.
Webb, E.
Wilkins, W.
Wynn, C. W.
Wood, Alderman.

TELLERS.

Hamilton, Lord A.—Grant, J. P.

The following is the Deposition of the witness, John Campbell, as taken down by the clerk in court. "Depones, that he was apprehended along with the prisoner at the bar, he thinks on the 22nd of February last, without cause assigned, and without a warrant. That upon the Tuesday or Wednesday following, he was examined before the sheriff-depute of Lanarkshire, and was interrogated, if he knew what he was brought here for? That he stated that he did not know, and that the sheriff insisted that he did, and that it would be wisdom of him to make his breast clean. After some similar conversation, the sheriff went out, leaving the witness with Mr. Salmond, (the procurator-fiscal,) and he is not sure whether any other person was present or not: that Mr. Salmond came up to the witness, saying, 'John, you perhaps do not know that I know so much about this affair;' and adding, 'I know more about it than you think I do.' Depones, that Mr. Salmond added, 'I suppose you do not know that I have the oath you took at Leggat's on the 1st of January.' He then shewed him the scroll of an oath, saying, 'You see, John, I have got it;' adding, that 'you and other persons (whom he named) took that oath in Leggat's on the 1st of January.' The witness then told him that he had not taken that oath. Depones, that after several examinations before the sheriff, and being often closeted with Mr. Salmond, on one of which occasions, after using many entreaties to the witness, and these having failed, after railing at the prisoners as villains who had betrayed him (the witness) and stating that it was out of respect to him that he wished him to be a witness, Mr. Salmond said, 'John, I assure you that I have six men who will swear that you took that oath, and you will be hanged as sure as you are alive.' Depones, that upon this he told Mr. Salmond, that if he got six men to swear that he took that oath, they would perjure themselves. He answered, 'John, John, it is impossible to get six men to perjure themselves.' Depones, that after this, Salmond said, 'John, you will ruin yourself if you persist in this way; but if you take the other way, you will do yourself much good.' Depones, that after much conversation, the witness said he was not afraid of

the one way, and he did not see much good he could do himself by the other. Depones, that Mr. Salmond said the Lord Advocate was in Glasgow, and he would come under any obligation he chose, if he would be a witness. Depones, that shortly after this, he was taken before the sheriff, when Mr. Drummond, advocate-depute, came into the room; after which, he was examined, but the subject of the obligation was not then mentioned; and that, in a few days afterwards, the witness was removed to Edinburgh Castle. Depones, that when in the Castle of Edinburgh, Mr. Drummond came to him, and mentioned that M'Kinlay had been served with an indictment, and that his (witness's) name was in the list of witnesses, and that now was the time for him to determine whether he would be a witness or not: that the deponent stated, that he did not wish to be a witness, and that he, Mr. Drummond, knew that if he was, he need not go back to Glasgow, as he could not live there. Depones, that Mr. Drummond then said, that he was quite sensible of that, but that he might go and reside somewhere else, and that he might change his name, but the witness said he would not change his name, and that it would be much the same if he lived in any other manufacturing place as in Glasgow. Depones, that Mr. Drummond then said, he had been thinking of a plan of writing to Lord Sidmouth to get him into the excise, and that if he, the witness, chose, he would write to Lord Sidmouth, and shew him his answer. Depones, that he answered he did not choose the office of an exciseman, and remarked at the same time it was probably the only office under government he was capable for; that it was an office that exposed him to risk and ill-will, which he did not choose to encounter, as he had suffered enough from the public while a peace-officer. Depones, that in this conversation no person was present but the deponent and Mr. Drummond, and that Mr. Drummond was with him in the Castle alone at other times. Depones, that at the first interview, after what is above mentioned, Mr. Drummond asked him what he wanted to have. The witness remained silent, and made no answer. Depones, that Mr. Drummond then said, that if he would give such information as would please the Lord Advocate, he should neither be tried himself, nor made a witness. Depones, that he said that that was an uncertain matter, as he did not know what information they wanted, or that he could give more than they already had; and that if his information did not please the Lord Advocate, he would lie open to every attack that could be made against him. Depones, that Mr. Drummond then said, 'I do not know what to do with you, Campbell; I wish to do every thing I can to favour you. I shall give you a day or two to think of it:' that Mr. Drummond added, 'do you wish I should call back again?' That after some hesitation, the witness said he might do as he pleased, and Mr. Drummond went away: that in a few days afterwards Mr. Drummond came back again, and said, 'Campbell, this is the last time. You must be determined now.' The witness asked if he had wrote to Lord Sidmouth, and Mr. Drummond answered he had not, as the witness had rejected it: that Mr. Drummond asked if he had made up his mind yet. Depones, that he answered that he had, upon conditions; and upon being asked what these were, the witness told him he wished to get a passport to go to the continent: that Mr. Drummond told him, he supposed there was nobody could stop him; and he answered that, being a mechanic, he believed the laws of the country did not allow him to quit it. Depones, that Mr. Drummond replied with a smile, 'is that all? there is no question you will get that, and means to carry you there.' Depones, that they were standing while this conversation took place, and the deponent said, that, upon these conditions, he would be a witness, provided his wife was also taken into consideration. Depones, that upon this Mr. Drummond said, 'Campbell, let us sit down that we may understand each other properly, as I would not wish that we misunderstood one another at the latter end.' Depones, that the witness mentioned to Mr. Drummond, that his wife was in a very delicate state of health, and had nothing but what she earned to support her; upon that question being asked by Mr. Drummond, and that if it was known that he was to be a witness, she would suffer from ill-will by the public: that Mr. Drummond then replied, poor woman, she must be ill off, and desired the witness to write a letter, and mark a one pound note in it, and give it to Mr. Sibbald, who would bring it to him, and he would put a one pound note in it for his wife. That Mr. Drummond also desired the witness to state to his wife that he was to be a witness, and to desire her to leave Glasgow, and to go to the witness's father at Symington, in Ayrshire. Depones, that he said that would be the first thing to discover that he was to be a witness, as his wife could not read or write. Depones, that after some conversation about writing to the town-clerk of Glasgow, or some friend of the witness's, it was agreed that the witness should write a letter to his wife, stating that a friend of his had sent her a one pound note to pay her expenses into Edinburgh by the coach, and that she would receive money here to carry her back again: that this letter was given to Mr. Sibbald, (the jailor) in consequence of the conversation with Mr. Drummond, but that some days afterwards it was brought back by Mr. Drummond, who told him that the Lord Advocate disapproved of sending such a letter, but thought it more proper that Mr. Salmond should be written to, to send for the witness's wife, and tell her that he wanted her to come to Edinburgh. And, after this, Mr. Drummond read to him a letter he had received from Mr. Salmond, stating that a ticket had been bought,

but a postscript of the letter mentioned that his wife, from her state of health, had declined to come: that Mr. Drummond returned the witness's letter, which he burnt. Depones, that he was informed by Mr. Drummond, that the sheriff was coming to examine him; and that it was agreed upon, that in answer to the first question, he, the witness, was to state, and have it taken down, that he was to receive a passport to the continent, and the means to carry him there, it being understood that Prussia was to be his destination: that the sheriff, and, as he believes, the sheriff-substitute, the solicitor general, the procurator-fiscal of Edinburgh, as he understood, and a clerk, came into the room, and Mr. Drummond, having asked Campbell, 'what have you got to say in this business?' the deponent answered, that supposing he was concerned in this affair, and was to tell the whole truth, that he did not consider either himself or his wife safe, and that without his getting a passport to go to the continent, and the means of carrying him there, he could not be a witness; upon which Mr. Drummond, turning to the solicitor-general, said, 'answer you that:' the solicitor-general then ordered the clerk to write these words, as he thinks.—'whereupon the solicitor-general assures the declarant, that every means necessary will be taken to preserve him and his wife, and that he will get a passport to quit the country, or go to the continent (he is not sure which), and the means to carry him there:' that, during this time, the sheriff was walking up and down the room, which is a pretty large one, and when the above words were taken down, he was desired to come and sign this. Depones, that the sheriff came and sat down at the table, and after perusing the paper for some time, said, 'I will not sign this;' and added, that as he was an officer of the crown, it was his duty to see justice done; and he could assure the witness, if he was to sign that paper, he would not be answerable for it for a good deal, for that if the deponent was brought to his oath, and should swear that he had received no promise of reward, and this paper signed, he would perjure himself: that the witness answered no, if it was considered as a means of his preservation; upon which he was supported in the same argument by Mr. Drummond. Upon which the sheriff said he would sign no such paper: that Mr. Drummond then proposed that it should be put down, that he was to get the means of carrying him to any of the British colonies, in place of going to a foreign kingdom; but the sheriff also refused that; and added, he was willing every thing should be set down for the preservation of him and his wife, but nothing further; that after the sheriff had stated this, there was a pause for some time, when Mr. Drummond, looking at the deponent, said, 'Campbell, you know whether you can be a witness on these terms or not.' The witness remained silent; and some time after, Mr. Drummond said, 'now, Campbell, do you believe that we can do that for you which you expect, without its being set down in the paper?' and that at this time, as he thinks, the sheriff was sitting at the table, the solicitor-general and Mr. Drummond standing at the fire, and the other gentlemen walking about the room: that the witness answered, he knew they were able if they were willing. To which Mr. Drummond replied, could he rely upon them for that? The witness answered, 'may I?' Mr. Drummond answered, 'you may;' and that the witness said pretty loudly, 'well, then, I shall rely upon you as gentlemen.' Depones, that shortly after this he was allowed to write his declaration himself, all excepting one part, relating to a Mr. Kerr: that a few days after this, the sheriff, the procurator-fiscal, and a clerk, came up to have his narrative signed, which was done; upon which the sheriff said to him, 'Campbell, after you have got clear of this, you had better go home to your loom, and let them rule the nation as they please:' that, upon this, the deponent said, that rather than go back to his loom, he would be served with an indictment himself, even after all he had written: that the sheriff answered, he had nothing to do with that—it remained between the witness and others. Depones, that he was visited by Mr. Drummond after this, who ordered Captain Sibbald to get him plenty of books, and that he has read nearly a hundred volumes since that time; that about a fortnight or three weeks ago, he wrote a letter to Mr. Drummond, that he was in need of a pair of shoes and a pair of trowsers, and that his wife was in need of money. Depones, that he did receive a pair of shoes from Captain Sibbald, by the orders of Mr. Drummond, as Captain Sibbald said, but that he could not then get any money; but that as soon as the first trial was over, he would get money. That he wrote another letter to Mr. Drummond, stating part of what was in his declaration, as a gentle demand for money, and received the same answer, that he could get no money at present, but that he would get some after the first trial was over, and that he (Sibbald) told him he had got this answer from Mr. Drummond. Depones, that although their engagement is not in writing, in consequence of the interference of the sheriff, and which writing was immediately burnt in the sheriff's presence, he considers it still a subsisting private engagement, upon the performance of which he thinks himself entitled to rely; and that the declaration which he signed, and gave to the sheriff, was made upon a reliance on that engagement. Depones, that at the conversation with Mr. Drummond, when he got an order to get the books, he was then cited as a witness on the trial of Andrew M'Kinlay, and that the first book that the deponent received from the library, in consequence of that order, was upon the 22d day of April last. Depones, that he was not cited as a witness at the time he signed and delivered his declaration to

the sheriff; and that the conversation about the books took place in the week that Mr. Drummond went to the circuit at Glasgow. Depones, the first idea of apprehension of his being in danger was suggested to the deponent by the sheriff and fiscal of Glasgow, who asked him if the reason why he would not be a witness was, that he considered his life to be in danger? That he cannot say that he considered his life to be in danger; but that he did not choose to go back to Glasgow, after being a witness. Depones, that he did not tell Mr. Drummond that his life was in danger, as Mr. Drummond seemed to be impressed with that idea, and the deponent continued to carry it on. Depones, that in the conversations above-mentioned with Mr. Drummond, or any of the other gentlemen, there was no attempt whatever made to instruct him in any way as to what he should say in giving evidence as a witness. All which is truth, as the deponent shall answer to God."

SPANISH SLAVE TRADE.] The resolution of the committee, "That provision be made for carrying into execution the treaty between his Britannic Majesty and his Catholic Majesty, signed at Madrid the 23d day of September, 1817," was reported and agreed to; and a bill, or bills, ordered to be brought in by Lord Castlereagh and Mr. Chancellor of the Exchequer.

MALT, &c. DUTIES BILL.] A bill "for continuing to his Majesty certain duties on malt, sugar, tobacco, and snuff in Great Britain, and on pensions, offices, and personal estates in England, for the service of the year 1818," was presented, and read a first time.

EXCHEQUER BILLS BILL.] A bill "for raising the sum of 30 millions by exchequer bills, for the service of the year 1818," was presented, and read a first time.

GAMING.] Mr. *Ogle* moved for leave to bring in a bill for the suppression of gaming. Leave was given, and the bill ordered to be brought in by Mr. *Ogle* and Sir *Frederick Flood*.

HOUSE OF LORDS.

Wednesday, Feb. 11.

No public business of any importance occurred.

HOUSE OF COMMONS.

Wednesday, Feb. 11.

SPANISH SLAVE TRADE.] A return was presented, pursuant to an order of the 4th instant, of the vessels engaged in the slave trade, and detained by his Majesty's cruizers, for which claims have been given in by Spanish subjects.– Ordered to lie on the table.

GOLD AND SILVER COIN.] An account was presented, pursuant to an address of the 5th instant, of gold and silver coined at the Mint.—Ordered to lie on the table.

LONDON NEW PRISON BILL.] Sir *J. Shaw* brought in a bill "for raising an additional sum of money for carrying into execution the acts of parliament for building a new prison for debtors in the City of London, and for extending the powers of the said acts."—Read a first time.

PROMISSORY NOTES.] On the motion of Mr. *F. Lewis* accounts were ordered,

1st. "Of the number of stamps of promissory notes re-issuable, of each class that have been issued, distinguishing each successive quarter, and the corresponding amount of duties, from the 10th of October 1814 to the latest time to which the same can be made up."

2. "Of the number of re-issuable promissory notes stamped in England from the 10th of October 1814 to the latest time to which the same can be made up; distinguishing each successive quarter, the rates of duty, and the value of the notes."

3. "Of the number of licences for the issue of promissory notes payable on demand in Great Britain, in each successive year from the 10th of October 1811 to the 10th of October 1817; distinguishing the licences renewed from those granted to new banks, and distinguishing the licences granted to persons residing in Scotland."

Mr. *Grenfell* observed that these papers would be useful in considering the whole subject of our pecuniary affairs, but, according to his view, it was desirable for the interest of trade, that every encouragement should be given to the circulation of country bank notes, so long as those notes were convertible into cash, or bank of England notes.

COUNTRY BAKERS.] Mr. *F. Lewis* presented a petition of certain persons, praying that the provisions of the act for the regulation of bakers in London, and within ten miles thereof, might be extended to every part of the kingdom.–Ordered to lie on the table.

EXCHEQUER BILLS.] On the motion of Mr. *Lushington*, accounts were ordered,

1. "Of the amount of exchequer bills issued *per* acts 7 and 11 Anne remaining in the chests of the tellers of the exchequer, together with the interest due upon them, outstanding and unprovided for."

2. "Of the amount of the monies paid into the receipt of his Majesty's exchequer, pursuant to act 51 Geo. III. c. 15, intituled, 'an act for enabling his Majesty to direct the issue of exchequer bills to a limited amount for the purposes and in manner therein mentioned,' and which remain for the disposition of parliament."

EXCHEQUER BILLS BILL.] The thirty millions exchequer bills bill was read a second time.

MALT &c. DUTIES BILL.] This bill was read a second time.

COURTS OF LAW (SCOTLAND).] Mr. *Lushington* presented the third report of the commission appointed to inquire with respect to fees and offices connected with the several courts of judicature in Scotland.

Lord *A. Hamilton* rose to inquire whether

any step had yet been taken, in consequence of the former reports of this commission; whether any fees had been reduced, or any office abolished, or whether it was intended to make any such reduction or abolition; for as this commission had been sitting three years, it was material to know whether any good had resulted, or was likely to result from it, to compensate for the expenses which it incurred?

The *Chancellor of the Exchequer* declared his inability to give the noble lord all the information he desired, but he could say, that it was in the contemplation of the secretary of state to take some measures in consequence of the reports alluded to, and it was also intended by the committee of finance to take those reports into consideration, as soon as other and more pressing business permitted.

ROYAL BURGHS (SCOTLAND).] Sir *George Clerk* presented a petition of the royal burghs of Scotland, assembled at their annual convention: setting forth, that by the law of Scotland the burden of erecting and upholding gaols for the secure confinement of criminals and debtors is laid exclusively upon the petitioners, and while the expense attending it is directed to be defrayed from the public revenue or common gude of each burgh, each is laid under the obligation of receiving into its particular prison all criminals and debtors who may be presented under a regular warrant from any magistrate as well of the burgh as of the county in which the burgh is situated, and also criminals and debtors from any part of the kingdom if committed by warrant from the court of justiciary or court of session; this arose in ancient times, most probably, from the burghs affording the only situations of security in which gaols could be placed, and from the small number of debtors in those days, and the trifling amount of the sums for which they were confined, joined to the miserable accommodation which was thought sufficient, the hardship of throwing the whole burden on these communities was not felt to be so great as to call for relief; by the act of the Scotch parliament 1661, chap. 38, respecting the commission and instructions to justices of peace and constables, it is enacted that the said justices shall take notice in all sheriffdoms where there are any gaols and prison-houses within any burgh, that the same may be kept up, and not suffered to decay and become ruinous, and if there be any shire where there is not any gaol or prison-house, they shall inform his Majesty's council thereof, that they may appoint and give order for building of one within the head burgh of the shire, and according to the directions to be given thereanent the justices shall be holden to proceed; thus it appears that the Scottish legislature had at that time contemplated the necessity of providing from some other quarter the means of erecting suitable gaols at least in the head burgh of each shire, but the source from which these means were to be derived is not pointed out, and nothing followed which had the effect to change the footing on which the matter had previously stood; since that time the increase which has taken place in the wealth and population of the country has added greatly to the number of prisoners, while the ideas now happily entertained of the accommodation necessary to the welfare and comfort of the unfortunate persons so confined are altogether changed; hence the prisons originally erected and still subsisting in most of the burghs have become quite insufficient: they are in general not only insecure, but uniformly too crowded, and the prisoners necessarily kept in a state which is disgraceful to the country; but while the petitioners are well aware of these distressing circumstances, they feel themselves utterly unable to apply a remedy; the public revenue of the burghs has in most cases kept no pace with the improvement and wealth of the country, and is quite inadequate to the burden of providing such gaols as are proper and suitable; a general sense of this inadequacy has in a few instances of late led the landholders and inhabitants of a county to agree to share with the head burgh the expense of erecting a new gaol; this first took place in the county of Fife, where the burgh of Cupar having obtained the consent of a majority of the landholders, succeeded, notwithstanding some opposition of the others, in obtaining an act of parliament, by which nearly three-fourths of the expense of building the gaol was raised by assessment on the county; this example has been since followed by the counties of Edinburgh and Perth, which have concurred in obtaining acts of parliament for assessing the landholders and whole inhabitants in a proportion of the sum required for building proper gaols; no general plan however has yet been adopted for subjecting the inhabitants of counties generally in a proportion of the expense required for erecting a suitable gaol in each shire, and this necessary measure has of course been accomplished but in a very few cases; the obligation thus imposed on the petitioners to have proper gaols and to receive all prisoners presented to them while there is any room there, brings also along with it a very heavy responsibility, the magistrates of royal burghs being liable for the debts of such prisoners as may effect their escape; this responsibility extends so far that they have been subjected for the prisoner's debts, not only where he has succeeded in getting away, but where he has been taken within a few minutes after leaving the gaol, nay, even where he has never been out of custody, but has merely been allowed such indulgence as now in well-regulated prisons is granted even to felons and criminals of every description; the petitioners are farther obliged by the existing laws to suffer all prisoners for debt to get out of prison on their producing a certificate, by a medical practitioner, declaring that this is necessary for their health, yet the petitioners continue responsible that such debtors shall not quit the burgh, and that they shall re-

turn to prison when required, or as soon as their health will permit; in such cases the debtor is seldom able to find security to relieve the magistrates of the risk which they run, but his failure to do so will not justify them in refusing to liberate him, so that they are forced either to trust to his word or to provide for their safety by keeping a guard over them at their own expense: in such circumstances the magistrates of burghs can scarcely by any care secure themselves against losses, and are involved in continual law-suits and disputes; in several instances the losses incurred by the escape of prisoners has been such as the ordinary revenue of the burgh has no chance of ever repaying, and no fund remains by which the gaol can in future be rendered more secure, or any future loss defrayed; the petitioners, for the reasons above stated, are anxious to be relieved of at least a portion of the obligation hitherto laid exclusively upon them, and which they feel they are utterly unable to discharge as it ought to be done; the advantage derived from there being proper prisons for the confinement of criminals and debtors is one which is not peculiar to the petitioners, but is equally felt by all classes of society, they trust that it will appear reasonable therefore that the expense of erecting them should not fall solely on the burghs, but be shared, as it has been in the particular cases which have been mentioned, betwixt them and the proprietors and inhabitants of the counties: they are also anxious to be relieved, as far as may appear just and practicable, of the responsibility they lie under for the debts of prisoners escaping, and that proper rules be established for the custody of persons confined for debt in their part of the united kingdom, but the hardship of which they chiefly complain on this head may probably be best removed by subjecting the counties to a share of the expense of erecting proper jails; in England, the petitioners understand, debtors are not liberated from prison on account of sickness, and were the gaols in Scotland improved as they ought to be and provided with proper apartments and airing-grounds for the sick and convalescents, there could scarcely be any necessity for liberation on a certificate of bad health." The petitioners therefore prayed the house to take their case into consideration, and to adopt such measures for removing or alleviating the hardships of which they complained as to the house in its wisdom should seem meet.—Ordered to lie on the table.

Prison Fees, (Ireland.)] On the motion of Mr. *Bennet*, a return was ordered "of the gross amount of the salaries and emoluments, distinguishing each, whether arising from rent of rooms, fees, or any other sources of revenue, enjoyed by the gaolers of the different prisons in the city of Dublin in the last three years, distinguishing each year, and each prison."

Coroner's Reward Bill.] Mr. *Mellish* moved for and obtained leave to bring in a bill to "alter and enlarge the provisions of an act of his late Majesty, for giving a proper reward to coroners for the due execution of their office, and for the amoval of coroners, upon a lawful conviction, for certain misdemeanours."—The bill was brought in, read a first time, and ordered to be printed.

Portuguese Slave Trade.] Lord *Castlereagh* laid on the table, by command of his royal highness the Prince Regent, the following copy of the additional convention to the treaty of the 22d January 1815, between his Britannic Majesty and his Most Faithful Majesty, for the purpose of preventing their subjects from engaging in any illicit traffic in slaves. Signed at London the 28th July 1817, in the English and Portuguese languages.

"His Majesty the king of the United Kingdom of Great Britain and Ireland, and his Majesty the king of the United Kingdom of Portugal, Brazil, and Algarves, adhering to the principles which they have manifested in the declaration of the congress of Vienna, bearing date the 8th of February 1815, and being desirous to fulfil faithfully, and to their utmost extent, the engagements which they mutually contracted by the treaty of the 22d January 1815, and till the period shall arrive when, according to the tenor of the fourth article of the said treaty, his Most Faithful Majesty has reserved to himself, in concert with his Britannic Majesty, to fix the time when the trade in slaves shall cease entirely and be prohibited in his dominions, and his Majesty the king of the United Kingdom of Portugal, Brazil, and Algarves, having bound himself, by the second article of the said treaty, to adopt the measures necessary to prevent his subjects from all illicit traffic in slaves, and his Majesty the king of the United Kingdom of Great Britain and Ireland having, on his part, engaged, in conjunction with his Most Faithful Majesty, to employ effectual means to prevent Portuguese vessels trading in slaves, in conformity with the laws of Portugal and the existing treaties, from suffering any loss or hindrance from British cruizers, their said Majesties have accordingly resolved to proceed to the arrangement of a convention for the attainment of these objects, and have therefore named as plenipotentiaries, *ad hoc*, viz:

His Majesty the King of the United Kingdom of Great Britain and Ireland, the Right Honourable Robert Stewart, Viscount Castlereagh, a Member of his said Majesty's Most Honourable Privy Council, a Member of Parliament, Colonel of the Londonderry regiment of Militia, Knight of the Most Noble Order of the Garter, and his Principal Secretary of State for Foreign Affairs; and his Majesty the King of the United Kingdom of Portugal, Brazil, and Algarves, the Most Illustrious and Most Excellent Lord, Don Pedro de Souza Holstein, Count of Palmella, Councillor of his said Majesty, Captain of the German Company of his Royal Guards, Commander of the Order of Christ,

Grand Cross of the Order of Charles III. of Spain, and his Envoy Extraordinary and Minister Plenipotentiary to his Britannic Majesty; who, after having exchanged their respective full powers, found to be in good and due form, have agreed upon the following articles:

Art. 1. The object of this convention is, on the part of the two governments, mutually to prevent their respective subjects from carrying on an illicit slave trade.

The two high contracting powers declare, that they consider as illicit, any traffic in slaves carried on under the following circumstances:

1st. Either by British ships, and under the British flag, or for the account of British subjects, by any vessel or under any flag whatsoever.

2d. By Portuguese vessels in any of the harbours or roads of the coast of Africa, which are prohibited by the first article of the treaty of the 22d January 1815.

3d. Under the Portuguese or British flag for the account of the subjects of any other government.

4th. By Portuguese vessels bound for any port not in the dominions of his Most Faithful Majesty.

Art. 2.—The territories in which the traffic in slaves continues to be permitted under the treaty of the 22d January 1815, to the subjects of his Most Faithful Majesty, are the following:

1st. The territories possessed by the crown of Portugal upon the coast of Africa to the south of the equator, that is to say, upon the eastern coast of Africa, the territory lying between Cape Delgado and the Bay of Lourenço Marques; and upon the western coast, all that which is situated from the 8th to the 18th degree of south latitude.

2d. Those territories on the coast of Africa to the south of the equator, over which his Most Faithful Majesty has declared that he has retained his rights, namely,

The territories of Molembo and Cabinda upon the eastern coast of Africa, from the 5th degree 12′ to the 8th degree south latitude.

Art. 3.—His Most Faithful Majesty engages, within the space of two months after the exchange of the ratifications of this present convention, to promulgate in his capital, and in the other parts of his dominions, as soon as possible, a law, which shall prescribe the punishment of any of his subjects, who may in future participate in an illicit traffic of slaves, and at the same time to renew the prohibition which already exists, to import slaves into the Brazils, under any flag, other than that of Portugal; and his Most Faithful Majesty engages to assimilate, as much as possible, the legislation of Portugal in this respect, to that of Great Britain.

Art. 4.—Every Portuguese vessel which shall be destined for the slave trade, on any point of the African coast, where this traffic still continues to be lawful, must be provided with a royal passport, conformable to the model annexed to this present convention, and which model forms an integral part of the same. The passport must be written in the Portuguese language, with an authentic translation in English annexed thereto, and it must be signed, for those vessels sailing from the port of Rio Janeiro, by the minister of Marine: and for all other vessels which may be intended for the said traffic, and which may sail from any other ports of the Brazils, or from any other of the dominions of his Most Faithful Majesty not in Europe, the passports must be signed by the governor in chief of the captaincy to which the port belongs: and as to those vessels which may proceed from the ports of Portugal, to carry on the traffic in slaves, their passports must be signed by the secretary of the government for the marine department.

Art. 5.—The two high contracting powers, for the more complete attainment of their object, namely, the prevention of all illicit traffic in slaves, on the part of their respective subjects, mutually consent, that the ships of war of their royal navies, which shall be provided with special instructions for this purpose, as hereinafter provided, may visit such merchant vessels of the two nations, as may be suspected, upon reasonable grounds, of having slaves on board, acquired by an illicit traffic, and, in the event only of their actually finding slaves on board, may detain and bring away such vessels, in order that they may be brought to trial before the tribunals established for this purpose, as shall hereinafter be specified.

Provided always, that the commanders of the ships of war of the two royal navies, who shall be employed on this service, shall adhere strictly to the exact tenor of the instructions which they shall have received for this purpose.

As this article is entirely reciprocal, the two high contracting parties engage mutually to make good any losses which their respective subjects may incur unjustly, by the arbitrary and illegal detention of their vessels.

It being understood that this indemnity shall invariably be borne by the government whose cruizer shall have been guilty of the arbitrary detention; provided always, that the visit and detention of slave ships, specified in this article, shall only be effected by those British or Portuguese vessels, which may form part of the two royal navies; and by those only of such vessels which are provided with the special instructions annexed to the present convention.

Art. 6.—No British or Portuguese cruizer shall detain any slave ship, not having slaves actually on board; and in order to render lawful the detention of any ship, whether British or Portuguese, the slaves found on board such vessel must have been brought there for the express purpose of the traffic; and those on board Portuguese ships must have been taken from that part of the coast of Africa where the slave trade was prohibited by the treaty of the 22d January 1815.

Art. 7.—All ships of war of the two nations, which shall hereafter be destined to prevent the illicit traffic in slaves, shall be furnished by their own government with a copy of the instructions annexed to the present convention, and which shall be considered as an integral part thereof.

These instructions shall be written in Portuguese and English, and signed for the vessels of each of the two powers, by the ministers of their respective marine.

The two high contracting parties reserve the faculty of altering the said instructions, in whole or in part, according to circumstances; it being, however, well understood, that the said alterations cannot take place but by common agreement, and by the consent of the two high contracting parties.

Art. 8.—In order to bring to adjudication, with the least delay and inconvenience, the vessels which may be detained for having been engaged in an illicit traffic of slaves, there shall be established, within the space of a year at furthest from the exchange of the ratifications of the present convention, two mixed commissions, formed of an equal number of individuals of the two nations, named for this purpose by their respective sovereigns.

These commissions shall reside—one in a possession belonging to his Britannic Majesty—the other within the territories of his Most Faithful Majesty; and the two governments, at the period of the exchange of the ratifications of the present convention, shall declare, each for its own dominions, in what places the commissions shall respectively reside. Each of the two high contracting parties reserving to itself the right of changing, at its pleasure, the place of residence of the commission held within its own dominions, provided, however, that one of the two commissions shall always be held upon the coast of Africa, and the other in the Brazils.

These commissions shall judge the causes submitted to them without appeal, and according to the regulation and instructions annexed to the present convention, of which they shall be considered as an integral part.

Art. 9.—His Britannic Majesty, in conformity with the stipulations of the treaty of the 22d of January 1815, engages to grant, in the manner hereafter explained, sufficient indemnification to all the proprietors of Portuguese vessels and cargoes captured by British cruizers between the 1st of June 1814, and the period at which the two commissions pointed out in article 8, of the present convention, shall assemble at their respective posts.

The two high contracting parties agree that all claims of the nature hereinbefore mentioned, shall be received and liquidated by a mixed commission, to be held at London, and which shall consist of an equal number of the individuals of the two nations, named by their respective sovereigns, and upon the same principles stipulated by the 8th article of this additional convention, and by the other acts which form an integral part of the same. The aforesaid commissions shall commence their functions, six months after the ratification of the present convention, or sooner if possible.

The two high contracting parties have agreed that the proprietors of vessels captured by the British cruizers, cannot claim compensation for a larger number of slaves than that which, according to the existing laws of Portugal, they were permitted to transport, according to the rate of tonnage of the captured vessel.

The two high contracting parties are equally agreed, that every Portuguese vessel captured with slaves on board for the traffic, which shall be proved to have been embarked within the territories of the coast of Africa, situated to the north of Cape Palmas, and not belonging to the crown of Portugal,—as well as all Portuguese vessels captured with slaves on board for the traffic, six months after the exchange of the ratifications of the treaty of the 22d of January 1815, and on which it can be proved that the aforesaid slaves were embarked in the roadsteads of the coast of Africa, situated to the north of the equator, shall not be entitled to claim any indemnification.

Art. 10.—His Britannic Majesty engages to pay, within the space of a year at furthest, from the decision of each case, to the individual having a just claim to the same, the sums which shall be granted to them by the commissions named in the preceding articles.

Art. 11.—His Britannic Majesty formally engages to pay the three hundred thousand pounds sterling of indemnification, stipulated by the convention of the 21st of January 1815, in favour of the proprietors of Portuguese vessels captured by British cruizers, up to the period of the 1st of June 1814, in the manner following, viz.

The first payment of 150,000*l.* sterling six months after the exchange of the ratifications of the present convention, and the remaining 150,000*l.* sterling, as well as the interest at 5 *per cent.* due upon the total sum, from the day of the exchange of the ratifications of the convention of the 21st of January 1815, shall be paid nine months after the exchange of the ratifications of the present convention.. The interest due shall be payable up to the day of the last payment. All the aforesaid payments shall be made in London, to the minister of his Most Faithful Majesty, at the court of his Britannic Majesty, or to the persons whom his Most Faithful Majesty shall think proper to authorize for that purpose.

Art. 12.—The acts or instruments annexed to this additional convention, and which form an integral part thereof, are as follows:

No. 1. Form of passport for the Portuguese merchant ships, destined for the lawful traffic in slaves.

No. 2. Instructions for the ships of war of both nations, destined to prevent the illicit traffic in slaves.

No. 3. Regulation for the mixed commissions, which are to hold their sittings on the coast of Africa, at the Brazils, and in London.

Art. 13.—The present convention shall be ratified, and the ratifications thereof exchanged at Rio Janeiro within the space of four months at furthest, dating from the day of its signature.

In witness whereof the respective plenipotentiaries have signed the same, and have thereunto affixed the seal of their arms.

Done at London, the 28th day of July, in the year of our Lord 1817.

(Signed) CASTLEREAGH. (L. S.)
(Signed) THE COUNT OF PALMELLA. (L. S.)

Form of passport for Portuguese vessels destined for the lawful traffic in slaves.

(Place for the royal arms.)

I, Minister and Secretary of State, for the affairs of the Marine and Transatlantic Dominions, &c. &c.
or Governor of this Province,
or Secretary of the Government of Portugal, make known to those that shall see the present passport, that the vessel called of tons, and carrying men, and passengers, master, and owner, Portuguese, and subjects of the United Kingdom, is bound to the ports of and and coast of from whence she is to return to , the said master and owner having previously taken the required oath before the royal board of commerce of this capital, (or the board of inspection of this province,) and having legally proved that no foreigner has any share in the above vessel and cargo, as appears by the certificate of that royal board, (or board of inspection,) which is annexed to this passport. The said master, and owner of the said vessel, being under an obligation to enter solely such ports on the coast of Africa where the slave trade is permitted to the subjects of the United Kingdom of Portugal, Brazil and Algarves; and to return from thence to any of the ports of this kingdom, where alone they shall be permitted to land the slaves whom they carry, after going through the proper forms, to shew that they have, in every respect, complied with the provisions of the Alvará of the 24th of November 1813, by which his Majesty was pleased to regulate the conveyance of slaves from the coast of Africa to his dominions of Brazil. And should they fail to execute any of these conditions, they shall be liable to the penalties denounced by the Alvará of* against those who shall carry on the slave trade in an illicit manner. And as in going or returning she may, either at sea or in port, meet officers of ships and vessels of the same kingdom, the King our Lord orders them not to give her any obstruction; and his Majesty recommends to the officers of the fleets, squadrons, and ships of the kings, princes, republics and potentates, the friends and allies of the crown, not to prevent her from prosecuting her voyage, but, on the contrary, to afford her any aid and accommodation she may want for continuing the same; being persuaded that those recommended by their princes, will, on our part, experience the same treatment. In testimony of which his Majesty has ordered her to be furnished by me with this passport, signed and sealed with the great seal of the royal arms, which shall have validity only for and for one voyage alone.

Given in the palace of the of in the year after the birth of our Lord Jesus Christ.

(L. S.)

By order of his Excellency,
The officer who made out the passport.

This passport, numbered ( ) authorizes any number of slaves not exceeding being per ton (as permitted by the Alvará of†) to be on board of this ship at one time, excepting always such slaves employed as sailors or domestics, and children born on board during the voyage.

(Signed as above, by the proper Portuguese Authorities,)
(Signed) CASTLEREAGH.
(Signed) THE COUNT OF PALMELLA.

Instructions intended for the British and Portuguese ships of war employed to prevent the illicit traffic in slaves.

Art. 1.—Every British or Portuguese ship of war shall, in conformity with article 5. of the additional convention of this date, have a right to visit the merchant ships of either of the two powers actually engaged, or suspected to be engaged in the slave trade; and should any slaves be found on board according to the tenor of the 6th article of the aforesaid additional convention, —And as to what regards the Portuguese vessels, should there be ground to suspect that the said slaves have been embarked on a part of the coast of Africa where the traffic in slaves can no longer be legally carried on in consequence of the stipulations in force between the two high powers: in these cases alone, the commander of the said ship of war may detain them; and having detained them, he is to bring them as soon as possible, for judgment before that of the two mixed commissions appointed by the 8th article of the additional convention of this date, which shall be the nearest, or which the commander of the capturing ship shall, upon his own responsibility, think he can soonest reach from the spot where the slave ship shall have been detained.

Ships on board of which no slaves shall be found intended for purposes of traffic, shall not be detained on any account or pretence whatever.

Negro servants or sailors that may be found

* This Alvará to be promulgated in pursuance of the 3d article of the additional convention of the 28th of July 1817.

† That is to say, the Alvará of the 24th of November 1813, or any other Portuguese law which may hereafter be promulgated in lieu thereof.

on board the said vessels, cannot, in any case, be deemed a sufficient cause for detention.

Art. 2.—No merchantmen or slave ship can, on any account or pretence whatever, be visited or detained whilst in the port or roadstead belonging to either of the two high contracting powers, or within cannon-shot of the batteries on shore. But in case suspicious vessels should be found so circumstanced, proper representations may be addressed to the authorities of the country, requesting them to take effectual measures for preventing such abuses.

Art. 3.—The high contracting powers having in view the immense extent of the shores of Africa, to the north of the Equator, along which this commerce continues prohibited, and the facility thereby afforded for illicit traffic, on points where either the total absence, or at least the distance of lawful authorities bar ready access to those authorities, in order to prevent it, have agreed, for the more readily attaining the salutary end which they propose, to grant, and they do actually grant to each other the power, without prejudice to the rights of sovereignty, to visit and detain, as if on the high seas, any vessel having slaves on board, even within cannon shot of the shore of their respective territories on the continent of Africa to the north of the Equator, in case of there being no local authorities to whom recourse might be had, as has been stated in the preceding article. In such case, vessels so visited, may be brought before the mixed commissions, in the form prescribed in the first article of the preceding instructions.

Art. 4.—No Portuguese merchantman or slave ship shall, on any pretence whatever, be detained, which shall be found any where near the land, or on the high seas, south of the Equator, unless after a chase that shall have commenced north of the Equator.

Art. 5.—Portuguese vessels furnished with a regular passport, having slaves on board, shipped at those parts of the coast of Africa where the trade is permitted to Portuguese subjects, and which shall afterwards be found north of the Equator, shall not be detained by the ships of war of the two nations, though furnished with the present instructions, provided the same can account for their course, either in conformity with the practice of the Portuguese navigation, by steering some degrees to the northward, in search of fair winds, or for other legitimate causes, such as the dangers of the sea duly proved; or lastly, in the case of their passports proving that they were bound for a Portuguese port not within the continent of Africa: Provided always, that with regard to all slave ships detained to the north of the Equator, the proof of the legality of the voyage is to be furnished by the vessel so detained. On the other hand, with respect to slave ships detained to the south of the Equator, in conformity with the stipulations of the preceding article, the proof of the illegality of the voyage is to be exhibited by the captor.

It is in like manner stipulated, that the number of slaves found on board a slave ship by the cruizers, even should the number not agree with that contained in their passport, shall not be a sufficient reason to justify the detention of the ship; but the captain and the proprietor shall be denounced in the Portuguese tribunals in the Brazils, in order to their being punished according to the laws of the country.

Art. 6.—Every Portuguese vessel, intended to be employed in the legal traffic in slaves, in conformity with the principles laid down in the additional convention of this date, shall be commanded by a native Portuguese; and two-thirds, at least, of the crew, shall likewise be Portuguese: Provided always, that its Portuguese or foreign construction shall in no wise affect its nationality, and that the negro sailors shall always be reckoned as Portuguese, provided they belong, as slaves, to subjects of the crown of Portugal, or that they have been enfranchised in the dominions of his Most Faithful Majesty.

Art. 7.—Whenever a ship of war shall meet a merchant vessel liable to be searched, it shall be done in the most mild manner, and with every attention which is due between allied and friendly nations; and in no case shall the search be made by an officer holding a rank inferior to that of lieutenant in the navy.

Art. 8.—The ships of war which may detain the slave ships, in pursuance of the principles laid down in the present instructions, shall leave on board all the cargo of negroes untouched, as well as the captain and a part at least of the crew of the above-mentioned slave ship; the captain shall draw up in writing an authentic declaration, which shall exhibit the state in which he found the detained ship, and the changes which may have taken place in it; he shall deliver to the captain of the slave ship, a signed certificate of the papers seized on board the said vessel, as well as of the number of slaves found on board at the moment of detention.

The negroes shall not be disembarked till after the vessels which contain them shall be arrived at the place where the legality of the capture is to be tried by one of the two mixed commissions, in order that, in the event of their not being adjudged legal prize, the loss of the proprietors may be more easily repaired. If, however, urgent motives, deduced from the length of the voyage, the state of health of the negroes, or other causes, required that they should be disembarked entirely, or in part, before the vessels could arrive at the place of residence of one of the said commissions, the commander of the capturing ship may take on himself the responsibility of such disembarkation, provided that the necessity be stated in a certificate in proper form.

Art. 9.—No conveyance of slaves from one

port of the Brazils to another, or from the continent or islands of Africa, to the possessions of Portugal out of America, shall take place as objects of commerce, except in ships provided with passports from the Portuguese government, *ad hoc*.

Done at London the twenty-eighth day of July, in the year of our Lord one thousand eight hundred and seventeen.

(Signed) CASTLEREAGH. (L.S.)

(Signed) THE COUNT OF PALMELLA. (L.S.)

Regulations for the mixed commissions, which are to reside on the coast of Africa, in the Brazils, and at London.

Art. 1.—The mixed commissions to be established by the additional convention of this date, upon the coast of Africa and in the Brazils, are appointed to decide upon the legality of the detention of such slave vessels as the cruizers of both nations shall detain, in pursuance of this same convention, for carrying on an illicit commerce in slaves.

The above-mentioned commissions shall judge, without appeal, according to the letter and spirit of the treaty of the 22d of January, 1815, and of the additional convention to the said treaty, signed at London on this 28th day of July, 1817.

The commissions shall give sentence as summarily as possible, and they are required to decide (as far as they shall find it practicable), within the space of twenty days, to be dated from that on which every detained vessel shall have been brought into the port where they shall reside: 1st, upon the legality of the capture; 2d, in the case in which the captured vessel shall have been liberated, as to the indemnification which she is to receive.

And it is hereby provided, that in all cases the final sentence shall not be delayed, on account of the absence of witnesses, or for want of other proofs, beyond the period of two months: except upon the application of any of the parties interested, when, upon their giving satisfactory security to charge themselves with the expense and risks of the delay, the commissioners may, at their discretion, grant an additional delay not exceeding four months.

Art. 2.—Each of the above-mentioned mixed commissions, which are to reside on the coast of Africa, and in the Brazils, shall be composed in the following manner:

The two high contracting parties shall each of them name a commissary judge, and a commissioner of arbitration, who shall be authorized to hear and to decide, without appeal, all cases of capture of slave vessels which, in pursuance of the stipulation of the additional convention of this date, may be laid before them. All the essential parts of the proceedings carried on before these mixed commissions, shall be written down in the language of the country in which the commission may reside.

The commissary judges and the commissioners of arbitration, shall make oath, in presence of the principal magistrate of the place in which the commission may reside, to judge fairly and faithfully, to have no preference either for the claimants or the captors, and to act, in all their decisions, in pursuance of the stipulations of the treaty of the 22d of Jan. 1815, and of the additional convention to the said treaty.

There shall be attached to each commission a secretary or registrar, appointed by the sovereign of the country, in which the commission may reside, who shall register all its acts, and who, previous to his taking charge of his post, shall make oath, in presence of at least one of the commissary judges, to conduct himself with respect for their authority, and to act with fidelity in all the affairs which may belong to his charge.

Art. 3.—The form of the process shall be as follows:

The commissary judges of the two nations shall, in the first place, proceed to the examination of the papers of the vessel, and to receive the depositions on oath of the captain and of two or three, at least, of the principal individuals on board of the detained vessel, as well as the declaration on oath of the captor, should it appear necessary, in order to be able to judge and to pronounce if the said vessel has been justly detained or not, according to the stipulations of the additional convention of this date, and in order that, according to this judgment, it may be condemned or liberated. And in the event of the two commissary judges not agreeing on the sentence they ought to pronounce, whether as to the legality of the detention or the indemnification to be allowed, or on any other question which might result from the stipulations of the convention of this date,—they shall draw by lot the name of one of the two commissioners of arbitration, who, after having considered the documents of the process, shall consult with the above-mentioned commissary judges on the case in question, and the final sentence shall be pronounced conformably to the opinion of the majority of the above-mentioned commissary judges and of the above-mentioned commissioner of arbitration.

Art. 4.—As often as the cargo of slaves found on board of a Portuguese slave ship, shall have been embarked on any point whatever of the coast of Africa, where the slave-trade continues lawful to the subjects of the crown of Portugal, such slave-ship shall not be detained on pretext that the above-mentioned slaves have been brought originally *by land* from any other part whatever of the continent.

Art. 5.—In the authenticated declaration which the captor shall make before the commission, as well as in the certificate of the papers seized, which shall be delivered to the captain of the captured vessel, at the time of the detention, the above-mentioned captor shall be bound to

declare his name, the name of his vessel, as well as the latitude and longitude of the place where the detention shall have taken place. and the number of slaves found living on board of the slave-ship, at the time of the detention.

Art. 6.—As soon as sentence shall have been passed, the detained vessel, if liberated, and what remains of the cargo, shall be restored to the proprietors. who may, before the same commission, claim a valuation of the damages, which they may have a right to demand: the captor himself, and, in his default, his government, shall remain responsible for the above-mentioned damages. The two high contracting parties bind themselves to defray, within the term of a year from the date of the sentence the indemnifications which may be granted by the above-named commission, it being understood that these indemnifications should be at the expense of the power of which the captor shall be a subject.

Art. 7.—In case of the condemnation of a vessel for an unlawful voyage, she shall be declared lawful prize, as well as her cargo, of whatever description it may be, with the exception of the slaves who may be on board as objects of commerce; and the said vessel, as well as her cargo, shall be sold by public sale, for the profit of the two governments; and as to the slaves, they shall receive from the mixed commission, a certificate of emancipation, and shall be delivered over to the government on whose territory the commission which shall have so judged them shall be established, to be employed as servants or free labourers. Each of the two governments binds itself to guarantee the liberty of such portion of these individuals as shall be respectively consigned to it.

Art. 8.—Every claim for compensation of losses occasioned by ships suspected of carrying on an illicit trade in slaves, not condemned as lawful prize by the mixed commissions, shall be also heard and judged by the above-named commissions, in the form provided by the third article of the present regulation. And in all cases wherein restitution shall be so decreed, the commission shall award to the claimant or claimants, or his or their lawful attorney or attornies, for his or their use, a just and complete indemnification: first, for all costs of suit, and for all losses and damages which the claimant or claimants may have actually sustained by such capture and detention, that is to say, in case of total loss, the claimant or claimants shall be indemnified: 1st, for the ship, her tackle, apparel, and stores; 2dly, for all freight due and payable; 3dly, for the value of the cargo of merchandise, if any; 4thly, for the slaves on board at the time of detention, according to the computed value of such slaves at the place of destination; deducting therefrom the usual fair average mortality for the unexpired period of the regular voyage; deducting also for all charges and expenses payable upon the sale of such cargoes, including commission of sale when payable at such port; and 5thly, for all other regular charges in such cases of total loss; and in all other cases not of total loss, the claimant or claimants shall be indemnified,—first, for all special damages and expenses occasioned to the ship by the detention, and for loss of freight when due or payable; secondly, a demurrage when due, according to the schedule annexed to the present article; thirdly, a daily allowance for the subsistence of slaves, of one shilling, or one hundred and eighty reis for each person, without distinction of sex or age, for so many days as it shall appear to the commission that the voyage has been or may be delayed by reason of such detention; as likewise, fourthly,—for any deterioration of cargo or slaves; fifthly,—for any diminution in the value of the cargo of slaves, proceeding from an increased mortality beyond the average amount of the voyage, or from sickness occasioned by detention; this value to be ascertained by their computed price at the place of destination, as in the above case of total loss;—sixthly, an allowance of five per cent. on the amount of capital employed in the purchase and maintenance of cargo, for the period of delay occasioned by the detention; and seventhly,—for all premium of insurance on additional risks.

The claimant or claimants shall likewise be entitled to interest, at the rate of five per cent. per annum on the sum awarded, until paid by the government to which the capturing ship belongs; the whole amount of such indemnifications being calculated in the money of the country to which the captured ship belongs, and to be liquidated at exchange current at the time of award, excepting the sum for the subsistence of slaves, which shall be paid *at par*, as above stipulated.

The two high contracting parties wishing to avoid, as much as possible, every species of fraud in the execution of the additional convention of this date, have agreed, that if it should be proved, in a manner evident to the conviction of the judges of the two nations, and without having recourse to the decision of a commissioner of arbitration, that the captor has been led into error by a voluntary and reprehensible fault on the part of the captain of the detained ship; in that case only, the detained ship shall not have the right of receiving, during the days of her detention, the demurrage stipulated by the present article.

Schedule of demurrage or daily allowance for a vessel of

		£	
100 tons to	120 inclusive,	5	per diem,
121 ditto—	150 ditto,	6	
151 ditto—	170 ditto,		
171 ditto—	200 ditto,	10	
201 ditto—	220 ditto,	11	
221 ditto—	250 ditto,	12	
251 ditto—	270 ditto,	14	
271 ditto—	300 ditto,	15	

and so in proportion.

Art. 9.—When the proprietors of a ship sus-

pected of carrying on an illicit trade in slaves, released in consequence of a sentence of one of the mixed commissions, (or in the case, as above-mentioned, of total loss) shall claim indemnification for the loss of slaves which he may have suffered, he shall in no case be entitled to claim for more than the number of slaves which his vessel was, by the Portuguese laws, authorized to carry, which number shall always be declared in his passport.

Art. 10.—The mixed commission established in London by the article 9. of the convention of this date, shall hear and determine all claims for Portuguese ships and cargoes, captured by British cruizers on account of the unlawful trading in slaves, since the 1st of June 1814, till the period when the convention of this date is to be in complete execution; awarded to them, conformably to the article 9, of the additional convention of this date, a just and complete compensation, upon the basis laid down in the preceding article, either for total loss, or for losses and damages sustained by the owners and proprietors of the said ships and cargoes. The said commission established in London, shall be composed and proceed exactly upon the same basis determined in the articles 1, 2, and 3, of the present regulation for the commissions established on the coast of Africa and the Brazils.

Art. 11.—It shall not be permitted to any of the commissary judges nor to the arbitrators, nor to the secretary of any of the mixed commissions, to demand or receive, from any one of the parties concerned in the sentences which they shall pronounce, any emolument, under any pretext whatsoever, for the performance of the duties which are imposed upon them by the present regulation.

Art. 12.—When the parties interested shall imagine they have cause to complain of any evident injustice on the part of the mixed commissions, they may represent it to their respective governments, who reserve to themselves the right of mutual correspondence for removing, when they think fit, the individuals who may compose these commissions.

Art. 13.—In the case of a vessel detained unjustly, under pretence of the stipulations of the additional convention of this date, and in which the captor should neither be authorized by the tenor of the above-mentioned convention, nor of the instructions annexed to it, the government to which the detained vessel may belong, shall be entitled to demand reparation; and in such case, the government to which the captor may belong, binds itself to cause the subject of complaint to be fully examined, and to inflict upon the captor, if he be found to have deserved it, a punishment proportioned to the transgression which may have been committed.

Art. 14.—The two high contracting parties have agreed, that in the event of the death of one or more of the commissioners, judges and arbitrators composing the above-mentioned mixed commissions, their posts shall be supplied, *ad interim*, in the following manner: on the part of the British government, the vacancies shall be filled successively, in the commission which shall sit within the possessions of his Britannic Majesty, by the governor or lieutenant-governor resident in that colony, by the principal magistrate of the place, and by the secretary; and in the Brazils, by the British consul and vice-consul resident in the city in which the mixed commission may be established.

On the part of Portugal, the vacancies shall be supplied, in the Brazil, by such persons as the captain-general of the province shall name for that purpose; and considering the difficulty which the Portuguese government would feel in naming fit persons to fill the posts which might become vacant in the commission established in the British possessions, it is agreed, that in case of the death of the Portuguese commissioners, judges, or arbitrators in those possessions, the remaining individuals of the above-mentioned commission shall be equally authorized to proceed to the judgment of such slave-ships as may be brought before them, and to the execution of their sentence. In this case alone, however, the parties interested shall have the right of appealing from the sentence, if they think fit, to the commission resident in the Brazils; and the government to which the captor shall belong, shall be bound fully to defray the indemnifications which shall be due to them, if the appeal be judged in favour of the claimants: it being well understood, that the ship and cargo shall remain during this appeal, in the place of residence of the first commission before whom they may have been conducted.

The high contracting parties have agreed to supply as soon as possible, every vacancy that may arise in the above-mentioned commissions, from death or any other contingency. And in case that the vacancy of each of the Portuguese commissioners residing in the British possessions, be not supplied at the end of six months, the vessels which are taken there to be judged, after the expiration of that time, shall no longer have the right of appeal hereinbefore stipulated.

Done at London, the 28th day of July, in the year of our Lord 1817.

(Signed) CASTLEREAGH. (L.S.)
(Signed) THE COUNT OF PALMELLA. (L.S.)

SEPARATE ARTICLE.

As soon as the total abolition of the slave-trade, for the subjects of the crown of Portugal, shall have taken place, the two high contracting parties hereby agree, by common consent, to adopt, to that state of circumstances, the stipulations of the additional convention concluded at London the 28th of July last; but in default of such alterations, the additional convention of that date shall remain in force until the expiration of fifteen years, from the day on

which the general abolition of the slave-trade shall so take place, on the part of the Portuguese government.

The present separate article shall have the same force and validity as if it were inserted, word for word, in the additional convention aforesaid. It shall be ratified, and the ratifications shall be exchanged as soon as possible.

In witness whereof the respective plenipotentiaries have signed the same, and have thereunto affixed the seals of their arms.

Done at London, this 11th day of September, in the year of our Lord 1817.

(Signed) CASTLEREAGH. (L.S.)

(Signed) THE COUNT OF PALMELLA. (L.S.)

Captain *Waldegrave* observed, that in neither the Spanish nor Portuguese treaties was any provision made to prevent the overloading of slave ships, or to prevent those horrors which were known by this country to result from what was called the middle passage.

Lord *Castlereagh* contended, that every practicable provision was made upon the subject alluded to, as a commission was to be appointed, consisting of commissioners from this country, as well as the other powers, who would be empowered to guard against any such excess as the honourable gentleman deprecated in common with every humane person.

The convention was ordered to lie on the table.

GAMING.] Mr. *Ogle* brought in his bill "for the Suppression of Gaming, and for regulating Houses kept for the purposes of Play."—Read a first time, and ordered to be printed.

BANK TOKENS.] Mr. *Babington* begged leave to say a few words to the Chancellor of the Exchequer on the subject of bank tokens. The right hon. gentleman had stated that no inconvenience had arisen when the dollars were called in; but the dollars and the tokens stood on a different foundation. The tokens were more numerous, and, in some parts of the country, constituted about a third of the silver in circulation. Besides, the dollars were called in when silver was at a high price, and thence, many of them were melted down. It was possible that much loss might be sustained by the holders of the tokens, if they were not exchanged in due time. They were often in the hands of the poorer classes of society, who could not afford to send them up to London to be exchanged. He therefore thought that government might afford them some facilities for the purpose, as they did for the transmission of the old silver coin. Could they not appoint receivers in different places, which would redound to their own credit, and give satisfaction to the country?

The *Chancellor of the Exchequer* observed, that the hon. member had overlooked the most material part of the statement which he yesterday submitted to the house, namely, that the Bank was bound to receive those tokens for two years, from the 1st of March next. How, then, could any inconvenience be apprehended? Those tokens might be taken by gentlemen for rent, and thus, as well as by many other obvious means, the whole were likely to find their way to the Bank long before the period alluded to should expire. With regard to means for facilitating the transport of those tokens from the country to London, he felt that neither government nor the Bank were bound to provide such means, but he was happy to say, that some arrangements had been made by the Post-office, which were likely to afford every necessary facility upon this subject.

Mr. *Curwen* hoped that the directors would feel themselves called upon to take measures which might prevent loss to the public from the issue of tokens. He had received a letter from Scotland, stating, that at Selkirk many poor persons were kept in want of the necessaries of life from the difficulty of getting the old silver coinage exchanged at the time the new coinage was issued. The Bank ought surely to provide that similar distress should not be occasioned by the withdrawing of their tokens, especially as they must have made great profit by the issue of them. He earnestly hoped, therefore, that arrangements would be made advantageous to the country previously to the withdrawing of the tokens.

Mr. *Manning* replied, that the Bank directors had actually sustained loss by standing between the public and the executive government, when silver was extremely scarce in the country. He had no doubt that, by the end of the two years allowed for the circulation of tokens, they could be all withdrawn without inconvenience.

COMMITTEE OF SUPPLY—SPANISH TREATY.] The house then resolved itself into a committee of supply, and the Spanish treaty was referred to it.

Lord *Castlereagh* said, that after the very full discussion which this subject had undergone, he felt it quite unnecessary to make any observations, now that he moved, in terms of the treaty, that a sum not exceeding 400,000*l.* be allowed to his Majesty for the purpose of giving effect to the treaty with the Spanish government for the abolition of the slave-trade. He should be ready to answer any questions that might be asked; but as he felt assured by the sentiments of the house on a former night, of the general approbation with which the subject was received, he would not enter into any further observations at present.

Mr. *Lyttelton* said, it was not his intention to disturb the unanimity of the house. It was with reluctance that he shewed even the appearance of opposition to a treaty so humane in its principles, and calculated, he trusted, to be most beneficial in its effects. But he took this opportunity of asking the Chancellor of the Exchequer and the noble lord a question respecting our commercial relations with Spain. What he had to say of our trade with that country, from the case put into his hands, was not like what

should have been expected from the relations of peace and amity. From this case it appeared that the conduct of the Spanish government towards our merchants was very rigorous. Cotton, which was one of the most important articles of our trade, was prohibited in Spain; but if this prohibition was openly declared and known, we had no right to complain. It was the greatest absurdity to say that we ought to make war against them on such a pretence. Woollens and linens also, which were staples of this country, were prohibited. The duties on iron were 110 *per cent.* upon their actual value. But if he was rightly instructed, we were not only treated with rigour, but that rigour was exercised without due notice. Formerly six months' notice had been given of any prohibitions—now those prohibitions were suddenly made; so that it was impossible to give timely notice to the merchant in London, in order to prevent shipments and very serious losses. This was the greatest grievance that could affect the interests of commerce. That orders upon matters of commercial regulation should be explicit and clear, definite in their extent, and precise as to their commencement and duration, was essential to the very existence of commerce. Let taxation be carried to any extent, but in God's name, let timely notice be given of such taxation. He hoped the noble lord would feel it his duty to effect, if possible, a treaty to remove the excessive impositions upon our trade, or at least to ensure due notice to our merchants. Every information the noble lord could give would be attended to: but he particularly wished to know what remonstrances had been made by our government, and what answer had been returned.

Lord *Castlereagh* thought that the hon. gentleman, since he agreed to the motion before the committee, ought rather to have given notice of an inquiry on such a complicated subject as he had now introduced. He could, however, generally reply, that the grievances complained of arose from the unfortunate principles of commercial regulation which prevailed not long ago in this country, and which now impoverished Spain, and occasioned a great deal of contraband trade. *Hear, hear, from all parts of the house.*) Our government had zealously endeavoured to remove those grievances, but all their efforts had been rendered unavailing by those prejudices, which considered restriction and high duty the only modes of contending with another country. *(Hear.)* He was not aware of any grievance having arisen from want of notice. The prohibition of our cotton was rather a return to their former system than an innovation. In 1792 our cotton was prohibited, and although it had been subsequently admitted, the restoration of the former state of things naturally occasioned a renewal of the prohibition. Besides, in our commercial relations with other countries, we felt a little embarrassed by our own impositions, which originated in times of ignorance and prejudice. (*Hear, hear.*) It was much to be regretted that no greater liberality existed on the subject in Spain. He and his right hon. friend had remonstrated very strongly, as strongly as the hon. member himself could wish. Nothing, indeed, was wanting on the part of his right hon. friend, in watching over the commerce of the country. Without recurring to the last resource, nothing further could be done, and that every wise statesman would deprecate. He could only lament that Spain was much less forward than other countries in adopting those truths which were now happily established, and which proved that the true interest of every country was to throw wide open its ports to the unrestrained commerce of other countries. The same unfortunate prejudice formerly restrained commerce between this country and the sister island, and between Britain and other countries.

Mr. *Lyttelton* could not refrain from expressing the satisfaction he felt at the general principles avowed in the noble lord's reply. Those principles, so just and so explicitly avowed, he hailed as propitious to the best interests of this country. He recollected too with pleasure, that the president of the board of trade had avowed similar principles, but lamented that the unfortunate impositions which still existed in this country prevented their free operation. He was anxious at the same time to correct a mistake into which the noble lord seemed to have fallen. He had deprecated the prohibition most distinctly, but the ground of complaint was the sudden changes that took place.

Mr. *Robinson* wished it to be recollected that cotton had not been in the first instance absolutely prohibited. Notice of its prohibition had been given early in the year 1815. It continued to be admitted for twelve months afterwards; and in consequence of remonstrances from our government, the prohibition was not acted upon till January 1818. He was not aware of any higher duty having been imposed on iron. As to notice, it should be recollected that in this country duties were carried into effect from the moment that the act which imposed them passed.

Mr. *Lyttelton* said, he might have been misinformed, but he had been told that, formerly, notice for six months had always been given, and now that the practice was departed from.

Dr. *Phillimore* asked the noble lord whether any indemnity was to be given out of this sum to those who had sustained loss by the illegal seizure of their slave-trading vessels.

Lord *Castlereagh* replied, that they, as well as our own sailors, who had made legal captures, were left to urge their claims according to the nature and merits of their cases. This sum was to be given to the Spanish government, in order to meet all claims that might devolve upon it in consequence of the abolition.

Lord *Althorp* said, he had no objection to the spirit and object of the treaty, but the laying out of

so large a sum of money in pure bounty to the Spanish government appeared to him very liable to suspicion. We were evidently ambitious of being distinguished as the most charitable of all nations, but could we get credit for lavishing so large a sum out of mere charity, while our own country was in such distress?

Mr. *Wilberforce* was persuaded that the treaty had proceeded from feelings of the purest humanity, but, viewing it on the coldest principles of commercial calculation, he would say, that it was the wisest treaty that could have been framed. With a view to promote the commercial interests of the country, nothing could be more politically wise and provident than to possess the inhabitants of Africa with a taste for our manufactures. The provisions of the treaty respecting the abolition of the slave-trade were beneficial, not only for ourselves, but for all mankind. But, in a commercial view, it was of incalculable advantage to have the supply of that large tract of country, from the Senegal down to the Niger, an extent of more than 7,500 miles, with the necessaries and gratifications which our manufactures and our commerce afforded. One of the greatest difficulties in repressing the slave trade was, that we could not give the inhabitants of Africa their accustomed gratifications. To obtain these, they often had recourse to the abominable practices of this inhuman traffic. This evil would be in a great measure remedied by this treaty. It was, then, he repeated, of vast commercial benefit. Even already, with all the difficulties we had to encounter, our exports to Africa were greatly increased; under the operation of this treaty they would advance more and more, to the great profit of this country, and to the improvement and happiness of much injured Africa.

Mr. *Calcraft* believed great advantages might arise from the treaty, both as to the advancement of fair trade, and the abolition of the slave trade, but there were other points on which he wished to make an observation. 400,000*l.* was the sum to be voted for Spain; one-half of that sum, he understood, must be paid to our crews who had captured slave-ships, in order to make restitution of those ships. Was it only the remaining 200,000*l.* that were to be given to Spain? or were the claims of the captors to be referred to the Spanish government? Those persons, he apprehended, would in that case be left in a very awkward situation. If they had claims to the amount of 200,000*l.* their claims ought to be satisfied out of this money. To refer them to the Spanish government was doing them much injustice.

Lord *Castlereagh* said, that our government would not take any part in satisfying the claims alluded to. In 1783 there were several claims upon America, which, on account of the peculiar difficulties in settling them, our government reduced to a specific sum, and in consideration of receiving that sum from America, satisfied all the claimants. But in this case there was no necessity for such a measure.

Mr. *J. P. Grant* observed, that the claims in question were of different kinds. Some of them were yet to be made good. Others were already established, the ships having been condemned. With respect to the latter, he thought that a specific sum ought to have been stipulated for their satisfaction.

Mr. *W. Smith* said, it was very evident that other European nations, and France especially, had a common interest with ourselves in observing the conditions of this treaty. France had already abolished the trade as far as it respected her colonies, and, he was ready to admit, intended to prohibit it generally to all her subjects. It must, therefore, in his opinion, be the interest of France, in whatever light it was viewed, as well as the interest of this country, not to suffer a trade in slaves to be carried on with her colonies, under foreign colours, which she did not allow to her own subjects. He gave his entire approbation to the treaty.

Sir *R. Heron* did not consider the amount of money to be paid to Spain as any objection to the conditions of the treaty, although he could not help regretting that it was to fall into the coffers of the Spanish treasury at the moment when it might enable the government to effect the subjugation of its revolted colonies. He did not very clearly see why our policy now should so far differ from that of Queen Elizabeth, who had considered it important to the interests of this country to protect the rising liberties of the Netherlands. His firm belief was, that the slave-trade never would be effectually abolished, except with the abolition of slavery, and it was with regret he perceived that no steps were yet taken for bringing about a gradual emancipation.

The resolution was then read and agreed to, and the report ordered to be received to-morrow.—It was also ordered that the committee of supply should sit again on Friday.

SPIES AND INFORMERS.] Mr. *Fazakerley* rose pursuant to notice, to submit a motion, "That it be an instruction to the committee of secrecy now sitting, to inquire and report, whether any and what measures have been taken, to detect and bring to justice those who were described, in the report from the committee of secrecy presented to this house on the 20th day of June 1817, as persons who may, by their language and conduct, in some instances have had the effect of encouraging those designs which it was intended they should be only the instruments of detecting."—The hon. member said, he was fully sensible that he should require all the indulgence of the house, in the few observations which he should feel it necessary to offer to their attention, on a subject deeply connected with the recent trials for high treason. He wished it to be understood, that in what he intended to state, he desired as much as possible

to avoid all personality. There were some persons whose names were reported as the most conspicuous members in the honourable confederacy to which he had just alluded, but he had not had any precise information on that subject to enable him to refer to any particular individual. He trusted, indeed, that neither the name of Oliver, nor the names of any other persons, would be considered as in any way connected with what he had to lay before the house; for he merely grounded his motion upon the report of the house itself, and he only desired to know whether any measures had been taken to detect and bring to justice the persons to whom the report alluded. He wished the house to recollect the course of proceeding that had been adopted by his Majesty's government. For several months, during which the suspension of the habeas corpus act existed, the powers with which it invested government were by no means unsparingly exercised. The gaols had been filled with prisoners, with persons apprehended perhaps on the information of spies: (*Hear, hear*) and the country had witnessed the novel spectacle of itinerant state prisoners, carried about from one place to another. (*Hear, hear.*) Not that alone—they had seen them loaded with irons, and placed in close confinement. There appeared a most remarkable contrast of the strongest and weakest measures arising out of the suspension. On the one side, the gaols were crowded with unfortunate persons, dragged from distant parts of the kingdom, and treated with the utmost severity; while, on the other, the most puerile steps were adopted, assuming at last the shape of a paternal admonition that they would continue in good behaviour. (*A laugh*). When so many persons were thus apprehended and imprisoned, was it right and fair that no measure should be taken to detect and prosecute those spies and informers, whose conduct a committee of that house had pronounced to be suspicious? Was this a fair and impartial administration of the criminal justice of the country? He might, however, observe, that he did not intend to express an opinion generally against the employment of spies. It was most unfortunate that such measures should ever be necessary; that public treason could sometimes be detected only by private treachery; that vice should be rendered subservient to the safety of the state: but it was most important, that whenever such measures were resorted to, they should be accompanied with the greatest caution. The utmost care should be employed in receiving the evidence of persons of this description. It appeared from the report of the committee, that some of the persons employed to detect the designs of others, had done more than their duty, and had fomented that which they were employed only to discover. If there were such persons, they ought to be detected and brought to justice. (*Hear, hear.*) It was the duty of the house to adopt this course of proceeding, and the country would not be satisfied without it. The hon. gentleman concluded by apologising for the inadequate manner in which he had brought the subject under consideration, and by moving the instruction to the committee which he had already described.

After the motion had been read from the chair,

Mr. *Bathurst* rose and said, he was sure that the house would require no apology from the hon. gentleman for the manner in which he had introduced his motion. Nothing could be more correct. But he could not pay the same compliment to the motion itself. It was to instruct the committee to adopt a precise line of conduct, which the powers they already possessed would enable them to adopt, if necessary. The hon. gentleman, however, by merely quoting in his motion the earlier part of a passage in the report of the committee of secrecy of last year, had given a bearing to it which it did not warrant. In the conclusion of that passage the report stated, that though in some instances there was reason to apprehend that encouragement had been given to designs which it was intended only to detect, "yet, that it was perfectly clear to the committee, that before any such encouragement could be given, the plan of a simultaneous insurrection in different parts of the country had been actually concerted, and its execution fully determined on." (*Hear, hear.*) The hon. gentleman had asked, whether any steps had been taken to detect and prosecute the persons to whom he supposed this passage in the report was applied? To this he (Mr. B.) answered, that no such steps had been taken, and for this plain reason, that no criminality was imputed to those persons; the simple meaning of the committee was, that individuals so communicating information must necessarily profess themselves to be the accomplices of those whose designs they were detecting, and might in that sense be said to encourage the designs themselves. The report of the committee, therefore, contained nothing which required any active measures of the nature alluded to by the hon. gentleman, nor had any farther grounds appeared for such measures. The hon. gentleman and the house would recollect, that the moment it was discovered that Oliver was employed by government, a number of persons immediately took the opportunity of saying that he was originally the concerter of the whole of the conspiracy which he was employed to detect, than which nothing could be more unfounded. He had not encouraged the designs in question any further than as the assertion that there were 70,000 men in London prepared to support them—an assertion which was necessary to the maintenance of his character as a deputy from the metropolis—might be said to encourage them. But whatever might be the amount of the encouragement thus afforded, nothing was better established than that the details of the con-

spiracy had been formed, and the particular insurrection postponed from time to time, long before the person alluded to had any concern with the business. Government knew of no impropriety in the manner in which Oliver had conducted himself. So far from instigating the conspiracy, his instructions were to give information not only to government, but to the magistrates in every place to which he went. His employment was originally entirely accidental. He was not engaged specifically to go among the disaffected. But, being among them, and having made communications to government, he (Mr. Bathurst) wished to ask, what would have been thought of ministers, had they declined to avail themselves of such communications from a person whose character was unimpeached, except by those whose designs he had exposed? The hon. gentleman had not exhibited the candour which pervaded the other parts of his speech, when he talked of the crowded state of the gaols. If it was true, as had been proved, that there was an organized plan of insurrection, surely the imprisonment of thirty or forty persons, thus disarming the disaffected, and depriving them of their leaders, could not be charged on government as an abuse of power.—The right hon. gentleman was proceeding to reply to what he conceived had fallen from the hon. mover, with reference to the trials at Derby, observing that there could be no doubt that the declaration made on the scaffold by Turner of Oliver's connexion with the transaction for which he suffered, was wholly unfounded and put into the unfortunate man's mouth by some designing individual, when

Mr. *Fazakerley* observed, that his remarks related to the trials in London.

Mr. *Bathurst* then proceeded to observe, that the report of the secret committee on which the hon. gentleman founded his motion had no relation to the trials in London, which had taken place long before that report, and respecting which, therefore, the committee could have nothing to communicate to the house. The information contained in that report related solely to the country; and, as he had already stated, there was nothing in the transactions which had taken place in the country that afforded the slightest reason for suspecting that any criminal encouragement had been given to the designs of the disaffected by the individual or individuals alluded to.

Lord *Milton* observed, that if by any chance hereafter, which he did not at present anticipate, he should be engaged in the honourable employment of a spy, he hoped it would be in the service of the right hon. gentleman. (*A general laugh.*) He could not, however, refrain from stating, that he thought the right hon. gentleman's course of argument calculated materially to mislead the house in their view of this question.

Mr. *B. Bathurst* spoke to order. He submitted, that it was unparliamentary for any member to impute to him an intention to mislead the house.

Lord *Milton* said, that he had merely stated, that the speech of the right hon. gentleman was *calculated* to mislead the house with respect to certain parts of the transaction. The right hon. gentleman had stated that the first connexion of Oliver with the disaffected was without the concurrence of Government.

Mr. *Bathurst* observed, that what he had stated, was, that Oliver was not sent by government, but that being found in connexion with the disaffected, he was desired to continue that connexion.

Lord *Milton* proceeded. He could not agree with the right hon. gentleman, that no injurious consequences arose from the employment of Oliver. The right hon. gentleman had said, that it was necessary that a person so employed should assume the character of an associate. But the character assumed by Oliver was one of no ordinary nature. It was a character, on the appearance of which a great deal was to turn, and a great deal did turn. He appeared as the representative of the disaffected in the metropolis. In a paragraph of the second report of the secret committee of the lords it was stated, that "the disaffected in the country appeared still to be looking to the metropolis with the hope of assistance and direction." By whom was that connexion, or the appearance of it, kept up? By a person sent down to the country by his Majesty's Secretary of State. (*Hear, hear, hear.*) By an individual, on whose appearance the magistrates knew that the disaffected in their neighbourhood relied for support. The predominating fear of the magistracy was, lest the presence of this person should, by supplying the fuel, nurse the existing heat into a flame. (*Hear, hear.*) He could never review this transaction, without feeling convinced that much mischief had resulted from the interposition of the individual in question. And this he said, without attaching the least truth to the declaration made by the unfortunate persons who suffered at Derby of their connexion with Oliver. He knew how easy it was to induce persons to declare what was false, for the purpose of lessening the imputation of their guilt. Without stating any positive opinion therefore on the subject, he was inclined to believe, that the assertion to which he had just alluded was destitute of foundation. In his conscience, however, he believed that the substance of the greatest part of the charges against Oliver was furnished by persons who were no more engaged in these transactions than he himself was.—Another part of the speech of the right hon. gentleman was calculated to mislead the house. He had stated, that no men were taken up in consequence of the information of Oliver. It was true that no persons were taken up on the information of Oliver, strictly speaking, but it was going too far to say that the arrest and subsequent confinement of many persons did

not take place in consequence of the information furnished by Oliver: for, from his information, they were able to avail themselves of the testimony of others, so that in common sense the arrest was in consequence of such information. He was not now complaining of persons being so arrested and confined—a time would come when an inquiry into this subject must be made; but he wished much that the house should attend to one particular circumstance. It appeared that in some parts of the country—Nottingham for instance—the people were ready to assassinate Oliver. And what was the consequence? No rising ever took place at Nottingham. But in those parts of the country where the people *bona fide* believed in Oliver, these insurrections actually took place—for instance, in the west riding of Yorkshire, in Derbyshire—

Mr. *Bathurst*—"Not in Derbyshire."

Lord *Milton*—"Not in Derbyshire?" (*Hear, hear, hear.*)

Mr. *Bathurst*—"Not in that part where any insurrection was."

Lord *Milton*—"I shall say no more on this subject. (*Hear, hear.*) I am astonished that the right hon. gentleman's recollection should not serve him from the hour of two to that of eight of the same day." (*Hear, hear, hear.*) To return to the course of his observations, he felt himself bound to say that the house would not discharge its duty to the country if it did not inquire minutely, not only into the conduct of the agents, but into that of their employers. (*Hear, hear.*) It was no very flattering compliment to the English character, to hear a system of *espionage* openly avowed; and it was the first time, he believed, that in that house the trade of an informer had been mentioned without the least expression of disesteem. (*Hear.*) He trusted this was not meant to lead to any recognition of such persons or such employment. His Majesty's ministers had acted imprudently for themselves, in deciding upon the demand of so extraordinary a trust from parliament; but at the same time he believed there were subsidiary motives which operated on their conduct, and that they had not been sorry to find themselves armed, for a season, with unlimited authority. He found that he himself now stood, as it were, singly on the committee, and he hoped that his conduct there would be actuated by nothing but an imperious sense of duty. (*Hear, hear.*) It would certainly be a cause of gratitude to him, if the house, by agreeing to the present motion, would alleviate that burden which he now felt to press upon him as a member of the committee. (*Hear, hear.*)

Mr. *C. Grant*, jun. said, that the only question which the house had to determine was, whether upon the *prima facie* shewing of the hon. gentleman on the other side, a ground was laid for any special instruction to the committee. Such a proceeding was wholly unprecedented, except in the case of some peculiar combination of circumstances. Had, then, any extraordinary case been made out, to warrant the adoption of a special proceeding of this nature? He begged leave to say, that there was no evidence of any instigation to mischievous purposes beyond mere words. (*Hear.*) Now what he should contend was, that something more was necessary to establish such a case as that upon which the motion ought to be founded. To come to another point—the trials at Derby—it had always struck him as singular, if the learned counsel for the prisoners could have proved that the insurrection had been instigated by the emissaries of government, that they did not prove it. The person, Oliver, was present on the spot; he might have been subpœnaed: they could have introduced him to the court: this was, indeed, the only ground on which the case of their clients could have stood; and their experience and duty would have led them to bring him forward, if his evidence would have been of any service to them. (*Hear.*) If Oliver had been put into the box, and if, upon his examination, these facts had been established, would the jury have found the prisoners guilty? And if they had returned a verdict of guilty, would they not have recommended them to mercy? If that learned counsel who had so greatly distinguished himself on those trials (Mr. Denman) did not think proper to bring Oliver into court, it was sufficient proof to him (Mr. Grant) that that person had not been concerned in exciting the disturbances for which the prisoners were then upon their trial. (*Hear.*) With respect to this committee, his argument was—that unless a case of delinquency was first made out, the house was not called upon to accede to the motion of the hon. member; and he must, therefore, express his dissent from giving any instruction to the committee on this subject.

Mr. *Bennet* said, the house must not think that the country could look to the secret committee with any expectation of an impartial investigation, when they considered who the members of that committee were—who were the persons to be tried in it—who were to furnish the evidence. Ministers themselves named the committee—they were the persons on trial, and they would produce the evidence. He should vote for the motion of his hon. friend, because he thought that a case for inquiry could be established, and which he should now endeavour to establish; and if he succeeded, and the house should then refuse the motion, it would satisfy the country that the appointment of this committee was one of the grossest juggles that had ever been attempted to be played off on any people. In the last session of parliament, his Majesty's government had thought proper to draw up a bill of indictment against the people of England: two committees were named by ministers, who, on evidence furnished by these ministers, pronounced the people to be disaffected to the constitution. The case of the

crown had thus been heard; but, up to this moment, the case of the people had not been heard. One would have thought, then, that when the present committee was appointed, the case of the people would have been considered, and the case of the crown shut out. (*Hear, hear.*) The people of England had been visited by one of the greatest plagues with which a people could be afflicted—that government, which ought to have been their protector, had employed persons to excite them to acts of violence. A right hon. gentleman (Mr. Bathurst) who seemed to be the common voucher for the character of all the spies and informers in the employ of government, (*a laugh*) had told the house, that Oliver was a person of unsullied character. It appeared to him, however, that the right hon. gentleman had himself furnished the best argument against the employment of spies; for he had said, that the natural consequence of employing such persons was, that they committed acts which furnished an accusation against them of fomenting the disturbances they were sent to prevent. He begged to remind the house of the terrible case which was produced by his hon. friend near him (Mr. Philips), of the mischief caused by those wretched fiends in human shape, the spies employed in Manchester and its neighbourhood. He did not mean at present to give any general opinion on the employment of spies: it was a nice point, and he would not then discuss it; but this he knew—they were edge tools, and required a very cautious handling. He knew, that persons who had been employed as spies in this country had done acts which he could not think of without shame, nor mention without indignation. Ever since 1812, Lancashire, and the district connected with it, had been traversed by hosts of spies. The magistrates had, by their system of *espionage*, thrown the whole of that part of the country into the greatest alarm. While the poor people engaged in the manufactories there, after working 15 hours a day, could only obtain for the support of themselves and families six or seven shillings a week, these spies were earning, by the more profitable employment of selling the blood of the people, 10*s.* 12*s.* and 15*s.* a week. He held then in his hand a pamphlet published by Francis Raynes, who was, in 1811 and 1812, a captain in the Stirlingshire militia, and who, not having received of the government what he called his fair claims for having been employed in the carrying on of the spy-system, had made public the history of his services. And here he would appeal to the hon. member for Bramber (Mr. Wilberforce) whose opinion he wished to have on this subject. This man, this officer in the army, was selected to get information relative to the views and movements of the Luddites, and he stated, in his pamphlet, that, in obedience to the instructions he had received, he employed soldiers to work themselves into an acquaintance with those deluded people—in fact, to be *twisted in* (as it was technically called) members of their society, and to take an oath of fidelity, for the express purpose of breaking the oath, and betraying those who had confided in them. (*Hear, hear, hear.*) Now he (Mr. Bennet) did not wish to set himself up for a great moralist, nor to make professions of superior sanctity; but he must say, that he should think himself guilty of the greatest baseness, if he were to lend his countenance to such infamous transactions. And to support what? The law—by the breach of every law human and divine. (*Hear, hear.*) The right hon. gentleman (Mr. Bathurst) had given a sort of challenge respecting the character and conduct of the persons who had been employed in the recent transactions. He was prepared to meet that challenge: the house should be witness between them; and when they had heard the case, they would not dare to refuse giving instructions to the committee:—he said that they would not dare to refuse, because he knew that they felt the importance of maintaining their characters, and supporting their reputation, in the minds of the people. In the first place, then, with respect to Castle—that infamous man—who was believed by the judges, by the right hon. gentleman, and by the Attorney and Solicitor-General, but who, thank God, was not believed by an English jury. (*Hear, hear.*) This favourite witness of the government—this Castle—this bully of a brothel (*hear, hear*)—this wretch who had been tried for uttering forged notes, (*hear*)—this man, who had been a spy before, under the transport-office—this worthless creature, was clothed by the police magistrates at a considerable expense, that he might come into court like a gentleman, and give evidence against persons (Watson, Preston, Hooper, and Thistlewood) who, though not guilty of high treason, had certainly committed acts for which they might have been punished, if tried for a minor offence. Such was the character of one of the men whom the right hon. gentleman had taken under his protection, and honoured with his praise. (*Hear, hear.*) In regard to another, Oliver—that man of exemplary morals, that man for whose character the right hon. gentleman had so stoutly vouched—he could tell him, that Oliver began his career by an act which not unfrequently marks the outset of persons who rise by degrees to the summit of crime:—he began by committing that fraud on women which Mr. Castle had also committed:—like Mr. Castle he had been guilty of bigamy. (*Hear, hear, hear.*) There were other parts of his character equally bad: and this he should be ready to prove, whenever the right hon. gentleman, or his colleagues, should choose to put Mr. Oliver into the box as a witness. At present he would merely observe, that he could produce sufficient evidence to shew, that Oliver, so far from being a man of unsullied moral character, owed to the mercy of others—to the mercy of a benefactor whom

he had basely and wickedly injured—the miserable and infamous life he now held. (*Loud cries of hear!*)—He had taken great pains to ascertain the truth of the circumstances to which he had alluded, and had every reason to believe that the statement was perfectly correct. Such, then, was the character of another of those persons whom his Majesty's ministers had employed, first to excite, and then to betray, the people.—And now, with respect to the transactions in which the last-mentioned person had been engaged. Oliver, he believed, was first introduced to a small society in London by a Mr. Pendrill. On the 24th of April, he departed from London with a person of the name of Mitchell, to see Mr. Pendrill at Liverpool, who was on his way to America. On reaching Birmingham, Oliver was introduced to a Mr. Jones, of that town, by Mitchell, with whom Mr. Jones had been acquainted many years, and of whom he had a very high opinion. He invited a few of his friends, who were also friends of parliamentary reform, to spend the evening at his house with the London delegate. Four persons answered the invitation. (And here he would tell the right hon. gentleman, that witnesses could be produced to all the particulars which he might state, who were ready to come forward to be examined, if the house should consent to an inquiry.) The conversation turned generally on politics. Mr. Oliver stated, that after he had seen his friend Pendrill safe on board, he should immediately enter on the business for which he was delegated from London—that he was going to set out on a sort of tour through Derby, Leeds, Sheffield, Wakefield, Manchester, and other manufacturing places in the north; that the great object of his tour was to get petitions for reform, signed by tens throughout England. He said, that he should endeavour to get persons from the different towns through which he passed to meet him at Wakefield to take the subject into consideration. He very much urged the individuals present to send a person to meet him there, as a delegate from Birmingham. At this proposal they only laughed. They told him of the absurdity of five individuals taking upon themselves to delegate a person from so large a town as Birmingham. He smiled at the objection, and observed to them, "you are very green in the country yet." (*Hear, hear.*) A few days after his departure, he sent a letter to Mr. Jones, at Birmingham, informing him that a meeting was to be held at Wakefield, on the 5th of May; and requesting that some person might be sent from Birmingham to attend it. Oliver then went to Leeds, Manchester, and Sheffield, and at all those places he called on the most respectable persons, whom he stimulated to attend these meetings. He represented himself as a man who had been long actively employed in important transactions—as concerned in the business of 1792, as concerned with Despard, as having facilitated the escape of Thistlewood and young Watson, and as having collected money for them. (*Hear, hear.*) He stimulated them to enter into engagements to send delegates. To Wakefield he went by himself—his companion had been arrested. He (Mr. Bennet) had in his possession a narrative, drawn up by two persons, of what had taken place there—and he had had opportunities of ascertaining the truth of the most minute particulars. On the arrival of the delegate from Birmingham, he called on Oliver at his inn, and found him in the parlour alone. Oliver expressed great grief at the arrest of Mitchell, and after deploring for some time the loss which the cause would sustain through it, he looked at his watch, and observed, that it was time to attend the meeting. As they were walking towards the place appointed, Oliver said, it was his firm conviction, that their new plan of petitioning would have no effect on their oppressors, and that nothing short of physical force would do any good. (*Hear, hear, hear.*) He afterwards asked this person, should there be any necessity, do you think that all who attended a meeting at Birmingham would be ready to fight for their liberties? The delegate was astonished at the question, and observed, it was a subject on which he had never entertained a thought, nor did he know of any person in Birmingham who had any such ideas. Oliver told him, it was highly necessary that he should give as good an account as he possibly could from Birmingham, to strengthen and keep up the spirits of those who should attend the meeting. The delegate answered, he could only state facts, he should be sorry to deceive any one. On entering the place of meeting, he was surprised to see only a few poor creatures, who appeared to be in want of the common necessaries of life. This meeting of delegates on the 5th of May, was composed of ten persons: one from Birmingham, one from London (which was Oliver), two from Huddersfield, one from Halifax, one from Sheffield, one from Leeds, two from Wakefield, and one from Manchester. Oliver was called to the chair, but declined; the delegate from Birmingham was then selected, and he took the chair. Oliver opened the proceedings of the day, by observing that the distressed condition of the people was unparalleled at any former period, and that the voice of the people was entirely disregarded by parliament. He said, that it was useless to petition any more—that London was looking to the country—that they must now recur to force—to physical force (*hear, hear*), and for that purpose it was necessary to ascertain what men, and what number of arms, they could obtain. He then pulled out a number of cards from his pocket, and proposed that each person should write on a card the greatest number that each town could raise, if called upon; and that each person should sign the card with his own name. This proposal gave general dissatisfaction, upon which Oliver said, it was highly necessary that the body in

London from which he was delegated, should have as correct a report as possible of the force that could be collected in the country; but as they still objected, he said, "O, never mind, I shall do it myself." He then asked what each place could raise if called upon, and he wrote down the number on a piece of paper. "[illegible]," said the hon. member, "I believe in my conscience to be the foundation of that passage in the report of the secret committee, in which it is stated, that lists had been furnished of the number of men and arms that would be provided by the several places, and I believe that Oliver himself furnished those lists." (*Hear, hear.*) He had in his possession a letter, in which Oliver gave a narrative of what passed at that meeting: he said, "we had a most excellent meeting—we had that excellent fellow, Bacon, there." He knew that Oliver had visited Mitchell three times in Coldbath-fields prison. He proposed to Mitchell that he should write to his friends in the north, entreating them to make an appeal to arms: Mitchell said, "I beg you will quit my presence." How long Oliver stayed in London he did not know; but he knew, notwithstanding what the right hon. gentleman had said, that he made his appearance at Derby and Nottingham. (*Hear, hear.*)

Mr. *Bathurst* said, he had never denied that Oliver was at Nottingham. With respect to Derby, he certainly was not on the spot where the insurrection took place.

Mr. *Bennet* said, he might not be in the particular barn: the right hon. gentleman would understand what he meant by that expression. On the 26th of May, Oliver went to Derby—there a person (whose name he should not mention), saw him. On that day, the 26th of May, 1817, one James Birken came to this person and told him, that a gentleman, who was sent to the country by a committee of gentlemen in London, had arrived at Derby, to ascertain the sentiments of the people there respecting parliamentary reform. This person went to the Talbot Inn, and saw the gentleman from London, who said his name was Oliver, and who received him politely. Soon after a person present observed, that the town was confused with the cavalry, and other soldiers, ordered out in consequence of some expected disturbance.—Oliver said it would be another grand hoax on the government, and when the time arrived, they would be asleep. A conversation then ensued respecting parliamentary reform, and the distressed state of the country. Oliver said, "all legal means have been tried to no purpose, and the London people never mean to petition any more." (*Hear, hear.*) Oliver asked for a person who had been talked of the night before. It was replied, that it was not certain that he would come. He, however, came in. After some observations on Sir Francis Burdett's motion for reform, Oliver said, it was evident that petitioning parliament was of no use. He was then asked, if he considered reform to be altogether impracticable? To this he said no, not in London, as there were other means to be tried; in London they were more active than ever to obtain their rights. Oliver was then asked, in what way they meant to proceed? He answered, "they mean to try those means they have left, namely, *physical force;* and they are only waiting the determination of their friends in the country." He was told that the country would not do any thing. "In that," said Oliver, "you are mistaken; half the country is in an organized state, particularly Birmingham, Sheffield, Leeds, and most of the manufacturing districts." (*Hear, hear.*) He added, "the people about Leeds are all armed, and are with difficulty kept down, until the appointed time." He was then told that Derby was a very loyal place, and that he must not expect any thing of the kind there. He said, "it is of little consequence, but it would be better if something could be done: if the country will come forward and stand with *knobbed sticks* in their hands, the business will be done in London, where 60 or 70,000 armed men will be raised in an hour or two's notice." He then said, "I have been at several meetings in Yorkshire, and have there engaged a press for the printing of the proclamations, which are to be posted up in every conspicuous place in the kingdom. Mr. Wooler, the publisher of The Black Dwarf, who is a hearty fellow, has undertaken to draw them up, and I am now going round the country to strengthen the hands of the people in the cause. I am for Nottingham to-day, for Sheffield to-morrow, for Leeds on Wednesday, for Manchester on Thursday, and, if possible, I mean to go to Liverpool the day after, as they are not quite so forward there as I could wish. But, I must be back to Birmingham on Sunday next. They are forward there, and have plenty of arms. But, said he, you are not deficient in arms in Derby, you have a depôt there." He was told yes; but that the arms were sent to Weedon. Oliver said, "the Wolverhampton men would knock Weedon over." One of the party observed, "I have a brother there who is very ill." Oliver inquiring what he was, was told a bricklayer. Oliver asked if the man had ever been there? The man answered, "No, Sir, it is a place I should like to go to, and have wished it for some time, but poverty has prevented me." Oliver then asked him if he would go over, "as it would be serviceable to the Wolverhampton men? For, said he, as you have a brother there, and are a bricklayer, you would not be suspected." The man answered, "that he could not raise five shillings in the world, and that, besides, his brother was averse to every thing of the kind, and he dared not introduce any thing of the sort to him." "Well," said Oliver, "you need not say any thing to him about it; you can get him to go round the place with you, and make your own observations, unknown to him. If you will go, you must go and come back by

Birmingham; and I will give you a letter to a gentleman who will give you plenty of money." A letter to this purpose was written, which was destroyed by the person, who saw several of his neighbours taken up; but it would be sworn to by the person who received it, and others who had seen it. Could it be doubted, that if any man had gone to Weedon, in pursuance of the plan of Oliver, he would have incurred the guilt of high treason? Yet this person, it was said, did not stimulate to illegal acts! This person did not stimulate the people at Derby, Nottingham, Liverpool, Leeds, and Birmingham! From this place Oliver went to Nottingham; on the same day, according to his own previous declaration; and there he appeared as the London delegate. He told them that Yorkshire was all in arms—and on that day he saw Brandreth. *(Hear, hear.)* The hon. member said, he had an affidavit in his possession as to that fact.

Mr. *Bathurst*.—"What is the name of the deponent?"

Mr. *Bennet*.—"I shall not give any names; but, if the house will allow me, I will produce the witness himself."—*(Hear, hear.)*—Besides, he held in his hand the statement of Brandreth, made in confidence to his solicitor before the trial *(hear)*, and though it contained a complete confession of all the illegal acts which Brandreth had committed, it shewed also, most clearly, by what he had been stimulated to their perpetration.—The affidavit he held in his hand stated, that the deponent became acquainted with Oliver at the house of one Stevens, an important person among the few who were concerned in those disgraceful transactions; that it was agreed a meeting should take place at the Three Salmons public-house; that Oliver there met Brandreth, who appeared to listen to him with the most earnest attention. Oliver there said, that Mr. Wooler had printed 20,000 proclamations; that the people in London wondered what the Nottingham men were about; that the people in Yorkshire and Lancashire were in such a state that they hardly could be kept down any longer; that all London was in a ferment, and eager to join with friends in the country, and that the people there had sent him into the country to see in what state things really were. He then requested some persons to explore Weedon barracks, in which, he said, there were great quantities of arms and ammunition., The hon. gentleman then proceeded to read the following statement made by Brandreth to his solicitor: "That he attended a meeting at Nottingham, at the sign of the Three Salmons, at which several persons met, and, amongst the rest, Oliver. That this meeting was on Whitsun Monday, or Monday after; that he told the persons assembled, that he had been round the circuit, at Manchester and Yorkshire, and was then going to London by Birmingham: that he stated, that every person was perfectly ready to rise, and that he could raise 70,000 men in London; that the people in London would not be satisfied unless Nottingham was perfectly secured; for it was the rallying point for Nottinghamshire, Derbyshire and Leicestershire; and that, if that was not secured, the passage over the Trent would be perfectly stopped for the northern forces; that they must proceed forward to London as soon as they could raise sufficient men against the loyalists. Nottingham was to be continually supported by northern forces in succession." So far Brandreth's statement.—Oliver, however, was not satisfied with this. He returned to Nottingham on the 6th of June, and being pressed to say what part he would take in any active steps, replied, that he would with pleasure come there to raise the standard himself; but, said he, "I am obliged to be absent to support our friends in Yorkshire, who are now in arms, eager for a cause which you are so slack in supporting."—On the 8th of June, in order to stimulate them still more, he said the day was fixed for a general rising.—But to conclude this statement of Oliver's journies.—On the authority of the same witness, he could state that Oliver returned to Birmingham. There he put forth his usual assertions: "Oliver told them that he had paid several visits to Mr. Wooler, that he was a hearty good fellow, and that nothing could daunt his intrepid spirit; that it was a terrible misfortune he was in prison, for he would have assisted the cause wonderfully; that he would have printed some thousands of proclamations for distribution in every large town, to rouse the people into action! That the people in the north of England were already ripe for the onset against their oppressors, and that they could scarcely be kept down from rising before the appointed day; that vast bodies of men were ready to pour down from Scotland, who would overwhelm every thing before them; and that the day of retribution to our most unfeeling tyrants was near at hand; that Sir Francis Burdett, Major Cartwright, and many others, whose names it would not be proper to disclose, were well acquainted with the whole of these things. That several officers of distinction would take any post to which they might be appointed by the people, the disclosure of whose names, however, he told them, would be very improper, but that they might depend upon it, that all that he had told them was very true." Mr. Bennet here begged the house to bear in mind the assumed authority which Oliver requested Mr. Jones to take upon him—he said *assumed*, though the first report of the secret committee spoke of assumed *or* delegated authority, as if they were the same thing, with a view to impress the house that extensive plans of co-operation by delegates had been entered into; but in this view of the subject, assumed authority was very different from delegated: if delegated, the conspiracy might be dangerous, but if assumed, it was most contemptible. In order to involve more in this plot, and fill his net completely, Oliver not only sent letters, but his

coadjutor Crabtree, to Birmingham, to attend the meeting, and stimulate the people by every means in his power; but he was there told that his mischievous plan was known, and his tricks all discovered, and that they would have no communication whatever with him.—Having thus laid before the house but a very small part of the case he had in his hand, the hon. member begged to draw their attention to another most material fact: the day that Oliver ceased his employment as missionary of government, to foment disturbances, that very day was public tranquillity perfectly restored. (*Loud shouts of hear.*) That there had been disturbances was well known; and it was easy for those who enjoyed in tranquillity every comfort that opulence could bestow, who were secure in their possessions, their occupations, and lives, to reprobate in strong terms any insubordination, the causes of which they very imperfectly understood; they could but little understand the feelings of a man who beheld his wife and children starving, and felt himself almost of necessity linked to any companions who could hold out a hope, however dangerous and precarious, of saving himself from the pit of perdition that yawned before him and his family. None could deny that such distress had but too extensively existed, and that some factious men had taken advantage of a season of misery to raise hopes of a dangerous nature in the minds of these deluded victims; but had they been suffered to carry their combinations into execution, they were of so loose and undefined a character, that no apprehensions could have been entertained from schemes so ignorant and so absurd. That there was discontent, no man could deny; but it was loose, irregular, undefined; it was Oliver who linked the whole together, who joined the north to the south, and fed the hopes of the discontented in one district, by the assurance of the same spirit existing through all parts of the kingdom. With Oliver to stimulate and direct them, the business took quite another turn; and while he was setting one town and one county against another, proclaiming to one district that its neighbour was ready, and upbraiding them with timidity and delay, the consequence was almost unavoidable, that these miserable wretches would, if possible, have resorted to that physical force, so strenuously recommended to them by the missionaries of government. He would put this question to the house—and he should consider it no answer to be told that there were persons ready to enter into any schemes of violence.—Mr. Colquhoun, in his book on the police of the metropolis, had stated, at a very random guess, that there were from 20 to 40,000 persons, who rose every morning in London, without hopes of obtaining any regular employment, or of securing a bed for the ensuing night, and who, of course, were always ready for any mischief that might offer. What should we say to a government that would send missionaries among such a population as this, for the purpose of exciting discontent, and telling them that now was the time to rise; now, the time to rifle the pockets of the rich; now, to satisfy themselves with rapine and plunder? That very thing had government done towards the distress arising out of want in the northern and midland counties. (*Loud cries of hear.*) Before he sat down, he wished to say a word as to an argument he had been sorry to hear urged as a proof of Oliver's absence in these transactions; the argument urging the use he might have been of to the prisoners as a witness for them, if all these facts were true. "If Oliver had any such concern in these transactions, why," said the hon. gentleman opposite (Mr. C. Grant, junr.), "did he remain concealed? he was on the spot, and might have been called." It was true, he was on the spot, ready to purchase the blood-money of Brandreth, and the other accused person, Bacon, for Castle with whom he had held correspondence. (*Hear, hear.*) But the reason he was not called was, that he would have been too dangerous a witness for the prisoners; he would have proved, not that they were not guilty of treason, but that they had been seduced into it; and that would have furnished no defence, that would only have forfeited their blood with greater certainty to the avarice of government missionaries. (*Hear.*) The judge himself must have stopped such evidence, and have told the prisoners that they only confessed their guilt by calling it. Just as, in the last century, it was held to be no excuse to the tenants of the Earl of Derwentwater, that they had been led into rebellion in obedience to their lord. An argument thus urged against the prisoners was a disgrace—he would call it so again, a disgrace—(*loud cries of hear*), to the justice of the country. But he could tell the house why the trials took that course. If Bacon had been tried first, Oliver would have been a most important witness. He (Mr. Bennet) knew (*hear, hear*), that Bacon's trial would have had a most important effect on those of the other prisoners, and that was the reason why that master traitor had been kept back altogether. He was sorry to have detained the house so long on this subject, but he believed he had exaggerated nothing, and treated the matter with no more asperity than it called for. It was the bounden duty of the house, to England, and the people at large, to save them from a system, the natural consequences of which he had now clearly shewn. He was prepared to establish the facts he had stated on the evidence of oaths, and of the most credible witnesses—(*hear, hear*),—he repeated, most credible witnesses, not such witnesses as Castle, but credible, competent, witnesses. He challenged the hon. and learned gentleman to shew that they were not credible. (*Shouts of hear.*) It might be very well for the noble lord to cry *hear, hear*, and deny the motion in that house; it might do there, but it would not do with the country; before the country they stood,

and a verdict would be given, such as the enormity of the case deserved.

Mr. *Wilberforce* said, that speaking as a member of the secret committee, it might be a sufficient argument against his assenting to the proposed motion, that he was not disposed to accept any reference from gentlemen, who at the same time had frankly avowed that they entertained so bad an opinion of the committee altogether, as to repose no confidence whatever in any report which might proceed from it.—But to assign a more serious reason why, as a member of the house, he should not approve of the motion, he would state, that it was founded altogether on a false or rather a mistaken assumption. The committee of the last session were supposed to have declared as their opinion, that to a considerable degree, the spies had contributed to excite the disturbances which had existed. He declared for one, that this was not his meaning: nor was it, he verily believed, the meaning of a great majority of the committee. It had been proved, that before Oliver went into the country, a simultaneous insurrection had been agreed on. But the committee wished to be on the safe side, and taking into account the species of influence which it was the general tendency of the employment of persons of this description to exercise, thought fit to insert the paragraph in question, to intimate, that those persons might have produced a bad effect. The committee, however, had no specific information that any bad effect had actually been produced by the person alluded to. He did not mean to say, that nothing in these disturbances was attributable to Oliver; but if what had just been stated by the hon. member to that effect, was considered as having some weight, it was also to be received with some distrust, as having been received by him from a doubtful source. He remembered, when an account was formerly given of a conversation between Lord Malmesbury and Monsieur de la Croix, very much in favour of Lord Malmesbury, that a great ornament of that house, Mr. Fox, had said, "I should like to hear Monsieur de la Croix's account of that conversation:" in like manner, in reply to the account of the hon. gentleman's witness, he should wish to hear Mr. Oliver's story. (*Loud cries of hear from the opposition benches.*)—He did not mean in the committee, but in some other more proper way, to ascertain the truth of what had been alleged against him. If any man could be proved to have acted the part which that man was represented to have done, he could and ought to be prosecuted, and it would be a service to the country to bring him to justice. (*Hear, hear.*) The character of such persons was always indifferent: and it was necessary to entertain suspicions of a man, who would volunteer, by fraud and treachery, to discover the designs of other people. It was, therefore, not without good reason, that the committee had intimated that some suspicions might naturally attach on the language and conduct of men of this description. But he was astonished, that there were so many men of just and honourable feelings, who did not condemn the employment of spies, who even seemed to admit them to be necessary in certain cases. (*Hear, hear.*) One and another hon. member had said, "that he would not decide whether spies should or should not be employed." But, for his own part, he declared, he thought it somewhat inconsistent, that persons who did not disapprove of the employment of such men altogether, should vent their whole indignation on them, if they exceeded their instructions in the smallest degree.—"Let us be candid," said the hon. gentleman, "these are crooked paths, to be abstained from altogether. I think it would be a service to the country, and to the government, if the employment of spies could be entirely put an end to; but they are inconsistent who admit them to be allowable instruments, and then are indignant if such persons happen a little to exceed their instructions. Certainly the employment of such engines is not allowable in a religious view. This is not the way to render agreeable service to the God of truth. (*Hear.*) It is equally repugnant to any notions of honour or morality; and, on the mere ground of political expediency, the objections to it are almost as strong. Any country must suffer ten times more by the employment, than by the want of spies, though there may be some occasions on which a partial and temporary benefit may seem to be derived from the use of such instruments. Government may be able to detect some treasons which would otherwise escape punishment; but that advantage is much more than counterbalanced by the evils that ensue. When I consider all the mistrust that such a system must occasion, even to the disturbance of domestic peace and confidence; when I consider the temptations to false information of every description; the misconstructions that may be put on the most innocent actions, and the suspicions and disaffection that must be excited against the government; I think that the general confusion of such a system must, in the long run, impede much more than further the cause of good order. (*Hear, hear,*) One of the greatest evils arising from the employment of such persons is, that, after all, it is impossible to get at the truth of their proceedings. As an instance, I never heard two stories more different than that which I have heard to-night, and what I heard in the committee. Before the committee, Oliver, so far from being one of those extraordinary villains who 'snatch a grace beyond the reach of art,' was described as being too little of a rascal for his profession; and on that account, it was said, he was always open to detection. I confess, therefore, that I condemn altogether the use of such instruments: they create a false sympathy with persons who are criminal, and cause men to cease to look with horror on any attempts against the security

of the state. (*Hear, hear.*) Notwithstanding all that has been said by the disaffected or the discontented; notwithstanding the real sufferings which were felt in the late season of distress, and the unequivocal breaches of the law that took place, I may safely affirm, that there never was, in any age or country, a greater share of real liberty enjoyed; there never was a more prosperous, a more moral, or a happier nation; but by the use of such agents, the people, instead of being proud of their constitution, and clinging to the blessings which they possess under it; instead of feeling an anxiety to preserve them, and a detestation of those crimes which tend to undermine them, will have their principles perverted, and their sympathies turned in favour of their worst enemies. This I regard as most injurious to the country.—Let the practice not be defended on the ground that it is necessary for the preservation of the public peace. No! no! the British empire does not stand in need of such assistance to maintain its security; it disclaims all connection with such allies. Our liberties, our rights, and our tranquillity, stand on the principles of law and the constitution, and despise the aid or the countenance of such base associates."—(*Loud cries of hear, from the opposition.*)—He must again say, however, that with the sentiments he entertained of the persons alluded to in the motion, he was against the motion itself. (*Hear, hear, and murmurs.*) He was against the motion, because it involved an inquiry that could not well be carried on in the committee, and for which the committee was not the proper place; and he must say, that he, for one, would not take a seat in a committee to which such an inquiry should be referred. Let any unprejudiced man consider what would be the state of a committee of the House of Commons endeavouring to ascertain the truth amid the conflicting statements of two opposite sets of witnesses, of whom the one would naturally be disposed to deny their ever having tempted into the commission of crimes any persons whose machinations they were employed to discover, while the other would be endeavouring to establish their own innocence, by imputing all their crimes to the wicked artifices of the spies and informers. In the meanwhile, all the parties, not being upon oath, would know that they might give free course to their imagination, without dread of the consequences. The inquiry also would be endless in its extent, for the committee would have to investigate the conversation and conduct and characters of the various suspected persons, and of those employed in counteracting them, in all the various places in which such agents of the police had been employed.—But again he declared, he was ready to have the business investigated by a competent tribunal.—Surely, if any person had acted in the way imputed to Oliver, it was a serious crime; and if his hon. friend behind him, would declare that he had received the account of Oliver's misconduct from any authority on the correctness of which he could at all depend, he himself would willingly support a motion for prosecuting him. This would bring the matter to some surer test.—But an inquiry into such a case by the House of Commons, where you set out with a well-grounded suspicion of the veracity of all the parties concerned, would prove as unsatisfactory in its result, as it would be discouraging in its commencement.

The *Solicitor-General* said, he did not think it required much reasoning to shew, that the motion ought not to be entertained. It was grounded solely and exclusively on a passage in the report of the secret committee, which could not bear the construction that had been put upon it. That passage attached no criminality to the persons alluded to, which could be made the subject of a criminal prosecution. If a design had previously been formed, which it was determined to carry into execution, and if persons who were sent to detect it had only taken the means of ascertaining it by seeming to join in the proceedings, it could not be made the subject of a criminal charge. If these persons had themselves formed the plan, and endeavoured to procure others to sanction and to execute it, the case would have been altered, and the present motion for their prosecution would have been just and proper. No such criminality was here imputed; and the hon. member (Mr. Bennet), as if aware of the fact, had filled his speech with other topics, and introduced many statements both extraneous and unauthorized. The hon. member had not given the names of the individuals from whom he derived that information on which he seemed so implicitly to rely; but he (the Solicitor-General) suspected the sources, and one name (that of Mitchell) introduced inadvertently into his statement, gave him almost a certain clue to the rest. (*Hear, hear.*) That person had been suspected of high treason, and had been taken up and imprisoned on the charge; and was he therefore to be thought a proper witness in implicating the character of those who might be employed to detect his designs, or in making charges against the government who prevented him from carrying them into execution? (*Hear, hear.*) Then there was Pendrill who had fled to America, and Stephen who was likewise in America, who might have furnished the facts of the statement which the house had heard. (*Hear, hear.*)—Mitchell had been charged with high treason. (*Hear, hear, from the opposition benches.*) He would ask the hon. gentlemen opposite, who cheered this statement, if a charge of treason increased the credibility of the person who furnished the narrative against his prosecutors.—(*Hear, hear, from the opposition benches.*) He knew that now-a-days persons who had been brought before the courts of law on the gravest charges, had been considered as persecuted individuals; that they had been held up as proper objects for public bounty (*hear, hear, hear,*

from both sides of the house); that they had been looked upon as martyrs in the cause of liberty; and that that odium which ought to have been directed against those who had violated the law, and were endeavouring to destroy the moral principles, or to disturb the general tranquillity of the country, had been attempted to be turned against those who had exerted themselves to preserve them, as if they, and not the country, had been the sufferers, and ought to receive redress. (*Hear, hear.*) Individuals who by their conduct had made themselves amenable to the law, thought that by raising a cry against Oliver and the spies, they could shift the criminality from themselves, and impute the whole to a conspiracy of the government. (*Hear, hear.*) They, poor innocent souls, never harboured a design to disturb the public peace, or to commit treason; they were merely deluded by the artifice of government spies, and had never hatched any plots themselves; the whole was the fabrication of their tempters; and yet this came from the very person, Mitchell, who, by his own admission, went with Oliver from London, with the intention of agitating the country. But on the scene he did nothing—Oliver was the sole agent—Oliver organized the plans—Oliver arranged all the movements of the disaffected—he inspired the disturbed districts with the design of overturning the government, and arming for the purpose of general confusion. (*Hear, hear.*) The manner in which the hon. gentleman alluded to the administration of justice, and the conduct of his learned and hon. friend, the Attorney-General, seemed calculated to countenance such representations, and to prejudice the minds of the public against the prosecution of the violators of the law. He had mentioned the name of Castle—a witness that was called on the late trials for high treason in Westminster, as the Attorney-General's witness; whereas he must have known that he was the witness of the crown and the country. (*Hear, from the opposition benches.*) Did not his hon. and learned friend mention to the jury the character of this person—did he not tell them not to believe one word of his testimony, unless it was confirmed by other witnesses? Castle had been called a spy; but the hon. gentleman must have known, if he had read the trial, that this person had never been employed in that capacity by government, and not one syllable of his testimony was known to his hon. and learned friend till long after the transactions to which it referred. It was never even hinted on the trial that he was a spy; he appeared there in the character of a witness, and was introduced as an accomplice who had turned evidence. He did not think, therefore, that those charges were fair, or they must have been known, upon the slightest consideration, to have been unfounded. Then the hon. gentleman went to the trials at Derby, and he (the Solicitor-General) would beg of him to be more guarded in his statements, and not advance charges which might prejudice the public mind without a shadow of foundation. He had said that his hon. friend had brought Oliver to that place, and had him ready to produce on the trial, to sell the blood of the prisoners. The hon. gentleman, upon the slightest examination, might have learned, that Oliver could not have been produced as a witness by his hon. and learned friend, as he was not in the list of witnesses given to the prisoners. Yet, with such a fact, so easily accessible to any person on inquiry, the hon. gentleman had said, that he was brought there to receive the blood-money on the conviction of the traitors. Had his hon. and learned friend produced this person, the cry that would have been raised against him might easily have been anticipated. Those who now found fault with the crown-officers for not examining him, would have been the first to exclaim,—You have sent a spy to organize rebellion; and now you convict the victims of his artifice on his polluted testimony. As he was not produced, it was said that if he had appeared, a conviction would not have been obtained, so that in all cases censure must be thrown on government, and they must be wrong whatever course they pursued. The hon. gentleman, in speaking of the crimes for which one of the prisoners had been convicted and punished, had used the gentle term of "illegal acts." Such were the words that he applied to the conduct of a man, who, in prosecution of treasonable purposes, had committed the crime of murder! (*Hear, hear, from the opposition benches, and a cry that such words were not used.*) This expression, he would appeal to the house, was used, and he had himself taken it down at the time.

Mr. *Bennet* begged to explain. He had more than once, in the course of his observations, called the prisoners at Derby, traitors. (*Hear, hear, from the opposition benches.*)

The *Solicitor-General*, in continuation said, that whatever other expressions the hon. gentleman had used, and he did not mean to deny his use of the word traitors, he had likewise employed the term which he had quoted. The hon. gentleman had said, that if the Attorney-General had not produced Oliver, he could not have been called by the counsel for the prisoners, because his testimony, if received at all, must have gone to convict them. He allowed this, so far as regarded the effect of his testimony to acquit them; but if it could have established the fact that they had been deluded by him, might it not have operated favourably in their behalf, when, after conviction on competent evidence, they were called up to receive judgment? But so far were they from thinking that they had any such evidence reserved for a mitigation of punishment, that it appeared on the trial they did not even know of the name of Oliver. Their guilt had been contracted even before this person went among them. According to the statement given to-night, Oliver and Brandreth did not meet, it was said, till the 26th

of May; but meetings of the conspirators had taken place before that date, and the plan was arranged which afterwards ended in the insurrection of the 9th of June. Nothing appeared in the hon. gentleman's narrative that tended to shew that Oliver had arranged the conspiracy. The reason given by the hon. gentleman for not trying Bacon first—namely, that if that trial had been first proceeded in, Oliver must have been produced—was wholly groundless, and was a representation which should not go forth to the country uncontradicted, notwithstanding the strong asseveration with which it was adduced. Oliver, the hon. gentleman should have known, was not on the list of witnesses served upon the prisoners, and could not, therefore, have been produced. He had now vindicated the proceedings of the law-officers, and shewn that the motion was grounded on a mistake of the report. He, therefore, saw no reason for complying with the motion.

Sir *S. Romilly* said, he was surprised at the course pursued by the two last speakers, in addressing themselves more to the mode of inquiry than to the substance of the charges. His hon. friend (Mr. Wilberforce) had objected to refer the inquiry to the committee of secrecy; and his hon. and learned friend the Solicitor-General had contented himself with shewing that the passage in the report to which the motion alluded did not bear the construction put upon it, so as to render a reference to the committee necessary. He himself had no particular desire that the examination proposed should be referred to the committee of secrecy, but he would vote for his honourable friend's motion, because he thought some course should be adopted to sift the alleged charges, and this was the one that had been suggested. He wished for a committee of inquiry, but it did not matter with him whether this committee or another should be intrusted with the inquiry. Indeed, after what had been said by the noble member for Yorkshire (Lord Milton), that he stood alone in the secret committee, and that he merely attended it because he wished to fulfil a duty imposed upon him by the house, and not with any hopes of doing any good in it, he would have preferred another mode of inquiry. Some inquiry was, however, absolutely necessary; and after the charges which had been heard from his hon. friend (Mr. Bennet) this night, with the pledge which he had given that he could substantiate them by witnesses upon oath, if a proper opportunity were allowed, he would repeat the words which he had used, and say, that he thought the house would *not dare* to resist inquiry into the truth. This parliament was drawing near to a dissolution; and how could the members who composed it meet their constituents at a new election, if they heard such grave charges, and resisted an examination into them? His hon. and learned friend thought he had got quit of the charges, because, he said, the statements came from a polluted source; and he must say that, since he had had a seat in parliament, he never heard a man treated more unfairly than his hon. friend had been by the Solicitor-general. He (the Solicitor-general) had suspected that the narrative came from Mitchell, and because Mitchell had been arrested by government on suspicion of treason, therefore his evidence was said to come from a polluted source. He was arrested on the 21st of June, and because he was arrested, no matter on what evidence, therefore his evidence was to be inadmissible, and his oath to be discredited. His hon. and learned friend had found out a new expedient for the use of government, and promulgated it on the high authority of one of the first law officers of the crown, to disqualify a witness who might be brought against his Majesty's ministers. According to this new plan, government had only to throw the obnoxious individual into prison, and then his testimony would cease any longer to be credible. (*Hear, hear.*) The moment he was taken up, he not only would lose his liberty but his character, and could never afterwards be believed. (*Hear.*) His hon. and learned friend had said that the whole of the evidence came from a *polluted source*, and he had not used the phrase inadvertently, like his hon. friend used the words illegal acts, as applied to treason, but had frequently repeated it. But then there were two contributors to the narrative, according to his suspicion, who were not imprisoned but who had gone to America. They had, however, gone there before the events mentioned in the narrative took place. (*Hear.*) The charges were not, however, to be destroyed upon such reasoning; the country would not acquit government upon the mere allegation that they proceeded from a polluted source. When his hon. friend, with his high character for honour and integrity, came forward and said that he could support them upon oath—that he had inquired into the testimony on which they were founded, and believed it entitled to credit—he would again use the phrase, that the house would not dare in the face of the public to resist inquiry. Adverting to the trials at Derby, he (Sir S. Romilly) said that his hon. and learned friend had dealt unfairly with the house in what he had stated regarding them. He had said, that it appeared on the trial of Brandreth, that meetings and plots had taken place or been formed before the 26th of May, and he wished this statement to go forth to the public as a satisfactory answer to the charge that Oliver had arranged the plan of the insurrection which took place on the 9th of June. Now not one word came out in evidence that any plots had been formed previous to the former date. The testimony of the witnesses there examined did not relate to any proceeding anterior to the 8th of June. The Solicitor-general had asked, why the prisoners did not call Oliver? Because it was impossible. Indeed, he admitted this; but again he asked, why, when

they were brought up for judgment, did they not say that Oliver had misled them? Did his learned friend mean to insinuate, that if they had done so they would have obtained mercy? (*Hear, hear.*) If he wanted their avowal of that fact, he had it from them in their last moments—at that moment when they could have no hope, no object to serve by the declaration; they were all men of a strong religious turn, and they declared that Oliver had brought them to that fate. If he did not believe them then, would he have believed them at the time they were brought up for judgment? (*Hear, hear.*) The hon. and learned gentleman had turned the speech of his honourable friend rather invidiously against him. It was not pretended by him, and no man could so have understood, that the traitors at Derby had not been guilty of crimes for which they merited death by law. Brandreth had committed murder, and others had not less deservedly suffered. No man of common candour could have so mistaken and misrepresented his honourable friend. It looked like an intention on the part of the learned Solicitor-general, to throw a stain upon an honourable and unblemished individual—an attempt to prove that he was a suborner of improper evidence. (*Much confusion;* the Solicitor-general said that he had not used the word suborner.) Unquestionably not, but his language implied as much; that the hon. member (Mr. Bennet) had examined witnesses and taken evidence from polluted sources, and that he had, as it were, made common cause with traitors and murderers by justifying their crimes. (*Cries of No, no.*) Perhaps the expression of the hon. and learned gentleman had not been quite so strong, and perhaps he would have the goodness to explain presently, what it was he did say, to which might certainly be applied the mitigated phrase, that it seemed dictated by some degree of malignity. (*Hear, hear.*) The hon. gentleman who spoke last but one (Mr. Wilberforce) had censured, with the utmost warmth, the employment of spies and informers under any circumstances. He (Sir S. Romilly) was not casuist enough to be able at this moment to decide whether their assistance ought never to be required—whether private treachery might ever be encouraged for the sake of discovering public delinquency; but at the same time he was still further from agreeing with the noble lord, (Castlereagh) who, on a former occasion, had not only justified but applauded their employment. It was singular, however—thinking as the hon. member did that they were pests to society; that they betrayed the confidence of friendship, and broke the ties of blood; that they took advantage of the wants of their fellow-citizens, and led them on under colour of co-operation, from discontent to sedition, and from sedition to treason—that he should object to the motion, and, upon a matter, so imperiously demanding investigation, resist all inquiry. Would not this reference to the committee, at least tend to diminish the use of spies, and to remove this plague from the bosoms of the peaceful and well-disposed inhabitants of the country? It was a subject of vital importance, yet he refused to take a step that would accomplish an object so desirable. Still the hon. member had expressed a wish to hear Oliver tell his own story; and why could not this be done before the committee? Did he think that the unhappy man would be unequally matched, and that he would not meet with due support from the noble lord and his other friends upon that committee? (*Hear, hear.*) When he spoke of a prosecution, did he mean that it should be undertaken by private individuals, and that government, the public prosecutor in all other cases, should defend instead of accuse? Some members of the committee entertained a good opinion of Oliver; they thought that he was not wicked enough for a spy—that he was a bungler in his business—that he had not "snatched that grace beyond the reach of art," which accomplished villains had attained: but he who was so well able to deceive his enemies, might perhaps have imposed upon his friends. (*Hear, hear.*) Recollecting the thinness of the house at the time when the hon. member for Shrewsbury (Mr. Bennet) made his important statement, and observing the crowded state of the benches now, he cautioned gentlemen to pause and deliberate before they reconciled to themselves the refusal of an investigation. Would they venture to risk the impression that might be made by the rejection of this motion upon the public and their constituents? He would not now occupy more of the time of the house; but if the proposition of that night was negatived by a majority, which he shrewdly suspected, he hoped that the hon. member for Bramber (and no man could do it with more weight) on an early day would come forward with a motion consistent with his speech, to inquire into the recent encouragement of spies, whose employment was destructive of the happiness, morality, and religion of the community.

Mr. *Canning* rose, but Sir S. Romilly called upon the Solicitor-general to explain the supposed misrepresentation: Mr. Canning, however, persevered.—If he had recognized, he said, in the hon. and learned gentleman a right to regulate the order of debates, he should not have persisted in claiming the attention of the house before the explanation, so extraordinarily called for, had been given: (*hear, hear*) he used the term—so extraordinarily called for—not with reference to the hon. and learned member's speech, but to the colloquial and irregular mode in which he had demanded a reply. His (Sir S. Romilly's) practice, both here and elsewhere, might have taught him, that there might be two reasons for not giving an explanation—either that the meaning had originally been most clearly expressed, or that the misrepresentation had been so wilful and so gross, that it might be very safely left to the audience to weigh its merits. (*Loud cheers.*) He agreed that it was

most expedient to recal the attention of the house, both to the state of the question, and to the question itself, as there might be those present who, not having enjoyed the benefit of hearing the statement of the hon. member opposite (Mr. Bennet), or of listening to the question from the chair, would be in total ignorance of the point under discussion. From the speech of the hon. and learned gentleman who last addressed the house, they would be led to conclude, that the proposition was, that an inquiry should be instituted not only into the stated but the proved misconduct of spies employed by government; he had not even stopped at this misrepresentation: for, whether distrusting the facts detailed by his hon. friend behind him (Mr. Bennet) or the force of his own reasoning upon them, or invited by a hoped, attempted, but unachieved triumph over his hon. and learned friend (the Solicitor-General) (*hear, hear, hear*) he had thought fit to put in a plea in bar, and to call upon the house to consider whether it *dared* to put a negative upon a question before it: the time for that topic was fortunately not yet arrived: to whatever *millennium* some persons might look forward when parliament should be overawed and intimidated from without, it was not yet come: the house and the country, thank God, were not yet ripe for the discussion of that topic, launched, as it were, from the tribune of Robespierre. (*Continued cheers.*) Hon. gentlemen opposite might smile; they might thus attempt to give him the only answer he could receive; but he hoped, before he sat down, to shew beyond contradiction, that he was not the single person, that government were not the only set of men, or the majority of the house the only body, monopolizing the sentiment that not long since there was in the country a real tendency to revolution. He flattered himself that the house was not to be intimidated in any sense that the word might convey, either by force from without, or by argument from within, designed as that force and that argument might be to prevent it from looking every question fairly in the face, and deciding it upon its merits. The members of the British parliament had neither lost their reason nor their coolness, but would proceed in the path of their duty unbiased by clamour and unawed by menaces. (*Hear.*) If the other side, by their organized shouts and unorganized speeches, by their premeditated exaggerations and intentional misstatements, expected to interrupt the quiet march of just argument and solid reasoning, they would be as grievously mistaken as the hon. and learned gentleman had been when he hoped to repress or extinguish the growing ability and power of the hon. and learned member who preceded him in debate. (*Hear, hear.*) All this, however, was but surplusage to the real matter in discussion—the motion of the hon. member for Lincoln. Had he brought it forward alone, or with advice? If alone, he ought to have consulted his friends; or if with advice, God help him with, and deliver him from, such friends. (*Hear, laughter, and confusion.*) Personally, he entertained for him the highest respect, and he was happy to see him gradually rising to that station in the house to which his talents entitled him; but he must speak of his motion as it appeared. If the hon. member had acted by himself, he alone was responsible for its absurdity: but if he had taken the opinions of those around him, never were unlucky individuals so deceived, betrayed, and deserted! If he had not acted alone, at least he now stood in melancholy solitude; for not one speech had been delivered, nor one argument offered, under pretence of supporting the motion, which, properly viewed, must not have the effect of chasing it from the table. The motion was not, as some supposed, that a committee should be appointed to inquire into facts—not that a prosecution should be instituted against those who had sinned against morality and religion; but merely that the committee of secrecy shall be directed to inquire, whether any, and what, proceedings had been instituted against persons described in the second report. Who were those persons? The hon. mover had interrupted one speaker, to state, that he did not refer to Oliver and the trials at Derby, but to Castle, and the trials in London. Yet his friends, if such they might be called, had all directed their attacks against Oliver, while he protested that he meant Castle. Yet that was impossible: Castle could not be alluded to in the second report, because the shouts on the enlargement of Mr. Thistlewood were heard under the very windows of the room where the committee, which was framing the second report, was sitting. What, then, could this report have to do with Castle and his associates? His functions were finished, the trials were over, and it was notorious that the report related only to Oliver. This was a plain and convincing proof that the motion meant nothing, if it did not apply to Oliver. It might however be said, that it was intended to have a retrospective as well as a prospective application, but how would its condition be at all improved by the assertion? There was now no pretence that Castle was employed by government: he was taken with the rest who were charged with treason, and having turned king's evidence, the House of Commons was called upon to vote an inquiry. What steps, it was asked, had been taken to prosecute him? Did any man upon earth ever hear of a motion so novel or so absurd? Was it not the notorious practice of all courts of justice to admit accomplices as witnesses? And why, in this sanctioned, hallowed, and dignified crime of treason, was a different rule to prevail to that which governed the vulgar offences of murder or robbery? Then, if the conduct of Castle, as an evidence, was found to be an untenable ground for the motion, he supposed the hon. gentlemen on the other side would be obliged to return to Oliver again.—(*Oliver and Co.! from the opposition*

benches.) Then be it Oliver and Co. The motion then before the house was, not for the purpose of directing the committee what it was proper for them to do, nor to direct them to inquire what ought to be done; but it was for the purpose of directing them to inquire what had been done, though his Majesty's ministers had stated that nothing had been done. (*Hear, and a laugh.*)—That nothing had been done might be blameable: that nothing had been done might be a ground for impeachment; if so, let the impeachment be brought forward, let the accusation be made, and it would be fairly met; but in the name of common sense, in the name of consistency, let not such a motion be brought before the house as that of directing the committee to inquire whether any proceedings had been instituted against a man, who, when taken in the very act of crime, turned evidence for the purpose of saving himself.—(*Loud cries of hear.*)—At least if gentlemen thought such a proceeding necessary, they ought, in common justice to the country, also to inquire, whether proceedings had not been instituted against every other person who had turned evidence, as Castle had done.—(*Hear.*) He should repeat, that if the conduct of ministers was such as subjected them to an impeachment, let their accusers come forth, and their charge should be answered. But he thought the house would not attempt such a measure; he was convinced that no man of common sense would do so. Could the house attempt to deny those acts which the recorded votes of last session shewed to have been freely done? Could they attempt to excuse their own acts by throwing all the blame upon ministers? He thought not. Yet they should do so before any imputation could be cast on the conduct of the executive government. But why had the name of Castle been thrust in at all? The reason was obvious—because so complete an answer had been given to the case of Oliver, that the hon. mover in his distress had resorted to the subterfuge of applying his proposition to Castle.—(*No, no.*) To whom then did it apply, or had it indeed no application at all? If Castle were not the man, as he clearly was not, would the other side revert to Oliver, or if they liked it better, to Oliver and Co.? (*Hear, and laughter.*) They should have it either or both ways: at all events, the object of the motion was to inquire into that which was remote from all reason and common sense: the other side wished to know what had been done, when nothing had been done—perhaps it was wrong to have done nothing—perhaps it might form ground for accusation or impeachment; if so, let the articles be drawn and ministers would know what and how to answer; but it was disgraceful even to the other side, to bring forward so silly a mockery as the proposition now under discussion. If nothing had been done, no prosecution commenced, as was avowed—*habetis confitentem reum*—and the charge should be distinctly laid; but as it stood, the motion was perfectly childish and unmeaning. It was an insult to the understanding of the house to call upon them to give it their assent. The present was the first instance he recollected of a motion, a concurrence in which would be equally inconvenient to its supporters and opponents. It would certainly be a matter of regret with government, to be outvoted upon a question which involved their own characters and all the measures they advised, and which were adopted last session; supposing the house should dare (for he, too, would use that word) to cast a suspicion on its own recorded acts, by now deciding in direct opposition to what it had formerly determined. But would the other side gain by its adoption? They said, that the inquiry was of vital importance—that the peace of society was at stake—that the morals of mankind were invaded, and religion outraged. It might be so. It was impossible to tell what earthly or transcendent interests might be involved: but if they were, to what body would wise men confide them, and to what body did the other side of the house propose to confide them?—to those of whom they had recently recorded their opinion that they were incompetent to the functions already delegated to them—who neither possessed common talents nor common honesty—to a committee consisting of ministers who were themselves culprits—of the friends of ministers who were to be their own judges, and who were assembled merely for the purpose of cheating and deluding the nation. (*Continued cheers.*) He thanked the hon. gentlemen on the other side for their applause, since he collected from it that he was correctly expressing their sentiments. (*Hear, hear.*)—These were the men to whom were now to be intrusted these vital interests, these mighty matters—men whose labours were injurious rather than beneficial, and whose report would be a tissue of false statements and erroneous opinions. Such, only a few days ago, had been the language of hon. gentlemen who now supported the present motion: what course did they take to shew their consistency? They selected the most vital inquiry on which morality, religion, unity, community, happiness, tranquillity, and all sorts of blessings depended, and they placed it in the hands of this proscribed committee: utterly incompetent to discharge the functions already assigned to them, they were to be burdened with fresh labours, and matters of still greater solemnity. (*Continued cheers.*) Supposing, however, that the expected report, like that relating to Oliver, should be unsatisfactory to them, as it most likely would be, they might still tell their constituents that they had put the stupendous subject in the best possible train of inquiry, and that it was not their fault if the issue did not bring to light all they hoped to discover. (*Hear, hear.*) It would be a waste of time to say more on such a subject: it was possible that the hon. gentleman might have something of a more daring and original cast to bring forward; most

assuredly this would not be difficult, for the present motion was in truth the most humble and servile following of that very vote which had been so loudly denounced; the object of it was to pay the most implicit and abject deference to persons who had been declared incompetent, unworthy, and degraded; to intrust the highest matters to those who would betray: to commit inquiry to those who were the instruments of delusion, and elucidation to professors in obscurity. Surely the ingenuous mind of the hon. mover, when made sensible of the absurdity into which he had been led, would be the first to laugh at the awkwardness of his own predicament; he would discover, before the end of the debate, on comparing his motion with the speeches of his friends, that, instead of appearing in his own true colours, as an independent and enlightened man, he was put forward as the paw of a certain humble domestic animal, for the purpose of feeling the pulse of the house. Turning, then, from the hon. mover's speech, which was only the small end of the wedge, he would now advert to those who followed, and whose addresses, forming the larger end, the first was calculated to introduce. Of the noble lord (Milton) who spoke early in this debate, he meant not to utter one disrespectful word; yet, he had heard his statement with the utmost surprise. To the committee the noble lord had imputed no sinister motive, yet he could conceive that some such had been faintly adumbrated rather than described. It had been alleged, that, last year, alarm had been not only propagated through the country, but industriously exaggerated by the agents of government. It was clear, however, that governments cannot go on if they refuse information of such plots as may be formed against their security. It was equally clear that, in order to come at this information, they must have recourse to some means, be they good or bad, fair or otherwise. They must build their belief on such information as they receive. This was the ordinary course, though, no doubt, they must always consider that intelligence as the best which comes through the best channels: they must allow greater weight to that which comes under the sanction of established authority, than can be given to the information of an obscure agent. It had been insinuated, that ministers had procured the suspension for purposes of their own, by exhibiting the country in a state of danger and disaffection. This disaffection was brought forward in grave reports of alleged danger, and upon those reports they came forward to parliament for the powers required. But it could be satisfactorily proved, that government, instead of outstripping the information they had received, rather lagged behind. He presumed that none would differ from him in thinking that of all the sources of information, local information is the best entitled to credit. He should be glad to know, then, what accusation that government would be liable to, who should receive information of the following description, and yet should obstinately shut the door to truth. Suppose a justice of the peace should write thus:—"I cannot conclude without calling to your recollection, that all this is not the consequence of distress, want of employment, scarcity, or dearness of provision, but is the offspring of a revolutionary spirit, and nothing short of a complete change in the government of the country is in contemplation of their leaders." If this information had come from some petty authority of an obscure district—had it come from Johnson's "wise justice on the banks of Trent;" from one who heard only of changes and revolution by report, while he himself sat securely beneath his own fig-tree and his vine, if the country produced any such—would government even in such a case be warranted in passing it over? But coming as it did from agitated districts, and not only from a justice, but, as *Lingo* expresses it, from a "master of justices," from the lord-lieutenant of the West Riding of York, could government refuse it credit? Would they not have deserved impeachment if they had? Nothing was more common than when threatened danger was once past, to look back upon it with contempt. When the alarm is once over, fear subsides, and cavil and distrust return with the means of safety. He challenged the historical knowledge of the gentlemen opposite, he challenged the learned research of the hon. and learned gentleman who spoke last, and the more discursive reading of the right hon. gentleman whom they were to hear next, he challenged them to produce one single instance of a conspiracy once detected, where, when the danger was over, doubts had not been entertained of its existence. When he made this challenge, he barred all disputed successions to the crown. He alluded to internal conspiracies conducted by obscure individuals; obscure, he meant, in comparison of princes, statesmen, and peers. The lord lieutenant of Yorkshire affected to look back with surprise at the arts which had been practised; but government were justified in acting upon the information he had furnished, although he might afterwards have changed his opinion respecting it. The measures which had been adopted in reference to the documents received, were such as were judged necessary to meet, not a partial but a general and spreading contagion; and if government were blameable, it was in acting below the necessity of the time. It was not true, as had been stated by an hon. gentleman, (Mr. Bennet) whom he did not then see in his place, as well as by other gentlemen, though in different words, that the government had been employed in drawing up an indictment against the people of England. They had felt no inclination to indict the people of England, for they believed them sound in their allegiance, and they relied on their spirit and their sense. This appeared evidently from the sentiments expressed from the speech from the throne; when they were regarded as sober,

loyal, attached to the constitution, and ready to uphold it by any sacrifices that might be necessary. But as disaffection existed, it was found necessary to probe the extent of the danger; and, in the imperfection of human means to dive into human actions, it was necessary to avail themselves of such means as were within their reach, to ascertain the designs of the disaffected. According to the doctrine of gentlemen opposite, a simple traitor was a person entitled to much forbearance, and perhaps respect; if once he turned his back to his fellow traitors, he became altogether execrable. Like the fantastical representations of aerial personages between Heaven and Hell, which he had read of, among whom when a spirit, partly dark and partly light, appeared; the other spirits exclaimed, "halt, back to whence you came," and he shuffled into the crowd he had left. No individual, having the feelings of humanity, or the principles of moral correctness, could set a man on to seduce persons into courses of sedition. (*Much cheering from the opposition.*) But when the question was, "will you avail yourself of this man's information, or let the state go to wreck?" he felt here as little hesitation as in the other alternative.—If, then, it was proper to employ persons to discover treasons and plots, who, he would ask, would the hon. gentlemen of the other side employ? Would they say, that none but persons of the most pure and unsullied character should be employed on such occasions? If such was their way of thinking, he had only to observe, that conspiracies might be carried on to the utmost extent before such persons could be found to engage in such employment. To find a spy of such a description as would please gentlemen of that way of thinking, it would be necessary that a man should have the most pure moral character, be an excellent father of a family, have an independent fortune, and, in a word, be faultless—(*Hear, hear.*)—and yet of all the monsters which this world produced, that terrible monster, a faultless man, was the most difficult to be found. If conspirators were allowed to go on until such a person could be discovered, such plots might be produced as would rival the bloody conspirators of the 18th century.—(*Hear.*)—If the hon. gentlemen on the other side were those who had occasion to employ spies, and they were informed that the Bank or the Tower were about to be attacked, they would of course laugh at the intimation; but if their informant stated he would prove what he said, the first question would be, "Have you a family?" If their informant answered, "I have six children;" the next question would be, "how many wives have you?" (*Much laughter.*) To this, perhaps, he might answer, "Gentlemen, I am not certain as to their number; my first poor woman eloped from me, and not having inquired after her, I married another, and therefore cannot tell whether the former is living or dead." (*Laughter.*) No doubt if such were the answer, the moral feeling of the gentlemen would dictate this remark: "Be off, you infamous scoundrel, how dare you, a bigamist, presume to give information as to any treason or plots. You are not worthy of becoming an informer." (*Much laughter.*) Such gentlemen might do a great deal for the cause of morality,—they might discourage polygamy, and encourage chastity—but they could never be entrusted with the care of a nation. (*Hear, hear.*) The learned gentleman opposite, (Sir Samuel Romilly) had taken offence at what he considered an attempt to identify his friends with the conduct of those by whom the country was agitated, but the learned gentleman appeared to think little of the attempt to identify his Majesty's ministers with those whom he, himself, pronounced to be completely infamous. But the learned gentleman ought to recollect, that ministers did not create informers; they only availed themselves of those who offered. He could not impute to Oliver the criminality which some gentlemen ascribed to him, but ministers would have been criminal if they had not made use of his information for the safety of the state. That person knew the odium of the office which he undertook, but having undertaken it, the public, whom he served, were greatly indebted to him. If it were said that this person was criminal because he afforded encouragement to those whom he undertook to detect, he must say, that he did not understand what was meant by encouragement. The appearance of a stranger in such assemblies might be deemed an accession of strength, or an administration of courage; but if such stranger should appear to differ with the object of the assembly, he must, of course, expect to be excluded. Would gentlemen recommend that such dissent should be manifested?—because if that were the case, they must be of opinion that although spies may be employed, they might report and betray, but they could not learn.—With respect to Castle, he was quite out of the reach of any inquiry which might be made, he having only become an evidence to save his own life. And as to Oliver,—that person had not fomented any disturbance; he merely gave information of what he had heard and seen in the committees of the conspirators. But, as had been already stated, not one single individual had for one hour been deprived of his liberty on the testimony of Oliver. Oliver's testimony led to other testimony less exceptionable than his own, and with which he was connected only as the index.—It had been much agitated, why Oliver was not called as a witness on the trials at Derby, some saying that the one party should have called him, and some the other. It had been replied for the prisoners, that they could not have produced him, for that would have been to admit the guilt with which they were charged. But could they not have called him, and disclosed the whole truth, when they were brought up for judgment? Surely, they would have encountered no danger by making the ex-

periment.—The report said, that the language of persons acting as spies might have had the effect of encouraging what they were employed to detect. Let the honourable gentleman, then, take the report for what it was worth. The report assigned no crime whatever; all that it went to impute was the effect, and not the intention, and this was all that could be brought home to Oliver in the present instance. How often was it said in that house, in the warmth of debate, that the language of one was calculated to produce disaffection; of another, to create discontent? But who ever inferred intention from such a charge? He would challenge the ingenuity of his learned friend near him (the Solicitor-General,) or the ingenuity, sobriety, and good sense of his learned friend who sat next him (the Attorney-General,) to found an indictment on this report. He had shewn that it was impossible to give any definite effect to this motion, yet this impossible task they would throw into hands which the hon. gentlemen themselves thought most unfit to execute it.

[The right hon. gentleman sat down amid the loud cheers of his own side of the house.]

Sir *S. Romilly* was sure the House would excuse him for saying one word strictly in explanation. He might, indeed, be satisfied with saying, that some misrepresentations were so gross as to require no refutation *(much cheering)*; but as several members, who had come in while the right hon. gentleman was speaking, might really give credit to the expressions he had ascribed to him, he felt it incumbent upon him, for their sake, to correct the misrepresentation. He never did say—the House must be aware that he never did say—he was astonished how the right hon. gentleman could have understood him to have said, that the House would not *dare* to reject the motion. He had used the word dare, but it was in this way. An hon. gentleman, in supporting the motion, had said, that the House would not dare, for the sake of their consistency and character, to refuse the inquiry. In allusion to this expression, and as a general election was soon expected *(loud cheers from the ministerial side, which were still more loudly returned by the opposition)*, he had said that he could not conceive how gentlemen could resist this motion, and dare to meet their constituents; but in this he did not mean to allude to the right hon. gentleman's confidence to meet his electors at Liverpool. (*Hear, hear.*)—The learned gentleman concluded with observing, that the right hon. gentleman did not appear to be aware of the difference between spies and informers, because, although it might be right to attend to the latter, it might be utterly unjustifiable to employ the former.

Mr. *Tierney* said, that among the many advantages which the right hon. gentleman had over him, and many advantages he had peculiar to himself, he had the advantage of having had two hours the start of him. (*Much laughter.*) Of this, however, he would not complain, nor of the length of the speech, though some parts of it might have been much shorter. (*Hear, hear, hear.*) The fantastical embroidery, which might well have been spared, had occupied at least three-quarters of an hour. He would pass over the rhetoric respecting the millennium and Robespierre, and organized shouts and unorganized speeches, but he must say one word in allusion to the expression, "that the House would not dare." He remembered when the right hon. gentleman's words were taken down as he menaced the House, in 1807, in these terms—"We will appeal to the people." (*Loud and continued cheering.*) His hon. friend the mover had put this plain construction on the report—that the violent language of spies had encouraged treasonable practices. This appeared to him to call for serious investigation. To whom could he propose to refer this investigation but to the committee, who knew the grounds of the former report? This it was that constituted the striking propriety of the motion; it referred the inquiry to those who knew the grounds of the former report, and were now investigating the subsequent events. The right hon. gentleman had said, there was no crime imputed in the report. He was persuaded that no lawyer could concur with him. If the officers of the crown did justice to the people as well as to the government, they would have commenced a prosecution before this time. (*Hear, hear.*) The government, however, durst not touch a hair of Oliver's head. (*Loud cheering.*) His retort upon them was more than they could endure. The right hon. gentleman had rung changes for half an hour upon the facetious commercial phrase, Oliver and Co. He might next make it Oliver, self, and Co. (*Laughter.*) The object, however, of sending this to the committee was to see how they would deal with it. Any thing might be referred to a committee appointed for nothing. The House was called upon to do all in their power to quiet the disgust that pervaded the country against the employment of spies. If they refused this motion, they proved that they were not alive to the liberties of the people. (*Much cheering.*) The charges were, that spies had been employed, but the defence was for informers. But if a person employed as a spy acted as an incendiary, was no charge to be brought against him? The right hon. gentleman had spoken of monsters: now, Oliver was the monster sought for. He had been represented as having been a moral man before he was a spy, and having continued moral afterwards. This must by some measure be inquired into. The right hon. gentleman had indulged an extravagant levity, and a long string of jokes, upon a sober and even an awful question, whether the agent of government had created all the confusion of last year. But not one syllable had dropped from him, amidst all his gay and gaudy eloquence, in reply to his hon. friend (Mr. Bennet.) He had no hesitation in pronouncing his hon. friend (Mr. Bennet,) notwithstanding all the taunts of the right hon. gentleman, one of the most useful

members of that House, one whose only object was at all times to be doing good. (*Hear.*) In works of direct humanity, though, perhaps, not of the greatest popularity, in rendering gaols wholesome, in mitigating distress where it was most severely felt and least known, it was not going too far, to say that his hon. friend stood higher than any other member of that House. It was in perfect consistency with his character, that his hon. friend had been induced to make inquiries into the proceedings of Oliver; and after the statement which they had enabled him that night to submit to the House, it was clear that the whole matter must undergo investigation. Here he must pause for a moment to declare, that he had heard the hon. and learned Solicitor-General with infinite pain. (*Hear, hear.*) He was himself, perhaps, the very first man who had noticed the rising talents of the hon. and learned gentleman, and foretold, on an occasion which he could not have forgotten, that they would one day make a figure in public life. He had subsequently inquired of a lamented and common friend (the late Mr. Horner), what was his character, not only as a lawyer but as a man; and

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melancholy spectacle to see the learned gentleman treading in his present, might he not say his bad, courses. (*A laugh from the Treasury benches.*) If, as he might presume, it was the paucity of legal talents which the minister found he could inlist in his service that had raised the hon. and learned gentleman to his present eminence, the same reason might cause him to be elevated to the bench. Was it not, then, alarming to find the lawyer, who might hereafter be a judge, holding in the House of Commons the monstrous doctrine, that an individual who had been accused was thereby disqualified from being a witness? (*Hear.*) Look at the case of Mitchell. Mitchell was discharged, instead of being prosecuted; and were they to be told by a Solicitor-General, that because he had been arrested on the suspicion of some person, his testimony was not to be believed? Was he to be debarred the right of proving himself innocent? A principle more dreadfully unjust or oppressive was not to be found in the number of those which had, by exhausting the patience of the people, at last ended in that fatal and bloody revolution of France which had produced such miseries to Europe. The same doctrine was maintained in the discussion of the preceding night. the witness Campbell was not to be believed, and why?—because he had refused to perjure himself. (*Hear.*) The motion now before the house involved merely this question—were the facts alleged to be substantiated or not? If substantiated, there was a heavy load of guilt somewhere; but if the inquiry was refused, a general suspicion must arise, that this guilt belonged to some of the highest characters in the kingdom. In one part of the right hon. gentleman's speech, as by much the most solemn as well as the most dull, he had endeavoured to answer the observations of a noble lord behind him (Lord Milton), professing that here he meant to deal in nothing but argument. He had, however, soon found it necessary to resort to a little stage effect, and had produced a paper from the bag. (*No, from Mr. Canning.*) Then, why was it not in the bag, if it contained important information? But, perhaps, it was taken from the old bag. (*A laugh.*) The house should bear in mind, that this letter was written by Earl Fitzwilliam in December, 1816. It contained the judgment which at that time the noble lord's intelligent mind had formed, and which his candour induced him to communicate to his Majesty's ministers respecting the internal state of the country. His impression then was, that very serious agitations were in existence, and that there was ground for entertaining considerable alarm. What, said the right hon. gentleman, and will you contend after this, that strong measures were not necessary? But let it be recollected, that these strong measures were not proposed till the February following, nor until an unfortunate pebble was thrown in the park. Certainly no mention of their necessity was made in the speech from the throne. (*Hear, hear.*) Now he wished the house to advert a little to the practice of this dealing, on the part of his Majesty's ministers, with papers to which nobody but themselves had access. Let it be supposed that the very production of this letter was of all their attempts at delusion, the grossest and most palpable. (*Hear, hear, from Lord Milton.*) What, if there had been subsequent letters from Earl Fitzwilliam, which it was the bounden duty of the right hon. gentleman to have read, if he thought proper to produce the first? (*Hear, hear.*) "But oh!" adds the right hon. gentleman, "perhaps it may be said that the noble lord had changed his opinion after the danger was past." He would take leave to say that the noble lord had done no such thing. He did not attend the committee, but went down in his character of lord-lieutenant, personally to examine the state of that district which was said to be the most disturbed. He went there, not when the danger was past, but when it was raging; and long before it was extinct the noble lord wrote a letter to his Majesty's ministers, which he now challenged them to produce. (*Hear, hear.*) Was that letter, he asked, in the green bag? for, if not, and the report was agreed to without it, then he would assert that the committee was wilfully deceived. (*Hear, hear.*) It was impossible for him to know whether it was there or not, for they had taken good care to exclude him from the committee. In answer to a question of the right hon. gentleman, he would frankly tell him that the firm belief of his mind was, that ministers did wish and intend to excite alarm; and his reason for so believing was, that instead of giving the evidence on both sides, they had submitted only a mutilated account of what information was before themselves, to the committee. He believed, moreover, that these

poor, innocent, and unsuspected ministers, whose utter simplicity was so well pourtrayed by the right hon. gentleman, according to whose representations they had no political object in view, but acted altogether from the impulse of kindred sympathy, would have continued the alarm, if it had been found possible to do so. As he had already once observed, alarm was their daily bread; and, if they could have succeeded this time in dividing the opposition, he doubted not that the continuance of the suspension act would have been proposed. Such would one day, when dispassionately viewed and examined upon its true merits, appear to be the conduct and character of the present government. However firm and durable at present, it would soon crumble into nothing. The Lord Advocate had last night made it a matter of boast, that no man had been arrested in Scotland, without being brought to trial in the regular course of law. This, then, satisfactorily shewed, that the suspension act was not required in Scotland. Every man had not the frankness of the hon. member for Hertfordshire, (Sir John Sebright, see page 161.) although he might have a similar conviction, and could not persuade himself to make a voluntary and immediate confession that he had been deceived. But tens and hundreds in that house would in no long space of time admit, that the disaffection which had been proved to exist, fell far short of what they dreaded when they gave their consent to the suspension act. He did not himself deny the existence of a disaffected spirit to a certain extent; but he considered it as springing from a distress which he hoped was now removed, and that it had been inflamed by the acts of the agents employed by government. Not one man among the disaffected was of a higher rank in society than that of a weaver, and the far greater part of them were paupers, excepting always the moral Mr. Oliver and Co. If there had been evil machinations before Oliver arrived, it was clear to his mind, that his arrival caused them to terminate in an explosion. (*Hear, hear.*) If he had not excited the disaffection, he had turned it into the only course in which it was likely to prove mischievous. Strange, that agents of this description should be employed by a government which boasted of its preventive policy. The Attorney-General had asked, what could be thought of Brandreth, a man who had fought his way through murder to treason. He agreed, that Brandreth was better out of society than in it; but the question now was, whether the explosion in Derbyshire was not the work of Oliver; for if it was, Oliver was guilty of the murder which the hand of Brandreth committed. On the question of treason he said nothing, for he thought that was a matter of doubt. Why did the vigilance of the magistrates sleep on the 9th of June, when Brandreth might have been arrested? The worst that could in that case have happened would be, that four more persons would have probably been alive, than were now living. For his own part, he could easily conceive what an impression must be made upon a discontented populace in the country, by being informed by a person calling himself a London delegate, that 70,000 men were prepared to rise and join them in establishing their rights; but even these arts, calculated as they were to inflame and mislead, had gone no further than to cause an insurrection of 100 men here, and 100 there, armed with a few pitchforks and about 20 muskets. Was this a sufficient ground for depriving the people of England of their liberties? His persuasion was, that there had existed no necessity for vesting such formidable powers in the government, and that they had been exercised in many places, more particularly at a distance from the metropolis, with harsh and needless severity. Did the house believe, that by the vote of a majority that night this question would be set at rest? He wished to speak in measured terms, but he must warn the house not to trespass too far on the temper and patience of the people. They would not bear to have their liberties scouted at in the tone of the right hon. gentleman. (*Hear, hear.*) Every unhappy victim of the suspension act would have to relate in his little circle the tale of his sufferings, his innocence, and his wrongs; and would have to close all by adding, that a majority of the House of Commons refused to listen to him, or to inquire into the truth of his story, because the minister declared that it was better as it was. (*Hear, hear, hear.*) If his Majesty's ministers refused to face the inquiry, the universal impression would be, that they dared not face it. (*Hear, hear.*) The right hon. gentleman might shake his head, but he would advise him and the noble lord to beware how their conduct provoked future and more serious disturbances. The statement of his hon. friend, until met by a full and intelligible investigation, must remain the deepest stain upon the history of this country. A majority might appear a very triumphant thing, but it did not always excite very triumphant or satisfactory feelings; and he was persuaded that there was not one of last night's majority, who did not say to himself as he went home, "the Ministers certainly made but a poor figure." The noble lord (Castlereagh) could not have had a very pleasant night's rest. As for the learned lord, he perhaps consoled himself by the reflection, that the charge against M'Kinlay, "was not proven," and that he was the more innocent of the two. (*A laugh.*) The noble lord, indeed, well knew the difference between a real triumph, and the act of a majority, which might not choose to desert him in the hour of his distress. But he could assure him that the question would be revived; that an inquiry, though now refused, was only postponed; and that the result must exhibit what was the real nature of his triumph. (*Hear, hear.*)

Mr. *Canning*, in explanation, with reference to Earl Fitzwilliam's letter, disavowed any, the

slightest intention of wilfully keeping back any thing that might tend to throw any light on the state of the country.

Mr. *Tierney* said, that one letter had been received which it was thought convenient to communicate, and another had been received subsequently, which it was not thought convenient to communicate. (*Hear.*)

Lord *Milton* trusted, that from the *argumentum ad hominem,* or rather the *argumentum ad filium* of the right hon. gentleman, he should be allowed to say a few words. It was really his opinion that one letter had been produced, while another had been withheld. The right hon. gentleman had stated, that the danger being over, Earl Fitzwilliam had been glad to get bac to those whom before he had felt himself boun to abandon, or something to that effect; bu that was by no means the real statement of Ea Fitzwilliam's change of opinion. He (Lo Milton) had moved for a paper in the committe which did not appear to be forthcoming. Ther had certainly been another letter which had no been produced, and in the letter which had bee brought forward, there had been enclosed a do cument which was not now found in it, and o which the change of opinion had been considerably founded. He was a member of the secret committee, and as such he felt that it would not be becoming or proper in him to disclose any of the information laid before it. But he thought he owed a duty to that house, to state to them the conduct of the government in one particular. Many letters had been laid before the committee from lords-lieutenants of different counties, but there were no letters from the lord-lieutenant of the West Riding of Yorkshire. (*Hear, hear.*) He did not know what the reason of that could be, but he trusted that the letter to which he had alluded, as well as the other document, would be laid before the house, for them to form their own judgment thereon, without any communication.

Lord *Castlereagh* thought, that the situation of the noble lord ought to have precluded him from making a most odious, and, in his opinion, a most unfair statement; it was a thing he could not help complaining of. The noble lord had given notice of a motion, for the production of a paper, on which he (Lord Castlereagh) had stated, that he did not suppose there would be any difficulty in granting the production of any papers; but he thought it proper, as he did not altogether belong to the department from which that paper was to be received, that the question should be reserved for a future day. It would have been natural to have said that the paper to which the noble lord alluded was not to be found amongst the papers before the committee, but nothing was more unfair than this statement, for what had occasioned the noble lord's observations had been the subject of nearly half of the discussion in the committee. When the noble lord gave the notice, he had no reason to know that there would be any difficulty in granting the documents to which he alluded. After the able and unanswerable speeches that had been made, in reply to the motion, he should not occupy the attention of the house; but as the right hon. gentleman (Mr. Tierney) had supposed that he had not had a very pleasant night's rest, he could only hope, that he should have a very comfortable night of it that night.

Mr. *Fazakerley* in reply, contended, that sufficient grounds had been laid to induce the house to agree to the motion. He had felt it right to bring this subject before them, and should never be deterred from discharging his duty by the taunts of the right hon. gentleman (Mr. Canning.) We had heard of revolutionary times, but it appeared to him that the present times were not without danger, for there seemed to be a constant approach to an alienation of the government from the people. (*Hear, hear.*)

The house then divided, Ayes 53
Noes 111

Majority, - - 58

LIST OF THE MINORITY.

Abercromby, Hon. J.
Althorp, Visct.
Atherley, Arthur
Birch, Jos.
Brougham, Henry
Burdett, Sir F.
Burrell, Hon. P. D
Byng, Geo.
Calcraft, J.
Calvert, Chas.
Carter, John
Duncannon, Visct.
Douglas, Hon. F. S.
Fergusson, Sir R. C.
Fitzroy, Lord J.
Folkestone, Visct.
Gordon, Rob.
Grant, J. P.
Hamilton, Lord A.
Heron, Sir Robt.
Hurst, Rob.
Lemon, Sir W.
Latouche, Rob. jun.
Lyttelton, Hon. W. H.
Methuen, Paul
Macdonald, Jas.
Markham, Adml.
Martin, John
Mildmay, Sir H. St. J.
Milton, Visct.
Monk, Sir C.
Morpeth, Visct.
Neville, Hon. R.
Nugent, Lord
Ord, Wm.
Ossulston, Lord
Philips, George
Pym, F.
Ridley, Sir M. W.
Romilly, Sir S.
Smith, John
Smith, W.
Smyth, J. H.
Sharp, Richard
Symonds, T. P.
Tavistock, Marquis
Tierney, Rt. Hon. G.
Waldegrave, Hon. W.
Warre, J. A.
Webb, Edward
Wilkins, Walter
Wood, Alderman

TELLERS.
Hon. H. G. Bennet and Mr. Fazakerley.

MAJORITY.

Acland, Sir T. D.
Alexander, James
Apsley, Lord
Arbuthnot, Rt. Hon. C.
Bankes, H.
Bankes, George
Bastard, E. P.
Bathurst, Rt. Hon. C.
Binning, Lord
Boswell, Alex.
Bourne, W. S.
Calvert, John
Canning, Rt. Hon. G.
Canning, George
Cartwright, W. R.
Castlereagh, Visct.
Chute, W.
Clerk, Sir G.
Clive, H.
Collet, E.
Coltburst, Sir N.
Courtenay, W.
Courtenay, T. P.
Crickett, R.
Croker, J. W.
Cust, Hon. W.
Dalrymple, Adol.
Dawson, G.

Disbrowe, Ed.	Odell, W.
Douglas, W. K.	Ogle, H. M.
Dunlop, James	Osborne, John
Dundas, Rt. Hon. W.	Palmerston, Visct.
Egerton, W.	Peel, Rt. Hon. R.
Fane, John	Peel, Wm.
Farquhar, James	Phillimore, D.
Finlay, Kirkman	Phipps, Hon. E.
Fitzgerald, Rt. Hon. W.	Pocock, Geo.
Forbes, C.	Pole, Rt. Hon. W. W.
Franco, R.	Robinson, G. A.
Frank Frank	Robinson, Rt. Hon. F.
Gifford, Sir R.	Round, J.
Gilbert, D. Giddy	Ryder, Rt. Hon. R.
Glenawley, Visct.	Sheldon, Ralph
Golding, Edw.	Stirling, Sir W.
Goulburn, Henry	Shepherd, Sir S.
Grant, A. C.	Singleton, M.
Grant, C. sen.	Somerset, Lord G.
Grant, C. jun.	Strahan, A.
Gunning, Sir G.	Sumner, G. H.
Harvey, C.	Swann, H.
Hobhouse, Sir B.	Thornton, Gen.
Holford, G. P.	Tomline, W. E.
Hope, Sir A.	Trefusis, Hon. C.
Jackson, Sir S.	Tremayne, J. H.
Knox, Thos.	Valletort, Visct.
Lacon, E. K.	Vansittart, Rt. Hon. N.
Lascelles, Visct.	Vereker, Hon. J. P.
Law, Hon. Edw.	Walpole, Lord
Legh, C.	Wallace, Rt. Hon. T.
Littleton, E. J.	Ward, Robt.
Long, Rt. Hon. C.	Wedderburn, Sir D.
Lushington, S. R.	Wetherell, Chas.
Lygon, Hon. H.	Whitmore, Thos.
Maberly, John	Wilberforce, Wm.
Macdonald, R. G.	Wilder, F.
Maconochie, Alex.	Wilson, C.
March, Earl	Wood, Mark
Monson, Sir R.	Wood, Thos.
Murray, Sir John	Wrottesley, H.
Milne, Pat.	Wynn, C. W.
Napier, James	Yorke, Rt. Hon. C.

HOUSE OF COMMONS.

Thursday, Feb. 12.

EXCHEQUER BILLS.] The following accounts, (ordered on the 6th instant), were presented.

1. An account of all Exchequer bills issued between the 5th of January, 1817, and the 6th of January, 1818.—The amount issued was, 6,698,620*l.* 16*s.* 9½*d.*

2. An account of all Exchequer bills paid off within the same period.—The amount paid off was 47,658,120*l.* 16*s.* 9½*d.*

3. An account of all Exchequer bills which remained to be issued on the 6th of January 1818.—The amount was 3,877,600*l.*

4. An account (ordered on the 11th instant,) of the amount of Exchequer bills issued *per* acts 7 & 11 of Anne, remaining in the chests of the Tellers of the Exchequer; together with the interest due upon them, outstanding and unprovided for.—The Exchequer bills issued pursuant to the above acts, and remaining in the chests of the Tellers of the Exchequer, amounted to the following sum: Principal 912*l.* 10.—Interest 180*l.* 4*s.* 2¾*d.*—Total 1092*l.* 14*s.* 2¾*d.*

5. An account of monies paid into the Exchequer, pursuant to act 51 Geo. III. c. 15. intituled, "An Act for enabling his Majesty to direct the issue of Exchequer bills to a limited amount, for the purposes, and in manner therein mentioned," and which remain for the disposition of parliament.—The money paid into the Exchequer pursuant to this act, and remaining for the disposition of parliament, amounted to 21,448*l.* 12*s.* 6*d.*

[For a more particular statement of these accounts, see the Appendix, title, Exchequer Bills.]

GOLD AND SILVER COIN.] On the motion of Mr. *Grenfell*, the account (presented on the 11th instant,) of gold and silver coined at the mint, was ordered to be printed. (See the Appendix.)

SPANISH SLAVE TRADE.] On the motion of Dr. *Phillimore*, the return, (ordered on the 4th instant,) of all vessels engaged in the slave trade, and detained by his Majesty's cruizers, was ordered to be printed. (See the Appendix.)

The report of the committee of supply was brought up, and the resolution for a grant of 400,000*l.* pursuant to the treaty with Spain, was agreed to by the house.

CUTLERS.] Lord *Milton* presented a petition of certain cutlers at Sheffield and Hallamshire, complaining of the injury done to their trade by persons who were in the habit of manufacturing knives, and other articles, from cast iron, which they represented, and disposed of, as steel.

Lord *Lascelles* said, there were distinctions between cast-iron and steel, and wrought-iron and steel, which required some examination.

The petition was brought up and read; it stated, that the manufactory had been carried on above 250 years in steel and iron, for consumption at home and abroad; but that knives, razors, &c. were manufactured and sold at 20 per cent. less than good manufacturers could sell such articles for, while the marks upon them imposed on the purchasers. It was the same with certain tools for joiners. The petitioners prayed for regulations and restrictions.

The petition was referred to a committee, consisting of Lord Milton, Lord Lascelles, Sir Charles Mordaunt, and several others, with power to send for persons, papers, and records; five to be the quorum.

RIBBON WEAVERS.] Mr. *Peter Moore*, in presenting a petition from the ribbon weavers of Coventry, took occasion to observe upon the merit and suffering of the petitioners, who, as the law stood at present, were precluded from making such arrangements among themselves as were necessary to ensure a due remuneration for their labour. Even when in full work, the earnings of these poor industrious men were known to be comparatively inadequate; but when trade was slack, they were so very distressed that they were under the necessity of

for relief from the poor rates. Thus the poor rates of the inhabitants of Coventry were considerably augmented, for the maintenance of those, the profits of whose labour were enjoyed by others, who contributed nothing whatever towards the rates. Under such circumstances, he trusted that no one of feeling or consideration would be found to oppose the objects which the petitioners had in view, and which were, first, to remedy the evil resulting from the existing law with respect to apprenticeships; and, secondly, to enable the petitioners to settle the rate of wages among themselves.

Mr. *Dugdale* said, that from the circumstances which had come to his knowledge as a magistrate for Warwickshire, with respect to the condition of the petitioners, he thought their case peculiarly entitled to the attention of the house. He could not at present express any opinion as to the nature of the remedy which they proposed, but he felt that the subject was worthy of consideration.

The petition was referred to a committee.

SEVERN COAL TRADE.] Mr. *Protheroe* presented a petition of the proprietors of coal mines in the vicinity of Bristol, praying that coal and culm should be exempted from duty upon the river Severn.—Referred to a committee.

LEATHER TAX.] On the motion of Lord *Althorp*, accounts were ordered "of the duty charged on leather for the last four quarters ending the 5th of January 1818, shewing the amount of each respective quarter, and distinguishing the amount charged in each quarter upon hides and skins charged three pence per lb. and leather otherwise charged, so far as relates to England."

"Of drawbacks allowed upon leather exported, for the last four quarters ending the 5th of January 1818; distinguishing the amount of each respective quarter, so far as relates to England."

"Of the number of ox and cow hides, and also of the number of horse hides, which have paid the import duty in England, for the last two years ending the 5th of January 1818."

"Of the number of ox and cow and also of the number of horse hides exported, on which the drawback has been allowed in England, for the last two years ending the 5th of January 1818."

"Of the duty charged on leather for the last two years ending January 5th, 1818, so far as relates to Scotland, distinguishing the amount of each respective quarter."

"Of drawbacks allowed on leather exported for the two last years ending the 5th of January 1818, so far as relates to Scotland, distinguishing the amount of each respective quarter."

BANK TOKENS.] Mr. *Curwen* said, he thought it right to state to the Chancellor of the Exchequer and the house, a circumstance which had just come to his knowledge, and which appeared to suggest the expediency as well as the means, of facilitating the transport of Bank tokens to London. He understood that those tokens might be had in the country at one per cent. under their nominal value, by any one who thought proper to purchase them. On these terms it was said that speculators were now buying them up, with a view to obtain gold for them at the Bank, which gold could be exported at a profit. From this fact, then, it was obviously the interest of the Bank itself to appoint an agent in each of the principal towns in the country, with a view to collect those tokens, and also to save its gold, which was surely a consideration of some importance, at a period when it was proposed to extend the Bank restriction act, in order to prevent the export of bullion. It was, besides, the duty of government as well as the Bank, to adopt some measures to save the labourers and other poor holders of those tokens from the necessity of selling them at a loss, in consequence of their inability to convey them to London.

SURGERY PRACTICE REGULATION.] Mr. *Courtenay* moved for leave to bring in a bill for the better regulation of surgery throughout the united kingdom. The object of the bill he described to be, first, to provide that no one should be allowed to practise surgery without a testimonial from some of the regular colleges of the united kingdom; secondly, that no more than the usual fee should be demanded and received for such testimonial; thirdly, that surgeons in the army or navy, who have obtained testimonials, shall be entitled to practise in any part of his Majesty's dominions; fourthly, that the provisions of certain Irish acts, for the regulation of public infirmaries or hospitals, should be extended to members of English and Scotch colleges; and lastly, for preventing male persons from practising midwifery, unless they shall have obtained a testimonial. Such being the provisions of a measure, the necessity for which, with a view to save the people from the danger of unskilful practitioners, was quite indisputable, he trusted that no opposition would be made to his motion.

Mr. *Lockhart* expressed an opinion, that if this bill originated with the surgeons, it must have a monopoly in view; but the effect of the bill would be, to injure a profession which ought to have too much pride to entertain any apprehension of the competition of pretenders.

The motion was agreed to.

EXCHEQUER BILLS BILL.] The house having resolved itself into a committee on this bill—Mr. *Grenfell* said, that from some circumstances which had come to his knowledge, he felt it necessary to put a question to the Chancellor of the Exchequer. A report having prevailed last week in the city, that it was the intention of the right hon. gentleman to propose the funding of Exchequer bills, and that what were called the twopence halfpenny bills would be preferred, he understood that on Saturday last a commu-

nication was made to the Stock Exchange by the person who usually made known there the intentions of the treasury, that it was not proposed, on funding Exchequer bills, to grant a preference to any particular description of those bills, but to take those that were to be funded out of the general mass. Hence an impression prevailed in the city, that it was the intention of the right hon. gentleman to fund a considerable number of Exchequer bills. He did not wish for any information from the right hon. gentleman as to any part of his financial plan, which might not yet be matured; but, understanding that it was his intention, in all events, to fund a quantity of Exchequer bills, he requested him to state whether such was the fact? Because, if such were the purpose of the right hon. gentleman, that purpose should have immediate publicity, in order to put an end to the uncertainty and gambling speculations which at present prevailed in the city.

The *Chancellor of the Exchequer* observed, that he had already notified to the house, that it was not his intention to bring forward any part of his financial plan before Easter; and he trusted that it would not be thought improper on his part to decline any premature or partial disclosure of that plan. With regard to the communication to the Stock Exchange, the honourable member alluded, he presumed, to that made by the broker of the commissioners for redeeming the national debt. The fact was, that, understanding that a general expectation prevailed, that if Exchequer bills were funded, a preference would be given to those bearing an interest of twopence halfpenny a day, he gave directions to have it made known, that if any funding of Exchequer bills should take place, no such preference was intended.

Mr. Alderman *Atkins* expressed a wish, that the right hon. gentleman would favour the house with some further explanation, in order to remove the uncertainty that prevailed in the city. For his own part, he could not think it desirable to fund any Exchequer bills, and so to diminish the floating capital of the country. For how could it be politic to take such a measure as must operate to reduce the price of stock? Government could raise money at less than three per cent. in consequence of the present price of stock, whereas, if that price fell eight or ten per cent. it could not have money under four per cent. Such a fall would, he apprehended, be the result of funding, at present, a great quantity of Exchequer bills, and, therefore, he deprecated any such project as the right hon. gentleman was reported to entertain. Another report prevailed in the city, that it was the intention of the right hon. gentleman to propose the raising of a loan for the purpose of buying up the five per cents., and this was a plan which he (Mr. A.) would also deprecate. But at all events, he thought that no danger could result from the right hon. gentleman's at once explaining what were his views upon the points alluded to; and he hoped that the right hon. gentleman would give that explanation, in order to put an end to the fluctuations of property, occasioned by the present state of doubt upon such important subjects.

The *Chancellor of the Exchequer* hoped the house would feel the propriety of his silence with regard to the financial plan to be submitted to its consideration, until that plan was fully digested and matured—until, indeed, he actually proposed to have it carried into effect.

Mr. *Grenfell* approved of the intention of the right hon. gentleman not to make any premature disclosure of his plan, adding, that his only object in putting a question to the right hon. gentleman, was in order to do away the impression in the city, that the Chancellor of the Exchequer had finally made up his mind as to the funding of Exchequer bills.

The bill went through the committee, the house resumed, and the report was ordered to be received to-morrow.

MALT, &c. DUTIES BILL.] This bill was considered in a committee, and ordered to be reported to-morrow.

HOUSE OF LORDS.

Friday, Feb. 13.

SECRET COMMITTEE.] Lord *Sidmouth* presented, by command of the Prince Regent, another sealed bag of papers, which was ordered to be referred to the secret committee.

HOUSE OF COMMONS.

Friday, Feb. 13.

BANK OF ENGLAND.] The several accounts ordered on the 3d instant, relative to bank notes and bank post bills—the market prices of standard gold, &c.—the public balances of cash in the hands of the bank—the unclaimed dividends, including lottery prizes—the allowances to the bank, and the advances made by the bank, were laid on the table, and ordered to be printed. (See the Appendix.)

SCOTCH BURGHS.] Mr. *Douglas* presented a petition of certain persons, members of the Seven Incorporations of the royal burgh of Dumfries, in North Britain; setting forth, "that the Municipal Government of that burgh has from time immemorial been exercised by what is called a town council, consisting of twenty-five members, that is, seven trades councillors elected by the petitioners, and eighteen merchant councillors, and from the latter are annually elected, by the whole council, a provost and three bailies, who do the duty of magistrates; it is extremely probable that Dumfries was erected into a burgh by the Parliament of Scotland, with authority to elect such a body as the town council, but the charter of erection has been lost or mislaid, as no person can now give any account of it; and, without doubt, by that charter the right of franchise was vested in the merchant and trades burgesses,

though for a great length of time, from what cause the petitioners will not pretend to say, the town council have been in use to elect four new merchant councillors yearly, and to vote out four to make room for the new ones; the councillors elected by the petitioners being only seven to eighteen, of course, in all cases, the merchant councillors could command a majority; this would have been immaterial had the members acted independently, but it has so happened that the merchant councillors have always been under the domination of some selfish individual, who by adventitious circumstances obtained the ascendancy, and dictatorially named such persons for election as engaged and were best suited to support his views; thus have the merchant councillors almost uniformly been enthralled, and have servilely obeyed their leader, and been a self-elected junto; the evils resulting from that system in all the burghs had attracted the notice of the Parliament of Scotland, and various acts were passed with a view to correct the abuse, some of which acts strictly prohibit the election of any person except burgesses resident traffickers, that is, carrying on trade in the burgh, no doubt for the very obvious reason that they would be best acquainted with the affairs of the burgh, of course best fitted for the management, and most likely to be conscientious in discharging their duty, because interested in the prosperity of the place of their residence: but these very salutary acts have been totally disregarded by the merchant council of Dumfries, and, it is believed, by all the other burghs in Scotland, in so much that it has invariably happened that several members of the merchant council were not resident in Dumfries, some not even burgesses, till complimented with the freedom of the burgh after their election, and frequently persons have been elected though not residing in Scotland, or even in Europe, and in numberless instances it has occurred that the merchant council was partly composed of men improvident in their own affairs, in embarrassed or bankrupt circumstances, and such as were totally unworthy of any kind of trust; many have long anticipated the consequences of such a system, and now the dreaded climax has arrived, very extensive landed property has been frittered away to favourites at inadequate prices, which, with the annual revenues of the burgh, have been dissipated, and, as if to fill up the measure of iniquity, the merchant council, for, as already noticed, the other councillors were always out-voted, have contracted debts to a heavy amount, equal to if not beyond the value of all the funds of the burgh, which is thereby reduced to ruin if not to bankruptcy, and at this moment there is not a shilling to defray the necessary expense of the Municipal Government, and to pay the interest of sums mortified for behoof of public charities, and vested in their hands as a place of security, or to discharge salaries to clergymen, schoolmasters, and others; it is extraordinary, but undoubtedly true, that for above forty years past no statement has been made of the town's affairs; the councillors elected by the petitioners have, times without number, moved for such statement, but the motions were uniformly negatived by the merchant councillors, their leader, for reasons best known to him and them, not choosing it, or probably not daring to meet the disclosure it would have produced, so that every effort of the seven trades councillors proved quite unavailing, and it is understood that no court in Scotland has power to interfere; thus the merchant council are left *ad libitum* in contracting debts, while it is the opinion of the ablest lawyers, and very generally believed, that all burgesses are liable for these contractions; it certainly is inconsistent that any man, or set of men, should be responsible for the acts and deeds of men they never authorized, as to which they never were consulted, and to which they never assented; it is an outrage against the free principles of our happy constitution, justice denies it, and common sense revolts at such a state of things; in this statement, the petitioners may with truth confidently assert, no particular is exaggerated, and it can to the fullest extent be proved; hence it will appear the petitioners, in thus approaching the house, are not actuated by political motives, or a spirit of innovation, but a legitimate desire to obtain material justice and security, by such a reform as may protect them against the acts of a self-elected junto, the imperious necessity of which is palpable, and they rest in full confidence that the justice and wisdom of the legislature will grant a remedy for evils so clamant; and praying for permission to submit a bill for an act to obtain so desirable a purpose, or that the house may be pleased in their wisdom to grant such relief as may be found expedient."

The *Lord Advocate* concurred in the necessity of some legislative measure upon this subject, and expressed his intention to bring the question before the house in the course of the session.

Mr. *W. Dundas* said, that the accounts of the corporation of Edinburgh were regularly and unexceptionably arranged and examined; but he suggested that the accounts of the corporations of the several burghs in Scotland should, as well as those of Dumfries, be subjected to a regular audit. With this view he proposed that those accounts should be annually sent into the Exchequer, which should be authorized and directed to appoint persons for their audit and full examination.

After a few words from Lord *A. Hamilton*—

The petition was ordered to lie on the table, as was a petition to the same effect from the merchant burgesses of Dumfries.—Both petitions were, on the motion of Lord *A. Hamilton*, ordered to be printed.

ELECTION LAWS AMENDMENT BILL.] Mr. *Wynn* said, that before he moved the order of the day for the further consideration of the report upon this bill, he felt it his duty to present a petition which he had been requested to lay before the house, although he had not promised to become an advocate for its prayer.—The petitioner

who was the Rev. James Holmes, and, as he stated, perpetual curate of Scarsdale, in Derbyshire, while he had also a clerical office in Essex, and another in Middlesex, prayed, that as he had freeholds in Derbyshire, Nottinghamshire, and Leicestershire, and as he might not be able to exercise his right to vote in all those places at the same election, a provision might be introduced into the bill before the house, to enable him, and others similarly circumstanced, to vote by affidavit.—(*A laugh.*)

The petition was ordered to lie on the table.

The order of the day was then read, and the house went into a committee.

Mr. *Wynn* said, he was not aware that any alterations in the bill would be thought necessary, but if any hon. member had a clause to offer, he hoped he would bring it forward now, as it could be more conveniently discussed than in future stages of proceeding. He wished to propose the following exception. It was enacted, "that nothing herein contained shall oblige any justice of the peace to make any such appointment and apportionment of polling places, as are herein directed, for any city, borough, port, or place, where it shall appear that no more than 150 voters have polled at the last contested election, or for either of the two Universities of Oxford and Cambridge." Now, he understood, that nothing could be more regular than the mode of conducting elections in the city of London, where 8,000 electors were usually polled in eight days; and, therefore, he proposed to except that city, as well as the two Universities, from the operation of the bill.

This exception was agreed to, and the words "or the City of London," were added to the clause.

Mr. *Lockhart* called the attention of the committee to the following clause:—"And be it further enacted, that in every case where a poll shall be demanded at any election of members to serve in parliament, after such apportionment as aforesaid has been made, and such poll shall not have before finally closed, such poll shall finally close at the expiration of the seventh hour from the commencement of the same, on the second day, unless it shall appear at that time, that 400 voters in the whole shall then have polled; and that such poll shall finally close at the expiration of the seventh hour from the commencement of the same, on the third day, or upon any day subsequent to the third, if it shall appear that 400 voters shall not have polled during the course of such day: provided always, that it shall and may be lawful for the sheriff or returning officer, in all cases where it shall be made to appear to him upon oath, which oath such returning officer is hereby authorized and empowered to administer, that the voters have been prevented from coming up to the poll *by reason of any riot, disturbance, or other obstruction*, to adjourn the poll to the next day, and to keep the same open, although the number of voters herein directed may not then have polled."—It appeared to him, that this clause was not sufficiently distinct. If the 400 had not polled, a candidate might contrive to excite a riot, with a view to obtain time for the collection of votes. Such riot might, indeed, be revived day after day by the unsuccessful candidate, in order to harass his opponent. It also appeared, that the existence of the riot was not limited to the place of polling; for wherever or however it occurred, the power of the returning officer to adjourn the poll was to be established. Such a latitude of discretion might induce the officer to act with partiality, and thus the object of the clause would be defeated. He had not, he confessed, any particular alteration to offer on this point, but he felt it his duty to throw out these suggestions for the consideration of the author of the bill.

Mr. *Wynn* said, it seemed that some discretion in such cases must be allowed. It should be recollected, that it would afterwards be liable to the consideration of a committee of the House of Commons, and also to the severe censure of that House, if improperly exercised. He admitted, that a riot might take place a mile or two, or a greater distance, from the place of polling, which might prevent the voters from coming up, and it was to meet such a case that the clause under consideration was so constructed.

Mr. *Lockhart* thought, that the poll should not be re-opened to any voter, unless he swore that he had been obstructed in his progress by a riot.

No further observations being made, the clause was allowed to stand in its present form.

Mr. *Wynn* then adverted to a clause which empowered the returning officer to proclaim a candidate duly elected in certain cases, although a poll had been demanded against another. In framing this clause, he had endeavoured to keep in view the principle of the ancient rule in parliamentary elections. It was rather hard on a person to incur the trouble and expenses of a poll, when nobody opposed him. The subject, however, was not essentially connected with the rest of the bill. He did not wish to press it, if the sense of the house appeared adverse to it. In most cases, he believed, it would appear that a poll was likely to be demanded against a candidate. But, in the instance of a person having the support of all, it might be right to adopt the particular clause, to save him from considerable inconvenience.—The clause was in these words. "And for the prevention of unnecessary expense at elections, be it declared and enacted, by the authority aforesaid, that from and after the passing of this act, if at any election of two members to serve in parliament for any county, city, borough, port, or place, the returning officer shall declare the view or show of hands to be in favour of any two candidates, and if a poll shall be demanded against only one of such candidates, so declared to have the majority upon the view or show of hands, then the returning officer shall in such case direct proclamation to be made, that the other of such candidates, so declared to have the majority on the view or show of hands, will be declared duly elected, unless a poll shall be-

demanded against him; and if upon such proclamation being so made, no person duly qualified by law so to do, shall demand a poll against such last-mentioned candidate, such returning officer shall forthwith declare such candidate, against whom no poll shall have been demanded, to be duly elected as one of the members to serve in parliament for such county, city, borough, port, or place, and shall proceed to take the poll for the election of the other member."—This clause was allowed to stand.

A long conversation then ensued on other parts of the bill, and, finally, it was agreed that the following clause should be introduced, immediately after the clause which excepted the two Universities and the city of London from the operation of the bill.—"And whereas in some counties there are separate general sessions of the peace and quarter sessions holden for the different divisions of such counties; be it further enacted, that in all such cases the high sheriff shall summon a general session of all the justices of the peace for such county, by public advertisement, to be holden at such place where such general sessions or meetings are usually holden, upon some day not more than two months from the passing of this act, for the purpose of carrying this act into execution; where such apportionment of the number of polling places for such county shall be made, subject to the like regulations hereinbefore directed."

The house then resumed, and it was ordered, that the report should be further considered on Monday next.

Board of Agriculture.] Mr. *D. Gilbert* presented a petition of the president and members of the Board of Agriculture, praying for further aid. The Prince Regent's recommendation being signified, the petition was ordered to lie on the table.

Lyme Regis Harbour.] On the motion of Mr. *Gordon* it was ordered, that "accounts be laid before the house of what sum has been actually expended since the last session" (see vol. i. pp. 1825—1829) "in the repair of the Cobb at Lyme." "Of any report or reports of the officer of the royal engineers employed to conduct the repairs, and an estimate of the expense for completing the same." (See the Appendix.)

Chimney Sweepers Regulation Bill.]—This bill was read a second time, and committed for Monday next.

Grievances under the Suspension Act.] Mr. *Bennet* said, he held in his hand a petition of Joseph Mitchell, of Liverpool, the person to whom allusion had been made in the debate of a former evening (see page 338.) and of whom the Solicitor-General had been pleased to say, that his statements were unworthy of credit, because he had been one of the persons imprisoned. He had, beyond all question, suffered imprisonment without indictment or trial, but whether he was therefore unworthy of credit, he (Mr. Bennet) would leave others to determine. He most certainly believed the representations of harsh usage, unauthorized cruelty, and wanton treatment in the petition to be true. The facts were such as claimed the most serious attention of the house, and the prayer of the petition called upon them not to pass a bill of indemnity to screen ministers from the consequences of their abuse of the powers intrusted to them. The petition was brought up, and ordered to lie on the table.

On the question that it be printed, the *Chancellor of the Exchequer* asked whether the hon. member could state that it contained nothing disrespectful to the house.

Mr. *Bennet* said, it might contain one or two harsh expressions, but its general tenour was respectful.

It was then ordered to be printed. It set forth, "that the petitioner, whilst attending on his business as agent to several publishers, had on the evening of the 2d of March, 1817, his lodgings in Manchester forcibly entered, his bedroom searched for his person and papers, and his portmanteau attempted to be opened by false keys and picklocks, by Joseph Nadin, deputy constable of Manchester, and two of his men called runners; that the petitioner being informed of this nocturnal visit by a person who happened to be in the house at the time, and heard the landlord threatened with the loss of his licence if he informed the petitioner thereof, the petitioner, having a wife and six young children to provide for, sought refuge in the house of a friend; that the petitioner was driven from this retreat by Nadin and his assistants, who forcibly entered his friend's house in the night, and searched the same; and in this manner was the prisoner driven from house to house, Nadin threatening he would have him locked up in prison if it cost him (Nadin) 500*l*.; thus was he pursued until the 9th of March, when he left Manchester to seek a resting-place in the country, but being still pursued, he fled to his disconsolate family in Liverpool; that the petitioner had not remained many days with his agonized family, before he was informed that the police were about to search his house, and fearing that the shock occasioned by his being dragged from home in the dead of the night (that being the time generally chosen for tearing reformers from their beloved families) would be too great for an afflicted wife and six young but affectionate children to bear, he therefore again sought an asylum in the country; that the petitioner, having returned into the vicinity of Manchester, was instantly informed that a number of persons had been apprehended at a public-house in Manchester, charged with having conspired together for the purpose of destroying that town, many of which persons (if at all connected with such a plot) were believed to have been led and instigated thereto by spies and informers, who had gone about for the avowed purpose (as the petitioner was informed) of making Manchester, as they called it, a second Moscow; that the petitioner, finding this to be no resting-place for him, proceeded into Yorkshire, where he was advised to proceed to London and state these

facts, with the popular opinion thereon, to some men who were both able and willing if possible to trace these plots to their true source; that the petitioner whilst in London met with a person named Oliver, who professed to be a reformer, and who urged the petitioner to leave London with him, stating, that the petitioner was in danger of being apprehended in London, and that he (Oliver) was in constant apprehension of being taken up, and that he had therefore determined to leave the country, and was then going to Liverpool to see a friend of his set sail for America, and also to prepare a passage for himself and family; that the petitioner left London in company with the said Oliver on the 24th of April, who on the road requested the petitioner to introduce him to a few steady reformers in any of the towns through which they passed where the petitioner had any acquaintance, which he accordingly did, in Birmingham, Wakefield, and Leeds, believing him to be a real reformer; that on the 4th of May the petitioner was seized by two ruffians, who took him by the collar as he was walking on the highway towards Huddersfield, and commanded him to return to some men who (these ruffians said) wanted him, which command the petitioner refused to comply with, asking them by what authority they stopped him on the king's highway? to which question they returning no answer, the petitioner attempted to proceed on his journey, when the ruffians, again seizing him by the collar, said, 'We will let you see our authority;' that the petitioner was by them detained on the king's highway until five or six other men came up to them, who ordered him to go along with them; the petitioner then inquired by what authority they detained and ordered him to go along with them, when two of them said that they were special constables, and that the petitioner should know further when he got to the place to which they intended to take him, adding that, if the petitioner refused to go with them, they would compel him, bidding some of their fellows to drag him along; that the petitioner was therefore obliged to go with them to a public-house, situated in a lonely place called Golker Hill, where he was taunted and otherwise abused through the whole of the evening; that when the petitioner retired to bed, a person was put into his room, who pretending to be a reformer, expressed much regret that it should have fallen to his lot to guard a person whom he could not but respect as a brother, and who exclaimed in bitter terms against those who were the cause of such unjust proceedings, adding, that not only a total change in 'Kings, *Castlereaghs*, and Commons,' must take place, but that 'all must be pulled down before any good would be done for the people,' which wretch the petitioner believes (as he then told him) was placed there for the purpose of leading the petitioner into some violent expression, and the petitioner was confirmed in this opinion, by hearing another person cough behind the door, on which the petitioner demanded that this vile fellow should leave the room; that the petitioner was next day taken before Justice Haigh, of Huddersfield, who, on one Brooks of Golker Hill stating that the petitioner was a reformer, and had attended public meetings, and that a reward was offered by government for his apprehension, ordered him to be remanded; on the petitioner remonstrating against being detained on so vague a charge, the worthy Justice replied, 'He would take all responsibility upon himself,' and delivered the petitioner into the care of a police officer named Whitehead; that the petitioner was conducted by Whitehead into a room in the George Inn, Huddersfield, where he asked the petitioner if he would pay for a person to guard him, on which the petitioner replied that he had neither the power nor the will to pay money for any such purpose; then Whitehead bade the petitioner to follow him to a lodging which he said was much better than the petitioner deserved; that the petitioner was then put into a place called Towzer, the most damp and nauseous dungeon imaginable, having no fire in it, the floor of which was nearly covered with human excrements, the bedding beyond description filthy, and the whole place was fœtid to such a degree that the petitioner scarcely thought it possible to exist therein until the next day; that the petitioner remained in this nauseous place twenty-six hours, after which he was removed to a room where Oliver appeared as a prisoner in great agitation; the petitioner was shortly removed to another house, where he was ironed, then placed between two thief-takers in a chaise, and conveyed to Manchester police office, and thence to the New Bayley prison; that the petitioner, when in the police office, and also in the New Bayley, demanded to be informed for what he was detained, and by what authority he had been apprehended, but no answer was given to him until the 7th of May, when the petitioner was brought before a number of gentlemen in a room belonging to the New Bayley, where one of them appeared to preside; here Nadin, the deputy constable, deposed that he had seen a warrant, signed (he doubted not) by the Secretary of State, authorizing the apprehension of Mr. Mitchell, on a charge of high treason; that this warrant had been returned to the Home Office, because they had heard that the petitioner was gone to America; that the petitioner requested to know whether the gentlemen who presided intended to keep him in custody on the mere deposition of Nadin? when he was informed that it was their intention to detain him until they heard further from the Home Office; the petitioner then requested to withdraw to his cell and straw bed, which was granted, where he remained until about twelve o'clock on the night of the 8th of May, when he was ordered to prepare for London; during his confinement in the New Bayley, the petitioner was insulted with the felons' allowance of food, and was told that Nadin had given orders that nothing else should

be given to him; that the petitioner was then handcuffed, and so conducted to the police office thence to the coach, and was there very heavily ironed, which irons he bore all the way to London; being arrived there, the petitioner was taken to a public-house in Bow-street, and from thence before the Secretary of State, who ordered him to be put into close confinement until the 20th of May, when he was to be brought up for examination, as he understood; that the petitioner was then taken to Cold Bath Fields Prison, and put into a room with another prisoner, where he became dangerously ill, through, as he supposes, the baneful effects of that pestilential place in which he was confined at Huddersfield; the petitioner wishes to state, that although he still feels the ill effects of that destructive place at Huddersfield, he considers his present state of health to be owing to the kind attentions of his fellow prisoner, the doctor, and the governor; that the petitioner was again taken before the Secretary of State, who committed him to close confinement on suspicion of high treason; he was therefore remanded to Cold Bath Fields Prison, where he remained in close and solitary confinement, except being visited by Oliver three successive days on or about the 21st, 22d, and 23d of May, on each of which days the petitioner was fetched by a turnkey into a room in the governor's house, where his interviews with Oliver took place; that on the 30th day of December 1817 the petitioner was liberated, as he understood, without recognizance, until, on the 21st of January 1818, he was informed by the Mayor of Liverpool, that he had received a letter from the Home Secretary, which stated, that in consequence of his lordship having heard nothing against him since his liberation, his appearance on the first day of term in the Court of King's Bench would be dispensed with, and hoping that his future conduct would be such as never to render it necessary to call him into a court of justice; that the petitioner, in consequence of the Mayor's communication, deemed it necessary, though at a great and very inconvenient expense, to appear in the said Court of King's Bench, in order to get such supposed recognizance nullified, that he might not in future be subjected to extraordinary penalties on the misrepresentations of malevolent or interested men; that the petitioner, though altogether unconscious of having violated, or intending to violate, any constitutional principle or law of the land, but who on the contrary has made considerable efforts to preserve the peace of the country and the lives of his much aggrieved countrymen, whom he considered in danger of being goaded on by hunger and by spies to acts of desperation; that, in consequence of the petitioner's unjust imprisonment, his business is totally ruined, himself involved in very considerable embarrassments, his character traduced, and his friends and connections enormously imposed upon, by the misrepresentations of spies and informers, which spies and informers have introduced themselves to the petitioner's acquaintance under the pretence of collecting money for his or his family's use, and have otherwise so made use of his name to excite the more distressed parts of the labouring class to acts of violence whilst the petitioner was in prison, that the doors of his friends are shut against him, and himself precluded the possibility of providing for his helpless family through the common course of trade; that though the petitioner considers that the house furnished the ministers of the crown with that power which they have so wantonly and unprovokedly used against him, in dragging him from his family and immuring him in a solitary dungeon two hundred and forty-one days, yet the petitioner, trusting that such powers were granted for the wisest of purposes, implores that the house will not only refuse to give its sanction to a bill of indemnity, to screen those ministers who have abused the powers the house confided to them, but, as in times less oppressive, when the house interposed their powerful aid to stop the torrent of unjust persecution, they will now so take the petitioner's case into their most serious consideration, as to grant him that redress which will enable him to bring to justice such individuals as have so incalculably injured him, and also enable him to meet his friends and connections as he should have done had he not been so unjustly imprisoned; and the petitioner, forgetting the sorrows of a solitary imprisonment, will, as in duty bound, ever pray."

Mr. *Bennet* said, he had a petition from another of the same class of sufferers. It was the petition of Thomas Evans, of Newcastle-street, in the Strand. It contained a complaint of inflictions and cruelties, such as he had represented in his petition of last year, and the prayer was for inquiry into the truth of his allegations.—It was ordered to lie on the table.

Sir *M. Ridley*, on the question being put, that the petition be printed, rose to protest against any precedent that might be established by the Chancellor of the Exchequer having asked, when the question of printing a former petition was put, whether it contained any thing disrespectful, as if a petition respectful enough to be laid upon the table were not respectful enough to be printed. The Chancellor of the Exchequer might put such a question before the petition was laid on the table, but every petition laid on the table was entitled to be printed.

Mr. *Wynn* said, that petitions might be laid on the table which contained statements that might make it improper to print them. It might be proper that the house should know their contents, and yet it might be improper to give them further publicity. The house ought, therefore, to use its discretion as to printing a petition in each particular case. The reason for printing at all, was for the convenience of the members of the house.

Lord *Folkestone* thought that the hon. member's argument went rather to shew the propriety

of printing all petitions. How else could members become acquainted with their contents, unless the six hundred and upwards who composed the house were to go up, one by one, to the table, for the purpose of perusing the written petition? *(Hear, hear.)* He was surprised to see so many innovations introduced by those who made innovation one of their main arguments against the most important improvements. (*Hear, hear, hear.*) It was only since the last eight or nine months, that it became necessary to make a distinct motion for the printing of a petition. In his memory, every petition presented was printed at full length. They were gradually shortened; and, at length, a particular motion became necessary for the printing of a petition at all. He had on a former occasion (see page 126.) expressed his regret at this vote. It was a palpable injury to the people that every petition should not be printed, in order to come readily under the observation of the house; for they were only the servants, the representatives, of the people. He should not, however, be surprised, although he should be sorry, to find it ordered, that no petition be printed.

It was then ordered, that the petition of Mr. Evans should be printed. It set forth, "that the petitioner solicits the earnest attention of the house to the grievous and illegal persecutions which he is about to detail, in full confidence that he is able to adduce undeniable proof of the correctness of every allegation, and in ardent hope that the house, as the constitutional guardian of public right and avenger of individual oppression, will interpose their high authority to enable him to obtain plenary justice; that on the 18th day of April in the year 1798, the petitioner was seized, pursuant to a warrant charging him with high treason, issued by his Grace the late Duke of Portland, then one of his Majesty's principal secretaries of state; that the petitioner was held under re-examination until the bill for suspending the Habeas Corpus Act was passed, and was then committed, on pretence of treasonable practices, to the House of Correction for the county of Middlesex, from whence he was transported to the county-jail at Winchester, and again to that at Chelmsford, at which jails he was treated with more rigour than the common felons, being denied during the whole period of this long imprisonment the use of books or the possession of pen, ink, or paper, or the access of friends or relations; indeed so severe was the nature and so lengthened the duration of this unjust confinement, that after his liberation the petitioner was frequently afflicted with a dropsical malady or species of erysipelas in his limbs, which has greatly impaired his former excellent state of health, and sometimes rendered him an invalid eighteen months together; that on the day following his arrest, the wife of the petitioner, though far advanced in pregnancy, was with their infant son committed on the same false charge to the House of Correction, amongst the female felons, from whence she was taken and examined before the Lords of his Majesty's most honourable Privy Council, through which nefarious artifice sufficient time having elapsed, she was, after enduring three days' imprisonment, permitted to return to the petitioner's house, which she found had, during her absence, been filled with police officers of the lowest and most brutal kind, who had been sent thither to apprehend every person that might visit the house whilst they held unlawful possession, which supposed authority they had acted upon to the extreme, even inviting some of the friends of the petitioner into the house, in order to comprise them within their assumed jurisdiction; and the police officers, when they had satisfied themselves with the number of their seizures, had abandoned the house to whatever accident might have befallen it, had not the sister of the petitioner's wife fortunately arrived and prevented further mischief by her presence; that at the end of two years and eleven months the petitioner was liberated without trial or any recompence for the manifold injuries he had sustained, and before he could proceed to obtain legal redress, the authors and inflictors of those injuries procured from Parliament an especial act of indemnity for this and other similar abuses of their ministerial trust; so that thus ruined in property, debilitated in health, and calumniated in character, his profession reduced, his connections broken up, and all the fruits of his previous industry dissipated, he found himself at length suddenly cast upon the world to maintain his family, under circumstances which seemed to forebode years of penury and privation; that the petitioner, since his liberation from this confessedly illegal imprisonment, had not taken any part in political affairs of any description, but had been sedulously engaged in the business which he had taken up, and from the labours of which for sixteen years he had never indulged in two successive days of recreation, his former persecution and unrequited losses having rendered the utmost industry and carefulness necessary on his part to provide for his declining years, and against the dangerous attacks of the incurable malady contracted in consequence of the rigour and closeness of his imprisonment; that the petitioner had succeeded through his unremitting exertions in establishing a manufactory of patent braces and spiral steel springs, to which he looked up as a secure shelter from the approaches of future distress, when, notwithstanding his inoffensive conduct, he was again assailed in a manner equally as unjustifiable and malignant as his first persecution was acknowledged to have been by the measures enacted to prevent the punishment of his oppressors; that early on Sunday morning the 9th day of February, 1817, the petitioner and his only son were seized by a party of the police led by John Stafford, who produced for his authority a warrant from Lord Viscount Sidmouth, one of his Majesty's principal secretaries of state, imputing to them suspi-

cion of high treason, and directing the captors to seize their private papers, which having been obtained, the petitioner and his son were conveyed to the police office, Bow-street, where they were furnished with breakfast, but not brought or examined before any magistrate; that the petitioner and his son were about noon conveyed to the office of the secretary of state for the home department at Whitehall, and put into a room with James Watson, Thomas Preston, John Keens, and John Castle, with whom they remained until the evening, when the petitioner was singly taken before the lords of his Majesty's most honourable privy council, and informed that he had been arrested and stood charged on suspicion of high treason, which the petitioner immediately denied, pointing out to their lordships that the suspicion was wholly grounded upon the assertion of lord viscount Sidmouth, inasmuch as his lordship had not issued his warrant on the oath of any existing person; and the petitioner further challenged lord Sidmouth or any other person to depose that he had committed any breach of the law whatever, nor was the petitioner then, or at any other subsequent time, questioned before their lordships or any other magistrate relative to any criminal misconduct on his part; that towards eleven o'clock at night the petitioner was conveyed alone to the House of Correction for the county of Middlesex, on his arrival at which place he instantly in the presence of the king's messenger demanded a copy of his commitment: he was then conducted to what are called the state rooms, and lodged in one of them, in company with Thomas Curtis, a pardoned criminal, who had become an evidence for the crown, and was then in custody to be forthcoming at the trials of some of his confederates; that on the 11th day of February and third of his confinement, the petitioner obtained permission to write at the office of the prison, where he drew up a petition to the house, complaining of the outrage against the personal liberty of the petitioner and his son perpetrated by lord Sidmouth, which petition, addressed to lord Cochrane or sir Francis Burdett, per favour of Samuel Brooks, esq. Strand, the petitioner the same morning delivered to Mr. William Adkins, the governor, to be sent according to its direction, but it was sent to Whitehall and there detained, and in consequence it never was presented to the house; that the petitioner discovered, on his first interview with his wife after his incarceration, that this petition had not been presented to the house, on which the petitioner wrote to his solicitor, directing him to call at the office of lord Sidmouth, and demand that petition, or to procure an order for admission to the petitioner to receive another petition, or to sue out a writ of Habeas Corpus in order to bring the petitioner into court, that some definite legal accusation might be enforced, or his discharge obtained; that on the next interview with the secretary of state, the petitioner complained to his lordship of the detention of his petition at his office; his lordship however denied any knowledge of the circumstance, and stated he would order an inquiry, but on the petitioner meeting sir Nathaniel Conant below, sir Nathaniel, in the presence of Mr. Adkins, told the petitioner that 'the paper was in the office, and that any person might have it that called for it, but that he (sir Nathaniel) did not think himself a proper medium of communication between persons charged with high treason and sir Francis Burdett;' a day or two following, on the 25th of February, sir Nathaniel forwarded this petition to the solicitor of the petitioner, accompanied with a note, stating similar reasons for its detention at his office; that on the 27th day of February the petitioner was visited by his solicitor, when the petitioner furnished him with a second petition, which was the same evening presented to the house by the honourable Henry Grey Bennet; that the petitioner was taken six times before the secretary of state at Whitehall, on each of which occasions the petitioner did invariably solicit in the most earnest manner to be confronted with his accuser, or that the act of treason sworn to should be named, which being invariably refused, the petitioner constantly challenged the pretended charge of high treason as false and unfounded, unsupportable by evidence, and totally groundless in fact; and the petitioner moreover observed to their lordships, that he was held by mere arbitrary authority, inasmuch as no proceedings in law had been instituted against him, nor could he be legally restrained from retiring from that office to his own home; that on the first five times of the petitioner's examinations (as they were improperly denominated) he was each time remanded to prison on commitments by lord Sidmouth and sir Nathaniel Conant, both stating that the petitioner was charged before them on oath, and during this period the petitioner was denied the possession of pen, ink, or paper, or intercourse with his friends, or the knowledge of public affairs, his lordship having assumed the power to dispose of the petitioner at his will and pleasure, although the laws for the security of personal freedom were then in full force; that on the sixth and last time of the petitioner's examinations he was remanded on a commitment by lord Sidmouth only, the Habeas Corpus Suspension Bill being then passed, in which commitment his lordship desisted from inserting the mention of any oath against the petitioner; that the petitioner, apprehensive that he would be detained for an indefinite length of imprisonment, did, on the 10th day of April, deliver to Mr. Adkins, the governor of the House of Correction, a petition addressed to the lords of his Majesty's most honourable privy council, praying, that if any legal charge had been preferred against him he might be liberated on bail, or investigation be instituted into his case forthwith, in order to enable him to prevent the utter ruin of his manufactory, and the reduction of his wife

to extreme poverty; but in the afternoon of the same day the petitioner and his son (who had been kept separate from the petitioner since the first moment of his confinement) were removed to the Surrey County Gaol, Horsemonger-lane, where they were again separated, the petitioner was put in irons like a felon, and carried to one of the strong rooms or condemned dungeons, in which he remained until the 27th of July, in utter solitude, accommodated with a bag of chopped woollen rags for a bed, a tub in one corner for a water closet, a pail to hold water, a tressel for a table, a chair, a chamber-pot, a stick for a poker, and a bit of an old tin pot for a shovel, the use of candle was prohibited, and fire ordered to be extinguished at dusk; the petitioner was moreover denied the introduction of a box to hold his clothes, and his flute was taken away the instant of his arrival; that in the room beneath the petitioner's were confined three or four condemned criminals, whose lamentations, moans, and death songs or hymns, till the day of execution, were so piercing and incessant, that the feelings excited in the petitioner in that dreary situation altogether precluded him from enjoying any repose, and greatly aggravated his sufferings both personal and mental; that three magistrates visited the petitioner whilst he was ironed, and approved of his accommodation in every respect, unless the secretary of state should give contrary orders; the irons were however removed on the third day; that the petitioner was only allowed to have interviews with his wife through a grated door twice a week, in the presence of the turnkey, and the petitioner's wife was circumscribed to a single hour to visit the petitioner and his son, who was placed quite at the other end of the prison; that the petitioner in the month of June did petition the house for redress, in consequence of which he was visited by some members of the house, after whose visitation the petitioner was admitted to walk for exercise in a passage between two rows of cells, and he was allowed to have his musical instruments, a feather bed was furnished, and the use of candles was permitted; that the petitioner learns with astonishment and indignation that some of the allegations of that petition were contradicted, for the petitioner assures the house that there is no allegation in that petition which he is not prepared to prove at their bar to be strictly and literally true: that on the 27th day of July the petitioner was removed to the room of his son, who had been similarly ill treated during their separation; that throughout the period of the petitioner's recent imprisonment, with the exception of his wife, all his friends and relatives were prohibited from visiting him, notwithstanding his urgent solicitations to the contrary; that on the first day of this present month the petitioner and his son were taken to the office of sir Nathaniel Conant at Whitehall, and there offered to be released on entering into recognizances in the sum of 100*l.* each to appear in the Court of King's Bench on the first day of the present term, and from day to day to answer to such matters and charges as should then and there be produced against them, and not to depart the Court without leave, with which conditions the petitioner and his son refused to comply, insisting upon being brought to trial for the offences imputed to them, or being discharged unconditionally; that the petitioner and his son were liberated on the evening of the 20th instant, by order of lord Sidmouth, without being required to enter into any acknowledgments, and without any compensation for this illegal, unmerited and protracted persecution; that the petitioner particularly wishes to impress upon the attention of the house, that at each of his interviews with lord Sidmouth, between the period of his arrest and final commitment, the petitioner did uniformly insist upon being confronted with the person who was said to have made oath against him, but that no intreaty or demand could induce lord Sidmouth to comply with this just and legal request; and the petitioner consequently believes that the pretended charge of high treason against himself and his son was altogether a mere fabrication for the most wicked purposes, and that no person ever did make oath against them relative to any matter or thing which could warrant a suspicion of high treason; that the petitioner finds his business completely ruined, his future prospects overcast, and his character deeply injured by many false and scandalous rumours originating from this persecution; he has been treated with the greatest indignity, cruelty, and injustice, for no assignable cause whatever, except the personal hostility of lord viscount Sidmouth; the petitioner therefore prays that the house will institute an immediate inquiry into the allegations herein set forth, in order that the grievances of the petitioner may be fully redressed."

Mr. *Bennet* rose to present a petition from another of the same class of persons. It was from William Ogden, a man 74 years of age, who solemnly protested before God, that he had done no wrong, although he had been kept for nine months in confinement.

The petition was ordered to be printed. It set forth, "that the petitioner is an old man, seventy-four years of age, with a large family dependent on him for support, and during his absence his wife solicited the overseers of Manchester for relief, but was rudely refused any, as he the said petitioner was an advocate for parliamentary reform, although he has paid the poor rate in Manchester for thirty-six years, and by his two wives had seventeen children; he was seized, by a warrant from lord Sidmouth, on Sunday morning the 9th of March 1817, while in bed, the day before the meeting of the 10th; his house was rummaged, his property carried away, and all his papers, and though nothing was found but what was perfectly legal, he was committed to prison in solitary confine-

ment, nor had he any meat allowed him from Sunday morning till Tuesday at three o'clock in the afternoon, when, on complaint to Col. Sylvester, the magistrate, he was ordered a threepenny pye, which was all the meat allowed him at that prison; he also informed the said magistrate that his shoes were broke, and not fit for such a journey, on which the magistrate said, 'Get him a pair, Nadin, get him a pair;' but the catchpole replied, 'Why did you not send for another pair?' to which the petitioner replied, 'I have not always two pair, and did not know of marching orders;' but Nadin replied, 'It's too late now,' and overruled the colonel, as none were given the petitioner; he was then loaded with a manacle not less than thirty pounds' weight, and treated in the most brutal manner by the constable, and Nadin his deputy, whom the petitioner has every reason to conclude was the informant against him; as he had for six weeks before declared to the petitioner personally, that if he did not discontinue his attendance at the public meetings he would apprehend him; conscious of the rectitude of his conduct, the petitioner disregarded his rude threat; but before the meeting of the 10th of March commenced he was apprehended by the said Nadin, and therefore did not attend; on application to face any informant, the petitioner was treated indignantly by the ferocious Nadin, and immediately posted off; the ponderous irons the petitioner was loaded with broke his belly, and caused an hernia to ensue about eight o'clock in the evening, when going to bed, and it was impossible to alarm the gaoler; the petitioner remained in that dreadful state for more than sixteen hours in the most excruciating torture; on the turnkey appearing in the morning, two surgeons were sent for, who, after using such means as seemed to them necessary, found nothing would do but the knife, and apprehended, from the petitioner's age (seventy-four), he should die under the severe operation; the pain he endured was so great, that he insisted on that means being resorted to; they unwillingly commenced the operation, which continued for one hour and forty minutes; and, praised be God, and the skill of the surgeons, the petitioner survived it, contrary to the surgeons' expectation, but much debilitated in his constitution, and he is fearful he shall never be able to follow his employ as a printer; Mr. Dixon the surgeon, and his partner, performed the operation in Horsemonger Gaol, and can witness to the truth of this statement; the wound in the groin of the petitioner was above seven inches in length, and Mr. Dixon had his entrails out of his belly in his fingers, like a link of sausages; Mr. Walters the governor was also there, and can speak to the fact here recorded; thus has an old man been torn from his family, and ruined in his business, by the base municipality of Manchester alone, who alone were the rioters, one of whom was a clergyman, the Rev. Mr. C. Ethelston; for the petitioner declares before God, who is both omnipotent, omnipresent, and omniscient, he had done no wrong, though he has suffered all this, and been near nine months in solitary confinement, through the machinations of mean unworthy men, who have disgraced the very source that created them; the petitioner, therefore, humbly hopes that the house will not pass any act of indemnity so as to preclude him from seeking that redress his hard case merits, and that remuneration which he is in justice entitled to."

Sir *Francis Burdett* rose to present a petition of a similar nature. He said, it was scandalous and disgraceful to the nation that so many innocent men could be seized and subjected to imprisonment, to want, and to irons: they were injured beyond almost any parallel. They had been arrested without a charge, they were confined and punished according to the pleasure of ministers, and they were most illegally discharged without an opportunity of proving their innocence and their sufferings. They had always pressed for a trial, but when the time came, their accusers shrunk from such a test of their conduct. He moved that the petition be read, and that it do lie on the table. It would not lie idle there, for the noble lord's (Folkestone) motion would give an opportunity of making due use of it.

The petition was read and ordered to be printed. It was the petition of John Stewart, weaver in Glasgow, and set forth, "that the petitioner was apprehended by the sheriff of Lanarkshire on the 22d of February last year, and put in prison, where he remained seven weeks and three days, when he was liberated on bail, without having been charged with any specific crime; that from the 22d till the 26th of the said month, he continued in jail without fire, candle, provisions, or even a bed to rest upon, in that cold and inclement season of the year; that his prison allowance was only four shillings and eight pence per week, two and sixpence of which was expended in the articles of coals, candle, and other necessary things, leaving only two shillings and two pence to find him in weekly subsistence; that the petitioner has a wife and three children who suffered severely from the want of his labour and company, while the loss of work, the expense of a bail-bond, and other charges connected with his confinement and liberation, have reduced his circumstances and require redress; may it therefore please the house to take the above into serious consideration, and grant such redress as to them may seem meet."

PARLIAMENTARY REFORM.] Sir *F. Burdett* presented a petition of certain inhabitants of the parish of St. George, Hanover-square, which the clerk began to read. It expressed their conviction, in common with that of the whole kingdom, that the house did not in any intelligible or constitutional sense represent the people, that they were the instruments of a weak and contemptible administration, who had suspended the

constitution of the country, and punished the people at their pleasure. It then proceeded in these terms:—"If the house will not listen to their complaints, or grant the required reform, they will most certainly resist the payment of taxes."

Lord *Castlereagh* rose to request the clerk to read the last sentence over again. This being done, he rose again, amidst the cheers of the house, to say, that the language and spirit of the petition were neither respectful to the house, nor reconcileable with the laws and constitution of the country. He, therefore, moved, as an amendment, that it be rejected.

Sir *F. Burdett* contended, that, as the petitioners were to resist the payment of taxes only in a legal manner, their petition ought to be received. It was the very principle and spirit of the constitution, that the people should pay no taxes but through their representatives. If, then, they were called upon to pay taxes which their representatives had not imposed, the constitution and laws of the country should protect them from the payment of those taxes.

Lord *Castlereagh* rose again, and barely read the obnoxious sentence.

There was a general call for strangers to withdraw, but the petition was rejected without a division.

Sir *F. Burdett* then presented ten petitions of inhabitants of Bath, praying for universal suffrage and annual parliaments.—Ordered to lie on the table.

BANK OF ENGLAND.] On Mr. *Brogden's* bringing up the report of the Exchequer bills bill,

Mr. *Tierney* said, he had a question to put to the right hon. the Chancellor of the Exchequer, to which he felt it of great importance to obtain a definite answer. The right hon. gentleman had called for a grant of thirty-nine millions by Exchequer bills: he was then satisfied with a grant of thirty millions, which, it was represented, would be sufficient to meet all the charges on the revenue previous to the Easter holidays. What, therefore, he wished to know was, whether the sum of six millions, to be paid to the Bank on the 5th of April next, was included in these thirty millions? In other words, would this grant meet the current expenses, and discharge the demand of the Bank?

The *Chancellor of the Exchequer* replied, that it would fully meet the current expenses, and the whole sum, due to the Bank, if necessary, but he was inclined to think, that the repayment would be gradual, for the mutual convenience of the parties.

Mr. *Tierney* said, whether the repayment were in one sum, or by partial payments, was a secondary consideration. The fact he wished to ascertain was, would the six millions be paid to the Bank at the time fixed by the act of parliament for its repayment?

The *Chancellor of the Exchequer* said, that no part of this sum would be due until the 5th of April. Then the repayment would commence, and, as he had said, would, for mutual convenience, be gradual.

Mr. *Tierney* remarked, that the convenience of the party to whom the money was to be paid, would be best consulted by liquidating the demand. It was most important to the country that it should be repaid to the Bank at the time specified by law, because it went to afford to the Bank the facilities of meeting its engagements with the country, by paying its notes in cash. But, what said the Chancellor of the Exchequer to-night? That on the 5th of April the payment of the six millions would take place? No such thing—it would only commence. So that, if the right hon. gentleman should think proper to pay the Bank a one pound note, he thought the enactment was fulfilled. On a former evening he (Mr. T.) had congratulated himself on having at length pinned down the Chancellor of the Exchequer to something precise. But now they were wholly at sea again. Every thing definite that the right hon. gentleman had before stated, relative to the payment of these six millions to the Bank, at the time specified, he had now knocked on the head. If there had been any arrangement between the right hon. gentleman and the Bank, in common candour why not state it? Then we should start fair. What he now heard, satisfied him as to a rumour which he had that very day heard from persons conversant with these affairs, that the repayment of these six millions to the Bank, as positively asserted by the Chancellor of the Exchequer, never was in contemplation. He was never able to comprehend what the right hon. gentleman was at. All persons who thought they understood the English language, fancied the other evening that the right hon. gentleman had said, that the Bank would be paid in money. Now, however, it appeared, that nothing of the kind was to take place. The best rule for hon. members would be, whenever they asked the right hon. gentleman a question, to wait for a fortnight before they satisfied themselves that they completely understood his answer. (*A laugh.*)

The *Chancellor of the Exchequer* said, he was persuaded that the right hon. gentleman was the only person in the house who understood him on a late occasion in the way in which he had described. On that occasion the right hon. gentleman asked him, whether the six millions which would become due to the Bank of England on the 5th of April next, would be paid in Exchequer bills, or in money? His reply was, that it would be paid in money. But he had not said—indeed the question had not been asked him—that it would be so paid on any given day. His answer was simply to be understood in this sense, that government did not intend to renew the six millions in Exchequer bills, but that, at some period within the time specified by act of parliament, that sum would be paid to the Bank in money. He had not

stated the precise time when it would be actually paid, but the want of the money could in no way impede the resumption of cash payments by the Bank, abundant provision having been made with reference to that object.

Mr. *Tierney* observed, that holding in his hand an act of parliament, which said, that the six millions should be repaid to the Bank on the 5th of April next, he had asked the right hon. gentleman whether it was his intention to repay it in Exchequer bills or in money? The right hon. gentleman replied, in money. He (Mr. Tierney) certainly then understood that it was to be so repaid in money on the day specified in the act. Such was the obtuseness of his intellect, that, when he knew that money became due on the 5th of April, and when the right hon. gentleman told him that it was to be paid in money, he was fool enough to believe that it would be paid on that day. (*A laugh.*)

Mr. *S[illegible]* wished to ask whether it was the intention of government to pay the six millions to the Bank of England before the expiration of the act which authorized the Bank to suspend their payments in cash?

The *Chancellor of the Exchequer* replied [illegible] it would be paid in such sums as might be required (*hear, hear.*)

Mr. *Grenfell* declared, that the [illegible] on his mind, from what had fallen from the right hon. gentleman on a recent occasion, was, that this payment was to take place, in cash, or in bank notes, on the 5th of April. But now the right hon. gentleman said, it was to be paid as it might be required by the Bank; though, but two minutes before, he had stated, that it would be paid before the end of the session. By the act of 1816, an option was given to government to prolong the payment to the Bank of this loan of six millions for three years. Did the right hon. gentleman mean to state, that, if the Bank did not require the money, or if he were not disposed to pay it, he should feel justified in delaying the payment to the extent of that period? It was not, however, entirely for the purpose of putting this question that he had risen. He rose to express his hope, that the right hon. gentleman, in raising money, would adhere to the system which had been pursued so advantageously for the public, in the mode of issuing Exchequer bills, during the last five months; namely, to issue them at the rate of two-pence *per cent. per diem*, which was equal to about three *per cent. per annum*. If from this were deducted the premium of one *per cent.* borne by those bills since October, it would appear that money might be raised at present at so small a rate as two *per cent.* This was certainly a state of things extremely advantageous. Besides the positive saving (which, if the same amount of Exchequer bills were issued this year as in the last, would come to five or six hundred thousand pounds) there was another most important benefit, namely, the tendency to keep down the rate of interest of money in the country. Government being able to raise money at two *per cent.* must in time establish as low a rate of interest throughout the country. He was one of those who were of opinion, that a low rate of interest must be highly advantageous to the community. It was in itself evidence of a state of prosperity. It stimulated national industry; it stimulated commerce; it stimulated agriculture. It afforded facilities to that great, respectable, and preponderating class, the landed interest, to raise money on the security of their estates at a moderate interest, for the improvement of their property. During the latter periods of the late war, it was absolutely impossible for any gentleman of landed property to raise a shilling on that property at legal interest; and those who felt an imperious necessity to raise money on their estates, were compelled to do so, either by an infraction of the existing law, or by consenting to the most onerous and ruinous terms. He wished to add a few words with respect to the discounts of the Bank of England. He had not the [illegible] to interfere with the [illegible] of the Bank in this respect. He was far from thinking that that house had any right to interfere with the Bank respecting the rate of discount. At the same time, [illegible] the privileges, immunities, and advantages which the Bank derived from their [illegible] with government and the legislature, he hoped he should not be thought too assuming, when, as a member of that house, and with a view to the production of as low a rate of interest as possible, he suggested whether it might not be expedient, and becoming, in the Bank of England to reduce their rate of discount from five to four per cent. If, as a Bank proprietor, he were addressing the court of proprietors, he would recommend such a measure, even on the ground of its advantage to the Bank itself, as there was little or nothing to do while the discount was maintained at five per cent. while, in all probability, there would be a great deal to do were the discount reduced to four *per cent.*

The *Chancellor of the Exchequer*, in reply to the question with which the hon. gentleman commenced his observations said, that the option of postponing the repayment of the six millions to the Bank for three years would not be accepted, but that they would be repaid in the course of the year. He agreed, in a great measure, with what had subsequently fallen from the hon. gentleman, and must express the great gratification which his Majesty's ministers derived from being able to raise money on more advantageous terms than had ever before been obtained in this country.

The report was then agreed to, and the bill was ordered to be read a third time on Monday.

The Malt, &c. Duties Bill was reported, and ordered to be read a third time on Monday.

CONSTABLES OF WESTMINSTER.] Mr. *Calcraft* presented a petition of William Lee, high constable of Westminster, and the petty con-

stables acting under him, praying for a remuneration for attending the houses of parliament. The Prince Regent's recommendation being signified, the petition was ordered to lie on the table.

SCOTCH BURGHS.] Lord *A. Hamilton* rose to make a motion relative to some late transactions in the burgh of Montrose, which were likely to have a material influence on the future situation and destiny of Scotch burghs.—He said, he should commence by declaring what his intended motion was not, and then proceed to state what it was. It was not any disguised motion for parliamentary reform, nor had it any necessary connection with that unwelcome topic. His motion would be, for the production to this house of those proceedings of the privy council, which were technically called the act and warrant, by which a new election of magistrates had been granted by government to the burgh of Montrose, and also a radical and important alteration had been made in the old constitution of that burgh. The learned Lord Advocate had declared last session, when he (Lord A. H.) had supported the prayer of some Scotch petitions for parliamentary reform, that the people of Scotland were satisfied with things as they were. Such a declaration would surely not be made now. They who had observed what had passed in that country for the last six months, who had noticed how many public meetings had been held for the sole purpose of considering the abuses and mismanagement in their burghs, who had seen how all the newspapers in that country had teemed with resolutions from the different burghs, stating the grievances which they actually suffered, and the helpless and cruel condition of distress and insolvency to which they were approaching, would find some difficulty in believing the learned lord's assertion of last year—that the people of Scotland were satisfied with these matters as they were. He was convinced, that neither the noble lord opposite, nor any other member of his Majesty's government, if he could be made perfectly acquainted with what had passed, and was passing, and likely to continue, in the Scotch burghs, would voluntarily continue that system of fraud which wasted the resources, and of self election in the magistrates, which eluded and defied all responsibility. One fact alone would shew the wretched state of things in those burghs—it was this—that the inhabitants of a burgh in Scotland, who had no voice in the appointment of the magistrates of that burgh, and no control over their conduct, were nevertheless liable, according to the best information he had been able to obtain, and according to the highest legal opinions, for whatever debts they might in their magisterial capacity contract. Indeed, it had been solemnly decided, within the last fifty years, both in the court of exchequer and court of session, that they, the said courts, had no jurisdiction against the magistrates of a burgh, in questions of general account. This abuse was founded upon another still greater—namely, self election in the magistrates—a practice contrary to all reason, sense, and justice, and to every principle of the British constitution. Indeed, it was an abuse of such a nature, when applied to a corporate body, which had duties to perform, that the wit of man could not contrive a mode better calculated to produce the most domineering arrogance in these municipal governors, and in the helpless governed the most abject state of subjection and servility. In several burghs in Scotland, the magistrates, if they chose, were, year after year, self elected in perpetuity. In most, the matter of election was so managed that it amounted to the same thing. In other burghs, the magistrates were not bound to reside, and, in fact, did not reside, and were rarely seen in the burgh, whose concerns they pretended to manage, except once a year, to be re-elected. All these were abuses of the most discreditable and injurious nature. It was not his wish or intention upon the present occasion, to excite any unpleasant feelings on the subject. He by no means meant any hostility to the learned lord, or the honourable gentlemen opposite. He should be very sorry if any thing he said or did, should be injurious to that cause which he was anxious to serve. It was the cause of Scotland, and, in his conscience, he believed, that in no way could he more effectually promote the best and permanent interests of that country, than by using his humble efforts to effect the destruction of this odious system of burgh management, to annul that abominable abuse, the self-election of magistrates, and to establish the liability of those entrusted with the funds and possessions of burghs, to have their management brought to the test of strict and accurate accounts. He would now proceed to detail the particulars of the case, which had occasioned his motion.—What had occurred was this:—In the course of last year, an irregular election of the magistrates took place at Montrose—it was deemed, indeed, wholly void—and thus the burgh, in its corporate capacity, had lapsed, and become dormant. There existing no power within it to revive itself, application was made through the Lord Advocate to the King in council, to re-establish the functions of the burgh, by granting what is called a poll-election, that is, an election of the magistrates and council by a general vote or poll of the burgesses. Thus far he had nothing to object to. But, besides this poll-election, the act and warrant of his Majesty in council had taken to itself the privilege of also granting a change in the set or constitution of the burgh; and this, he contended, was an usurpation of illegal power.—And although he was ready to admit, that the alteration was an improvement, and a benefit to the burgh, yet he must object even to a benefit, if it was conferred through the medium of an usurped and unconstitutional power in the crown. He would illustrate his meaning by reference to what took place last session, in regard to the distinguished person who lately sat in the chair. A message from the crown was

brought down to the house, soliciting the means of making provision for Lord Colchester. Now, although the sense of the house was in favour of the thing to be done, there existed a very general, and very just, resistance to the manner of doing it, because the house of commons thought that any pecuniary remuneration to their speaker ought to emanate and originate from themselves. So, he said, with regard to Montrose. The crown was right in reviving the dormant power of election, but if any change were to be made in the burgh itself, it ought to have been made by parliament, and not by the mere will of the crown, that is, by ministers. He would not pretend to set up his opinion in opposition to the opinion of the Lord Advocate, of the Attorney and Solicitor-general and the privy council—nor did he; but he had endeavoured to avail himself of legal authority in Scotland by every means in his power, and could find no authority, dead or living, which would sanction this extraordinary power in the crown. Would the privy council do the same thing in other burghs under similar circumstances? What had been done amounted to nothing more nor less than this—that the crown took on itself to alter the constitution of a burgh in such a way, as materially to affect the representation in that house. It constituted new offices, to which the right of voting for a member of parliament was attached. Was the noble lord of opinion, that, as often as any burgh in Scotland fell into a situation similar to that in which Montrose had been placed, such burgh might not only be revived by the crown, to which indeed there could be no objection, but might also be new-modelled according to its pleasure? It was no argument in favour of the proceeding, to say that the new set granted to Montrose was superior to the old one. If the crown, on its own specific authority, could give a constitution better and more enlarged than that which originally existed, it might, if it chose, under the same power, or assumption of power, give one worse and more contracted; nay, further, if the crown could change the set in September last, as it had done, it could change it again in January, and again in June, and thus the form, if not the existence, of all the Scotch burghs was dependent upon the mere will of the crown, or rather upon the will or caprice of its ministers. He wished to have this preliminary point settled previous to calling the attention of the house to a more extensive consideration of the subject on a future day. What he called in question was, the power of the crown to alter the constitution of these burghs, and not its power to revive their lapsed or dormant existence. Supposing that parliament should take into consideration the grievous mismanagement, and decayed state, of the Scotch burghs, and should effect an amelioration of their situation, what cause would Scotland have to rejoice in such a just and beneficial measure, if, the moment afterwards, his Majesty's ministers might abrogate all that had been done, by granting a new set, and making what alterations in it they pleased? There was another point to which he wished to advert. The learned lord knew very well, that there was a society in Scotland called the Convention of Burghs. This Convention, he believed, claimed the power by law, but certainly had in fact exercised the power, of altering the constitution of several burghs. Now, if this Convention had such right, and if his Majesty's government had also the same right, he begged to know to which of these authorities the burghs must submit? He would ask the learned lord which of these conflicting powers was supreme, which subordinate? or, whether they had both concurrent jurisdiction? And in the last case, if their edicts in these matters should not agree, who was to decide between them, and what was the legal remedy, or appeal? Many of the burghs of Scotland were so overwhelmed with debt at this moment, that little or no revenue remained for their current expenses, and the burgesses felt considerable alarm for their own individual and private property. He believed, that, according to the best authority on this point, the burgesses were liable for the debts of the burgh. And it was notorious throughout Scotland, that many of the burghs were involved in the greatest financial difficulties, and were threatened with dissolution. It had already happened in one, that no persons could be persuaded to undertake the office of magistrates. Several individuals had refused to act after being elected. If no political interests were concerned, he was sure that the state of long continued abuse they had suffered, and of degradation into which they were fallen, would excite the sympathy of all parties in the house. But he would not now enlarge on that subject, he would rather say too little than too much on these collateral points; his object was, to procure a fair and candid consideration of the immediate subject before the house. He must repeat, that his objection was not to the thing done, but to the manner of doing it; not to the alteration of the set, but to its being done by the crown, which he could not but think as illegal in fact, as in spirit it was unconstitutional. The noble lord concluded with moving, "that there be laid before this house, a copy of the act or warrant of his Majesty in council, dated in the month of September 1817, authorizing the guild brethren and inhabitant burgesses in the burgh of Montrose, to elect fit persons to be magistrates and town-councillors of the same, and authorizing and ordering an alteration in the former set or constitution of the said burgh in all time coming."

Lord *Castlereagh* said, that if he had regarded this as a mere legal question, involving the consideration of a branch of the laws of Scotland, he should have left it to his learned friend, (the Lord Advocate) to reply to the statement of the noble lord; but viewing it in another and in a more extensive manner, he should object to the motion on those grounds. He felt great

pleasure in admitting, that the speech of the noble lord had been marked with every degree of candour:—he had stated, that it was not his wish to connect the particular reform which he desired, with any general reform in the representation—he had rather in view an improvement in the administrative than in the representative character of the burghs: but although he had not opened the general question of parliamentary reform, his motion certainly went to that object. The reform which he wished would lead to an extensive change in the burgh elections of Scotland, and, therefore, would carry reform into the representation of that part of the country. But he had not adduced very strong reasons for the production of the document, even on the more limited ground of improvement in the administration of the burghs. There might be defects in that administration, as there were in every institution; but, in so far as his Majesty's ministers were acquainted with the state of the country, there was no part where the population was in a sounder condition than in the burghs of Scotland. There seemed, however, to be a defect in the law with respect to those burghs. The noble lord had stated, that the inhabitants had no power to take cognizance of their pecuniary concerns, or to control the administration of their funds. But this evil might be obviated by the bill which he understood his learned friend (the Lord Advocate) intended to introduce. With respect to assuming a right of taxation, he could not conceive that, in any of the burghs, the magistrates and town-council would think of setting up an arbitrary right of assessing their fellow-citizens, or that there could be any difficulty in resisting an attempt of that nature. As to the legality of what had been done, he thought that the house were not likely to be good judges of that subject. Whether the charter was or was not legal, according to the law of Scotland, was rather a question for the judgment of a court of law, than for the decision of that house. No individual of Montrose could be affected by the change who had not his legal remedy: he might, in a court of law, question the legality of the election of magistrates under the new charter. The question might also be brought forward in the convention of Burghs; that convention might refuse admission to the delegate from Montrose, and then the question, whether that delegate had a right of admission or not, might be discussed. The noble lord had argued, that though the present arrangement for the burgh of Montrose was good in itself, ministers might afterwards make other arrangements, of a very different character, to favour political views. But here, it appeared that, the act had grown out of the circumstance of the suspension of all the powers of the burgh. The relief was generally solicited—there was not one complaining party; and, therefore, it was unfair to consider an act called for under such circumstances, as the beginning of an arbitrary system of interference with the constitution of these burghs. It was enough to shew, that, in the present case, the crown had not wantonly invaded the corporate rights of the burgh. Whether the crown was authorized to act as it had done, was a question that might come before the house in a much more suitable way than by the present motion. It was not impossible that the election of the member for that class of burghs to which Montrose belonged, might be questioned by the unsuccessful candidate, and a committee of the house, acting on their oaths, under the Grenville act, might have to dispose of it.

Mr. *Abercromby* contended, that this question had no connection with the subject of parliamentary reform, except in so far as any question which had reference to the persons who returned members to parliament could be considered as connected with that subject. Had the crown in this case only exercised those powers which were necessary to give activity to the administration of the burgh, which was suspended by the non-election of magistrates at the proper time, no complaint could have been made; but not contented with this, the crown had completely altered the set of the burgh.—The alteration might be very beneficial in this instance; but a precedent was established, which, in the hands of bad ministers, might be employed to justify the worst encroachments. The noble lord had told them, that the question might be discussed with more propriety elsewhere. But it was not likely that any of the inhabitants of Montrose, who were all pleased with the alteration, would dispute it in a court of law. A committee under the Grenville act might decide on the merits of a particular election, but could not determine the general question. He could have wished that his noble friend's motion had been more complete—that he had also moved for the old set of the burgh, that the house might have seen the extent of the alterations made by the crown. If the crown had exercised a power which did not belong to it, parliament was bound to interfere. He was not acquainted with the laws of Scotland, but, in his view of the question, the act of the crown, in altering the set, was illegal, as the rights of the burgh were not abrogated and dissolved, but only dormant. In England, when there is a failure to elect corporate officers, the corporation is, so far as relates to its power of action, dissolved, until revived by the crown. At all events, an inquiry ought to be instituted, more particularly as he understood that, in the course of the present year, five or six burghs would be in a similar situation to that in which Montrose had lately stood. Connected as he was with Scotland, he was glad to hear from the noble lord a language respecting that country so different from that which he had heard from him before:—all was now smooth and tranquil, there were no secret committees, no disloyalty or disaffection, and

it was owing to the excellent conduct of the magistrates of burghs that things went on so orderly!

The *Lord Advocate* said, that, upon a late occasion, no charge of disloyalty or disaffection had been brought by his noble friend, or himself, against the people of Scotland generally—it was only Glasgow and its neighbourhood to which the charge of taking illegal oaths applied. With respect to the question now before the house, the noble lord (Lord A. Hamilton) had stated, that the magistrates of a burgh in Scotland possessed an unlimited power of taxing the property of the inhabitants. That this statement was unfounded must be obvious to the house, and he was surprised that its absurdity had not struck the noble lord himself. Had the noble lord forgotten, that, in the declaration of grievances, at the revolution, it was expressly stated, that, to levy money, without the consent of parliament, was illegal? He would ask the noble lord, whether, in any of the burghs which he declared to be in a state of utter insolvency, a single suit had ever been brought against any one of the inhabitants for payment of the debts of the community? From the revolution downwards, with, he believed, one single exception, and which was so only in appearance, no case had occurred in which the burgesses were held to be liable for debts contracted by their magistrates. He knew that opinions had been given by counsel, that the inhabitants were liable for the debts of the burgh; (*hear*) but, although those opinions had been given many years ago, no suit had ever been commenced on them, and opposite opinions had been given, even by some of the counsel whose names had been so triumphantly, but so unusually, proclaimed on a former evening. (See page 2[illegible]7.) He could inform the noble lord, that the magistrates of some burghs had attempted to levy petty customs for the defrayment of the public debt; in Aberdeen, for instance: but the question was ultimately decided, on appeal to the House of Lords, that the magistrates of burghs had no such power to levy customs. The noble lord, in another part of his argument, had referred to a case decided by the barons of the exchequer, but he had quite mistaken it. It was alleged, that, by an old Scotch act, the barons of the exchequer were empowered to audit the accounts of royal burghs; but, in the case in question, the barons refused to sustain that jurisdiction. This was, however, merely a question of audit. There was hardly a year in which some of the burghs did not make application to the legislature for a power of levying money to pay their debts: but, if the magistrates possessed that power, would they think it necessary to apply to parliament? The noble lord had stated, that the inhabitants of the burghs were placed in the most abject state of servility, because the old council annually elected the new. But, surely, the power of appointing successors, was not worse than the power of holding places for life. In a great many parts of England, the magistrates of boroughs were appointed for life. It was strange, then, that those who blamed the Scotch burghs, did not blame the close boroughs in England.—The noble lord had said, that the advice given to the crown, in the case of Montrose, was illegal, but he had not adduced a single argument in support of his proposition. Perhaps, the noble lord was not aware, that the legality of the power exercised by the crown, in the case of the burgh of Montrose, was virtually recognized in the declaration of grievances. The grievance imputed to King James was, not that he had altered the constitutions of burghs, but that he had done so of his own authority, "without judgment, surrender, or consent." In the case of the burgh of Stirling, in 1781, a similar warrant had been issued. Counsel were heard in that case before the new constitution was granted; and although the set of that burgh was afterwards brought before the court of session several times, and before five or six committees of election in the House of Commons, it was never objected, that the warrant was void and null. In 1789, a motion was made to inquire into the state of the burghs in Scotland; and, in the report of the committee, the modes were discussed in which alterations could be legally made, by course of time, by the burghs themselves, and by the act of the crown. The case of Stirling was referred to, and the right of altering the set, as was done in 1781, was not questioned. The alteration in Stirling was precisely the same as that which had been made in the burgh of Montrose. There was, therefore, no ground for the allegation, that the exercise of the prerogative of the crown was illegal.—But the hon. and learned gentleman (Mr. Abercromby) had contended that the act of the crown was illegal, because, when a burgh in Scotland was reduced to the state in which Montrose had been, its charters were not, as in England, abrogated, and dissolved, but were only dormant. From this he inferred, that the hon. gentleman admitted that, in England, when a burgh lost its charter by a failure to elect corporate officers in the terms of its charter, it might be revived with such alterations in its constitution, as the King might deem advisable. Now, if this were admitted by the hon. gentleman, and he believed it could not be denied, there was an end of the question. The hon. and learned gentleman had professed himself to be totally ignorant of the law of Scotland. It appeared by the question now at issue, that he might have professed himself equally ignorant of the law of England. The hon. and learned gentleman had said, that, in England, when there was a failure to elect corporate officers, the whole corporation was dissolved. But was the hon. and learned gentleman so little read in that law as not to know, that that point had been solemnly argued before Lord Mansfield in the year 1775, and settled, by the unanimous opinion of the Court of King's Bench, exactly the other way? In fact, in this respect, the burghs

of England and Scotland were in precisely the same situation; and if, when a warrant of revivor was granted in England, changes could legally be made in the constitution of the burgh, the same might be done in Scotland. He had been asked by the noble lord, whether he intended to propose the same alteration in every burgh, which, by neglect, might be disfranchised? He should answer no. Every case must stand on its own merits. The same constitution could not possibly be applied to all the burghs, because electors, with the same qualifications, could not be had in all of them, the situation of the burghs being radically different. And here he wished to state distinctly, that no general measure could be adopted for reforming the charters of the Scotch burghs. Their charters, no doubt, might be abrogated in a mass, and their ancient rights destroyed—the burgh system might be overturned, and a new one introduced—but, by one general measure, to require that all the burghs should adopt the same constitution, would be absolutely and physically impracticable.—It was said, that the question did not touch on parliamentary reform. This was true, if the question was confined to the consideration of the particular case; but if, in defiance of the act of Union, it was intended to introduce a new system of election in all the burghs, it would have the same effect as a sweeping measure of parliamentary reform—(*Hear, from the opposition.*) The gentlemen opposite imagined that there was an inconsistency in this argument; but he contended, that the power which the crown had enjoyed before the union, was continued to it by that act. His assertion in the last session, that the people of Scotland were satisfied with the constitution of their burghs, he would repeat. He did not mean to say, that they were unanimous. The Scotch were not famous for unanimity, as it was always supposed that an argument was a favourite amusement with that ancient people. (*Hear.*) But he had no doubt that the majority were satisfied, though great pains had been taken to excite a ferment. In four-fifths of the burghs there had been no meeting, and in the others, the meetings had taken place among those subordinate corporate bodies, who wished to have the privilege of choosing their own deacons. He was convinced that the greatest alarm would prevail, if a general change in the constitution of the burghs were apprehended. He would merely add, that it was his intention, during the present session, to bring in a bill for the regular audit of the accounts of the burghs, and this would remove all the objections to the present state of the law.

Mr. *Abercromby* explained. He said, that the learned lord had wholly misapprehended his argument, which was, that in England a corporation is dormant until revived by the crown, which decides whether it will revive the corporation at all, and upon what terms; but that, as he understood, in Scotland the crown was not only bound to revive, but to revive in a certain and precise form.

Sir *James Macintosh* said, that the learned lord had used an argument, connected with the question of parliamentary reform, which he could not help noticing. He had said, it was strange that those who blamed the Scotch burghs, did not blame the close boroughs in England. Now, in England, there were some close boroughs, and some in which there were rights of popular election; but in Scotland, there were none of the latter description; so that, whoever supported the English constitution could not like the constitution of Scotland. In Scotland, there was the most perfect uniformity on an oligarchical principle.—Of all systems, he most abhorred that of universal suffrage: it was, indeed, the worst of all—(*hear*) if not a monstrous inconsistency with all forms of human society. (*Hear.*) It never existed in this country, and if it had, he should have thought its abolition the best plan of reform. (*Hear.*) But, in Scotland, there was an uniformity of the opposite kind. There was no popular election, or pretence of popular election. So that Scotland, though it by the union enjoyed the protection of the free constitution of England, did not in the nobler sense participate in it. It was a gross fallacy, therefore, to compare the state of the representation in Scotland with that in England.—He did not wish to speak to the dry legal question, but legal questions affecting the constitution, and particularly the rights of election, were peculiarly subjects for the consideration of that house. The question now was, not whether the crown possessed the power of reviving a burgh, whose charter had been lost by an intermission of election, but whether it possessed the power of altering its constitution. This was a question on which great doubt existed, and he did not mean to give an opinion on it. The right rested on a single case,—that of Stirling; which had never been decided in a court of law, or in parliament. In such a case, it was the duty of the house to require information, and he should, therefore, vote for the motion.

Mr. *J. P. Grant* said, he should not give any opinion on the point of law discussed by the learned lord, but, if the crown had power to alter the constitution of a burgh, when the functions of the corporation were suspended by accident, which might frequently occur, some specific regulations should be introduced by the legislature. The ministers themselves, if they saw that such cases were likely to happen, ought to take the opinion of parliament, on the extent to which the crown should be allowed to go. With respect to the quietness of the people under the present system, he had very different information from that of the learned lord. No one complained of the alteration in this case, as it affected the inhabitants of the burgh; but, if such a power came frequently to be exercised by the crown, it should be exercised according to some general rule. There was

no probability of redress from the courts of law; because, any application to the court of session must be made by a constitutional member of the body whose election was complained of. It was necessary, therefore, that the house should interfere.

Sir *R. Fergusson* said, no one who looked at the deplorable state of the representation in Scotland, could agree in the eulogies which had been pronounced on it. The people were, not in a state of ferment, but of great anxiety for a better system, of which they had seen a good example in the new constitution of Montrose.—The hon. baronet then read the parting address of the late magistrates of Aberdeen, who declared, that a new constitution was necessary, for the sake both of the magistrates and people. This address was written by gentlemen who had been in the uniform habit of supporting his Majesty's ministers. The hope of a change in the constitution of the burghs had been fostered by the commissioners at Montrose, one of whom, the sheriff of Perthshire, praised the liberal constitution which the paternal government of the country had provided for them, and adduced it as a proof that the ministers were willing to effect reform, whenever reform was necessary. He hoped that his Majesty's ministers would act up to the liberal ideas which were thus praised by their warmest adherents.

Lord *A. Hamilton* replied. He observed, that the learned lord had not met the question fairly, but had justified what was now done at Montrose, by what had been done at Stirling in 1781—and, by the same rule, what had now been done at Montrose would form a precedent for any similar transaction, next year, in any other burgh. The question, however, still returned, whether the crown had legally the power to alter, by its own authority, the constitution of a burgh,—how it pleased—when it pleased—and as often as it pleased. The question was, certainly, worthy of being settled, and if the crown had any such legal power, even under circumstances similar to those of Montrose—he meant when an alteration was requested by the burgh itself,—the consequence must be fatal to the stability of the burghs, even under any improvement they might receive. For if such change might be made, the influence of the crown was so great throughout Scotland, that it might easily procure an application, to be made for alteration in almost any of the Scotch burghs, at such time as its ministers conceived to be convenient. The learned lord had maintained very positively, that the burgesses were not liable for the debts contracted by the magistrates. —He had heard the opposite opinion affirmed by legal authority quite as good as that of the Lord Advocate.—He did not wish now to argue that point any further.—He apprehended, however, that the declaration of the learned lord's opinion, this night, would alarm the creditors of some burghs, and bring their claims, and the other municipal concerns, to a speedy crisis. One thing, however, he must pointedly remark. It was this: that although the learned lord had denied that the burgesses at large were liable for the debts of the burgh, he had taken care to avoid stating who were liable. Surely, the creditors were not wholly without remedy or redress. The learned lord, too, had disputed the fact of the dilapidation and ruin of the burgh funds. (Here Lord A. Hamilton read a statement of the condition of Aberdeen, to prove the mismanagement of its funds; which, he said, he had received from unquestionable authority.) "Aberdeen had once been one of the richest corporations in Scotland; its funds were now dissipated, and its corporate managers had further contracted a debt of 230,000*l.* They had, during a few years past, borrowed 57,000*l.* to pay the interest of their debt. The magistrates were *ex-officio* managers of the charities in the neighbourhood, and they had borrowed these funds, and thus involved these charitable institutions in the general wreck. They had taken up money of every kirk-session that would lend it. At the last election, only two persons could be found to accept the office of councillors. There exist now only six, instead of nineteen, that is, four under a quorum, qualified to act. The citizens have now an action before the court of session, by which they hope to disfranchise the burgh, with the view of obtaining a new set." He appealed to an hon. member present, (Mr. C. Forbes) whether this were not substantially correct. Similar facts, to a greater or less extent, might be adduced in the case of half the royal burghs in Scotland, as he could prove before a committee of the house. Well as he was acquainted with the gross abuses existing in Scotch burghs, and their general prevalence, still he had been surprised, since the time he had given notice of this motion, by the numerous representations he had received of facts, new to him, offered to be substantiated by proof, and of complaints of grievous injury and impending ruin; all tending to establish the same point, the cruel, ruinous and oppressive mismanagement of the burghs. The general subject, however, was not now before the house, and though he foresaw plainly, that his present motion was to be negatived, he should feel it his duty to bring this very questionable power of the crown, to alter the set of a burgh, again under consideration, together with a more extended view of this important subject.

Mr. *Farquhar* observed, that the affairs of the corporation of Aberdeen, had lately experienced considerable improvement. So far from being in the state which the noble lord had represented, they had actually paid four and a half per cent. on their debt, and were now in a condition to pay five per cent.

Mr. *Forbes* stated, that the burgh of Aberdeen had been involved in some difficulties by the purchase of a large quantity of ground which, for some years, the corporation could not let on

building leases, but lately they had made a great number of feus. Every question had two sides, and the noble lord appeared to have seen only one of the present—that against the corporation. In a short time, the state of the burgh would be materially improved.

Mr. *W. Smith* said he had been a burgess of Aberdeen for more than forty years, and he hoped that he should not suffer from the frightful picture of its debts which some persons had been pleased to draw. The funds were not in so bad a condition as had been represented.

Mr. *Douglas* said, that the embarrassments of the burgh were so far removed, that after paying the interest of their debts, the corporation had been enabled to form a sinking fund of 800*l.* a-year.

The question was then put, and negatived without a division.

Droits of the Crown.] Sir *J. Macintosh* moved for an account of all prizes of war, otherwise called droits of the crown, or droits of admiralty, together with such prizes as have been adjudicated to the captors since 1793, with the date, amount, resource, and application of each receipt.

The *Chancellor of the Exchequer* suggested, that such an account would be attended with great difficulty and expense, and the motion was withdrawn.

Surgery Regulation Bill.] Mr. *Brogden* brought in a bill "for regulating the Practice of Surgery, throughout the United Kingdom of Great Britain and Ireland." It was read a first time, and, on the motion of Mr. *J. P. Grant*, was ordered to be printed.

After reciting, that ignorant and incapable persons are not restrained by law from practising surgery; whereby the health of great numbers of persons is much injured, and the lives of many destroyed; it enacted, that from and after it shall not be lawful for any person to practise surgery, for lucre or profit, unless he shall have been personally examined, as to his qualification and fitness thereto, by the Royal College of Surgeons in London, or by the Royal College of Surgeons in Edinburgh, or by the Royal College of Surgeons in Ireland, or by any other college of surgeons which may hereafter be legally incorporated in any part of the United Kingdom; and unless he shall have been admitted a member of the college before which such examination shall have been made, and thereupon shall have received a diploma or testimonial of his knowledge and ability to practise surgery, and of his admission under the seal of such college; for which diploma or testimonial not more than the usual fee shall be demanded and received.

And be it further enacted, that every person who shall have been so examined, and shall have received such diploma or testimonial under the seal of any one of the said royal colleges, or of any other college of surgeons which may hereafter be incorporated as aforesaid, shall be entitled and shall have the right to practise surgery, in any and every part of his Majesty's dominions, any law or custom to the contrary notwithstanding.

Provided always, and be it further enacted, that all and every person or persons who shall have been duly examined by one of the said royal colleges, or by any other college of surgeons which may hereafter be incorporated as aforesaid, and shall have thereupon obtained a testimonial of qualification as a principal surgeon in his Majesty's army or navy, and who shall have actually served in that capacity, shall be entitled to practise surgery in any and every part of his Majesty's dominions.

And whereas by a certain statute of the parliament of Ireland, passed in the thirty-sixth year of the reign of his present Majesty, intituled, "an Act for the further Regulation of Public Infirmaries or Hospitals," it is enacted, that from and after the passing of that act, no person should be capable of being elected a surgeon to a county infirmary or hospital, who should not previously have obtained letters testimonial of his qualification under the seal of the Royal College of Surgeons in Ireland; and that no other qualification or examination should be necessary to make any person capable of being elected surgeon to such infirmary or hospital: and whereas by a certain other act, passed in the fifty-fourth year of his present Majesty, intituled, "an Act to amend several Acts for erecting or establishing Public Infirmaries or Hospitals in Ireland, so far as relates to the Surgeons or Apothecaries of such Infirmaries or Hospitals," it is provided, that letters testimonial of the College of Surgeons in Ireland, shall be laid before the grand juries in the said act mentioned, previous to the requiring or making any presentment of any sum of money to a surgeon of any infirmary or hospital by such grand juries: and whereas it is just and expedient that the provisions of the said acts should be extended to the members of the Royal Colleges of Surgeons in London and in Edinburgh, and to any other college of surgeons which may hereafter be incorporated as aforesaid: be it therefore enacted, that the members of the Royal College of Surgeons in London, and of the Royal College of Surgeons in Edinburgh, and of any other college of surgeons which may hereafter be incorporated as aforesaid, shall be eligible to all the offices and appointments, mentioned in the first recited act, and shall be entitled to all benefits and advantages given and intended by the second recited act, on the production of the diplomas or testimonials under the seal of their respective colleges, in the same manner as the members of the Royal College of Surgeons in Ireland have been since the passing of the said recited acts.

And whereas surgical knowledge is frequently required in the practice of midwifery, and it is expedient that male persons so practising should be qualified to render surgical aid; be it therefore enacted, that from and after it shall

not be lawful for any male person to practise midwifery, unless he shall have obtained a diploma or testimonial as aforesaid of his knowledge and ability to practise surgery, under the seal of one of the said royal colleges, or of any other college of surgeons which may hereafter be incorporated as aforesaid; or unless he shall have obtained as aforesaid a testimonial of qualification as a principal surgeon in the army or navy, and shall have actually served in that capacity; or unless he shall have obtained the degree of doctor or bachelor of medicine from an university of the United Kingdom.

Provided always, and be it further enacted, that nothing in this act contained, shall be deemed or taken to extend to any person resident in Great Britain or Ireland, and actually practising surgery or midwifery at the time of the but that every such person may continue to practise surgery or midwifery respectively, so far as any such person lawfully might have done if this act had not been passed.

Provided always, and be it further enacted, that nothing in this act contained, shall extend or be construed to extend to lessen, prejudice or defeat, or in anywise to interfere with any of the rights, authorities, privileges or immunities, heretofore conferred upon, vested in, or legally exercised and enjoyed by any of the universities in the United Kingdom, or by any of the colleges of physicians in the United Kingdom, or upon, in or by the faculty of physicians and surgeons of Glasgow, or by the master, wardens and society of the art and mystery of apothecaries of the city of London; but that the members of the said universities, and of the said colleges of physicians, and of the said faculty of Glasgow, and of the said society of apothecaries respectively, shall have and enjoy all such rights, authorities, privileges and immunities, in as full, ample and beneficial a manner, to all intents and purposes, as they might have done before the and in case the same had never been passed.

HOUSE OF LORDS.

Monday, Feb. 16.

Grievances under the Suspension Act.] The Earl of *Carnarvon* said, he had a petition to present to their lordships from a person who had suffered under the suspension of the habeas corpus act, and who stated, that he had been imprisoned without any cause. If the forms of the house would permit it, he should wish to move, without loss of time, that the petition be referred to the secret committee; but as notice of the motion must be given, some delay would arise, and the report of the committee might, perhaps, be made to-morrow.

The Earl of *Liverpool* said, the report would not be made to-morrow, nor, perhaps, for a day or two. It was the custom of their lordships' house for some notice to be given of such a motion as that which the noble earl proposed to make. The noble earl might, therefore, move that the petition be received to-day, and give notice of his motion for the earliest convenient day.

Lord *Holland* said, it was important that petitions of this kind should be sent to the committee, and he could see no objection to their being immediately referred. Papers of another description had been so referred since the committee was formed. This certainly was a fact, unless the reports which had reached him on that subject were singularly erroneous.

The Earl of *Liverpool* said, that no papers had been referred to the committee since it was formed, except such as had been sent down by command of the Prince Regent.

The clerk carried the petition to the Lord Chancellor, and it was found to want the word "humble;" beginning "The petition of," instead of "the humble petition, &c."

The Earl of *Carnarvon* said, he had read the petition, and could assure their lordships that it was respectfully worded. The omission of the word "humble," he hoped, would not be considered of such consequence as to prevent its being received.

Lord *Holland* begged their lordships to consider, that as this was a petition from a person who complained of nothing less than illegal and unjust confinement, it was one which they ought not to reject on the ground of any light or trivial informality.

The Earl of *Liverpool* thought, that it would be proper to have the petition altered, as he understood it was not the custom of the house to receive petitions so informally worded.

The Marquis of *Lansdowne* said, that where there appeared no intention to treat the house with disrespect, there could be no reason for rejecting a petition. His noble friend had stated, that there was nothing improper in the wording of the petition, except the omission which had been mentioned. When such complaints as that now offered were made, their lordships ought not to make objections to petitions on mere form, but open wide their doors for their reception.

The *Lord Chancellor* said, that the petition bore on the face of it a reason for not receiving it. It was quite contrary to their lordships' practice to receive petitions so worded.

Lord *Holland* asked, whether the noble lord meant to go the length of saying, that no petition, in which the word "humble" had been omitted, had been received by the house?

The *Lord Chancellor* said, he had by no means pledged himself to any such thing. It certainly was not the practice to receive petitions with the omission which occurred in the present case, and it would require, perhaps, more time to ascertain whether there was any precedent for such an omission than to get it supplied by a new petition.

Lord *King* wished to press on the consideration of the house, that, as this was a petition

which purported to come from an injured individual, every facility ought to be afforded to the complaint. The noble earl who brought it up had assured their lordships, that it contained nothing disrespectful; and the objection related only to one word, and that a word of omission. It appeared to him, that it would, therefore, be highly improper to refuse it, especially when the noble earl meant to move, that it be referred to the secret committee, for which there might not be time, if an alteration in the petition were insisted on, as he understood that it would be necessary to send it to Manchester.

The Earl of *Carnarvon* hoped, that there would be time for the motion he intended to make, before the secret committee reported to the house. If there should be time for altering the petition, he would get it done before he made the motion for referring it to the committee. In the mean time he moved, that the petition be read.—Ordered.

The petition was then read by the clerk. It purported to be the petition of Philip Drummond, of Manchester, reedmaker, and set forth, that the petitioner had been present at a meeting in March last, called for the purpose of petitioning the Prince Regent to withhold his assent from the bill for suspending the habeas corpus act. The petitioner was addressing the persons assembled for this purpose, when a troop of horse came among them to break up the meeting. It could be proved, that there never was a more peaceable and regular meeting in Manchester than that which had thus been disturbed, until it was broken in upon by those riotous, not to say drunken, soldiers. The petitioner was arrested and conveyed to the Old Bailey Prison in Manchester, where he was allowed only four ounces of bread and one ounce of cheese for the day. He applied for other food, and offered to pay for it himself, but was not permitted to have it. He was sent off to London, without being allowed any time for preparation. Mr. Silvester, hearing of his distressed situation, sent him some things, which would have been useful to him, but he was not allowed to receive them. When sent off, he was chained by the leg to another prisoner, by a chain of not less than thirty pounds weight. He arrived in London on the 15th of March, and was conveyed to the house of correction in Cold Bath Fields. He was afterwards carried before Lord Sidmouth. When before his lordship, he stated openly what he had done, and called upon the noble lord to bring forward his accusers. He was told he should have a fair trial, and was remanded. On the 28th of April, he was removed to Dorchester gaol, and afterwards to Exeter. In the month of December, he was set at liberty, on entering into a recognizance to appear in the Court of King's Bench on the first day of term, and every subsequent day, until he was discharged. He accordingly came to London, and, in compliance with the conditions of his recognizance, attended the Court of King's Bench, until he was, with others, finally discharged on the 31st of January. While he remained in London he was obliged to contract debts, and he had been furnished with no means of defraying the expense he had been put to, or to enable him to return home, by his Majesty's ministers, though it was by their order he had been illegally arrested, and obliged to undergo all these hardships. He had solicited an interview with Lord Sidmouth before he left town, intending to represent his case to him, but the noble lord would not see him. The petition concluded with urging on the consideration of the house the sufferings of the petitioner, and his loss by the debts he had been obliged to contract, and prayed, that their lordships would not consent to any bill of indemnity which might be proposed for ministers.

The Earl of *Carnarvon*, after giving notice that he should on Thursday next move that the above petition be referred to the secret committee, asked, whether it was likely the object of the motion might not be disappointed by the report being in the meanwhile made?

The Earl of *Liverpool* replied, "certainly not before that day."

HOUSE OF COMMONS.

Monday, Feb. 16.

EXCHEQUER BILLS.] An account was presented of exchequer bills and bank notes deposited by the Bank in the Exchequer (pursuant to an order of the 3d instant). See the Appendix.

CONVEYANCERS.] A petition was presented of certain attornies of York, complaining of persons not of the profession drawing conveyances. It was ordered to lie on the table, and to be printed. It set forth, that by the laws now in force no person can be admitted to practise as an attorney and solicitor unless he has duly served a clerkship of five years, and has paid stamp duties on his articles of clerkship, and on his admission, amounting together to upwards of 145*l*.; and that these laws have been highly beneficial to the public by increasing the respectability of attornies and solicitors; that conveyancing is a principal part of the business of an attorney and solicitor, and requires a liberal education and extensive learning, and that the practice of it by ignorant persons is highly injurious to the public, by frequently invalidating or rendering insecure the titles to landed property; that the stamp acts of the 44th and 55th years of his present Majesty authorize any person to draw and prepare conveyances, who shall take out a yearly certificate on an eight pounds stamp, provided he be a member of one of the four inns of court, and that a person may become a member of one of the inns of court at an expense of 28*l*. or thereabouts, without keeping any number of terms, or producing testimonials of professional education; that, in consequence of the low stamp duties on the yearly certificates of conveyancers, and the easy means

of obtaining admission as members of an inn of court, sheriffs' officers, auctioneers, discarded writers from attornies' offices, inferior schoolmasters, tradesmen of almost every description, and other ignorant and incompetent persons, are now practising in various parts of the kingdom as certificated conveyancers, to the great injury of the profession, and the public detriment; and praying that the house would be pleased to take the subject into immediate consideration, and that an act may be passed for preventing uneducated and incompetent persons from practising as conveyancers, and for regulating the examination and admission of such persons as may in future be admitted to practise, and that they may be subject to the same extent of stamp duties as are now imposed on the articles of clerkship and admission of attornies and solicitors, with such other regulations and provisions as to the house shall seem expedient.

COTTON MANUFACTORIES.] Lord *Stanley* presented a petition of persons employed in the cotton factories of Bolton-le Moors, for a restriction of the time of actual labour. It set forth, "that the petitioners are generally kept at work at such factories from thirteen to fourteen hours in each working day in the week, save the interval of dinner, and also except on Saturdays, on which days the hours of labour are somewhat lessened; that this extended labour is found, by fatal experience, to be attended with the most baneful consequences to the health of the persons thus employed, as a large portion of them can abundantly prove, being performed in rooms which, in addition to the ordinary insufficiency of ventilation, are often rendered still more unwholesome by artificial heat, or steam, and by a mixture of dust with light particles of cotton continually flying off in the progress of the manufacture, which cannot fail to be imbibed at every breath; that those who survive to a very moderate age, are by such long and pernicious confinement, and the attendant evils thereof, rendered feeble and emaciated, which disqualifies them to perform the usual quantum of work, and then the employers dismiss the unhappy objects, who must give place to those more active and robust, no master (according to the established custom) choosing to employ any but such as can turn off a sufficient quantity; thus, at an age at which in other businesses persons are termed most useful and steady, the labourer at a cotton factory is termed superannuated, and forced to finish his days in indigence and misery, whereas, if the hours of daily labour were abridged, many useful lives would be saved, and those of others rendered longer useful in the manufacture and to their families; that the petitioners, in representing their own unfortunate situation, beg leave to observe, that they also feel the unhappy condition of young children working in the said factories, who in many instances are connected by the dearest ties of relationship with the petitioners, and who from the length of time and unwholesome nature of such employment manifest early appearances of deformity in their limbs, and all the other evils of sickly and impaired constitutions, which none can wonder at who are informed that these young children, from six years of age and upwards, seldom leave the factory or mill, not even for refreshment, from their coming in the morning till they go home at night, when their pores being open with the intense heat of the factory they are exposed to the severity of the winter's blast, to snow or rain, with very oft a scanty covering; hence frequent maladies are contracted in youth, which bring on weakness and consumptive habits to such as arrive at puberty, which many do not, and thus the race of many families are vitiated, and hereditary complaints entailed; that the petitioners might add many more grievances, were it not to tire the house, and, grievous as they are, there remains not the least hope of relief but from the wisdom of the legislature, because certain masters will always be found desirous of keeping their hands at work as long as possible, and others better disposed are unavoidably led to adopt the destructive example, that their yarns may not be brought to the market upon more unfavourable terms; that the petitioners have patiently expected, during the last two years, that some amelioration to their hardships would be provided, agreeable to the regulations proposed in Sir Robert Peel's bill, but they cannot adequately express their concern at the disappointment; they therefore deem it expedient to submit to the protecting wisdom of the house the very many and peculiar sufferings which they and their children working in cotton factories endure, and to pray relief: the petitioners, therefore, most humbly pray, that upon consideration of the said evils attendant on the extraordinary hours worked in cotton factories, which will be fully proved in all the allegations before the house, or a committee thereof, whenever it shall be thought proper, that a law may be passed to restrict the time of actual labour in all cotton factories to ten hours and a half each day, so as to allow, within the ordinary space of twelve hours, half an hour for breakfast and an hour for dinner, which time is of general observance in other employments much less prejudicial to health than those of the petitioners, or to do in the premises as to the house shall seem proper."

Mr. *Philips* said, it was the most anxious wish of the cotton manufacturers, with a view to the refutation of the calumnies so industriously circulated against them, that the house would appoint a commission to inquire into the actual state of the manufactories, and he was persuaded that the result would shew, that there were no manufactories in the kingdom in so healthy and good a state as those for spinning cotton. Great mischief had been occasioned by the combination of workmen: they had a kind of central committee, whose proceedings were calculated to pro-

mote the spirit of Luddism. Combinations among the workmen respecting the amount of wages were very easily excited by the means that had been resorted to.

The petition was ordered to lie on the table, and to be printed.

A petition was then presented of owners and occupiers of cotton mills, for the appointment of a special commission to inquire into the state thereof.—It set forth, "that the petitioners have heard with concern that it is intended to move in the house the revival of the committee whose labours extended over so large a portion of the session of 1816, in inquiring into the condition of children employed in factories; that the minutes of the evidence taken before that committee are very voluminous, and contain a mass of vague and inconsistent charges, which it is impossible to distinguish from the truth without much laborious application or personal inspection of the factories; that the minutes contain also statements of facts confirmed by documents which, as the petitioners humbly conceive, establish beyond doubt the generally good state of the health, morals, and instruction of persons employed in factories, and that parliamentary interference for their protection is wholly unnecessary; that the petitioners, anxious that the truth should appear, did invite, previous to the session of 1816, such members of the house as are connected with the county of Lancashire to visit the several factories in the town and neighbourhood of Manchester, that they might from actual inspection and comparison form their own opinion, and be better prepared to appreciate the testimony which might be offered; and the petitioners humbly pray, that if the house require further information upon the subject they will be pleased to appoint a special commission of their own members, for the purpose of examining upon the spot into the actual condition of persons employed in factories, and of comparing it with that of persons employed in the various departments of the cotton and other manufactures."

It was ordered to lie on the table and to be printed.

LONGITUDE.] Mr. Alderman *Wood* presented a petition of Christian Siemers, praying the house to take into consideration a new mode he had discovered of ascertaining the longitude.—Ordered to lie on the table.

CHIMNEY SWEEPERS.] The house went into a committee on the chimney sweepers regulation bill.

Mr. *Bennet* observed, that it was a desirable object to abolish the practice of employing persons under twenty-one years of age to sweep chimnies after the 1st of May, 1819.

Sir *G. Clerk* approved of the bill, and wished to have its provisions as to Scotland clearly expressed. He moved some amendments for extending it to the United Kingdom, and for inserting the word "stewartry," as to some Scotch counties, which were agreed to.

Some other verbal amendments were made and agreed to, and the report of the bill was brought up by Mr. Gordon, and received.

MALT DUTIES BILL.] The *Chancellor of the Exchequer* moved the third reading of this bill.

Mr. *Brougham* asked, whether there was any additional amount of taxation for the malt duty, as arrangements in such bills frequently produced new taxation.

The *Chancellor of the Exchequer* said, it was only the annual bill.

The bill was then read a third time and passed.

EXCHEQUER BILLS BILL.] The *Chancellor of the Exchequer* moved the third reading of this bill.

Mr. *Grenfell* said, he had understood from the right hon. gentleman, that the Bank loan of six millions was to be paid off, at some period, out of the supply voted during the present session. He now rose to ask, whether, supposing the payment should be protracted beyond the 5th of April next, the time specified in the act, the same rate of interest as now paid, four per cent., would be continued, or what other rate paid to the Bank for the loan? The bill, he was aware, enabled the Chancellor of the Exchequer to protract the time of payment, if he pleased; but the rate of interest was not specified. By the present mode of issuing Exchequer bills, (at two pence halfpenny) money could be raised by government at a rate of little more than two per cent., and it was important to ascertain whether the Bank should have the old rate of four per cent. continued for this advance?

The *Chancellor of the Exchequer* replied, that as measures would be immediately taken to put this loan in a course of payment, the rate of interest, if even continued at the previous rate, would make but little difference to the public for the time the loan would remain unpaid.

The bill was then read a third time and passed.

BANK OF ENGLAND.] Mr. *Grenfell* rose to move that the papers relative to the exchange of notes and deposits of Exchequer bills between the Bank and the Exchequer, presented to the house this evening, be printed. 'I wish, (said the hon. member) to explain to the House the particulars of this matter. For many years back, it has been the practice of the Bank to send two or three clerks to the Exchequer, there to receive, and carry away, such Bank notes as have been received from the various branches of the public service. For these notes it is the habit and practice of the Bank to deposit at the time, as a security, Exchequer bills, bearing interest—for whom? not for the public, whose money is taken on this security, but for the Bank. The Bank may, therefore, according to this system, deposit one day a million of Exchequer bills bearing interest, be it remembered, for themselves, and take away a million of Bank notes—with these they may go into the market, buy up Exchequer bills, carry them on the following day to the Exchequer, take out an equal number of Bank notes

in lieu of the deposit, and so continue trafficking and realising interest on the public cash, simply leaving at the Exchequer the security of bills so bought, and bearing interest for themselves. The importance of this to the Bank may be ascertained from this fact, that, according to the accounts this evening presented, on an average of the whole year, the amount of money so carried away by the Bank was no less than 4,500,000*l.*" (*Hear.*) He, therefore, moved that these accounts be printed.

Mr. *Manning* observed, that every one acquainted with the business of the Bank knew, that the exchange and deposits alluded to had been the practice ever since the establishment of the Bank. The provision on this arrangement was a very wholesome and constitutional one, and the public should certainly be the last to complain, as the security or deposit of Exchequer bills given by the Bank for the notes taken from the Exchequer, was the most certain and available one. It was also known, that the Bank were authorized by the house to purchase any amount of Exchequer bills they pleased. There was nothing in this transaction that deserved to call forth the animadversion of the hon. gentleman. The Bank would be at all times ready to give every information, to shew the openness and fairness of their dealings.

Mr. *Tierney*.—" My hon. friend has not impugned the conduct of the Bank in these transactions; he has not said a word against them. (*Hear, from Mr. Grenfell.*) The hon. member says, that the practice is a wholesome one—there can be no dispute on that—it is a wholesome one for the Bank, and must agree very well with its constitution—but is it equally wholesome for the public? (*Hear.*) Here they may receive one million of Bank notes in a day, in exchange for a million in Exchequer bills, the notes may the next day be transformed into other Exchequer bills, and again exchanged for the Bank, who may continue this course, always reserving to itself the interest on the bills so purchased. This is, to be sure, all very well for the Bank, but is it equally so for the public? The hon. member has this night, for the first time, admitted, that the Bank purchase Exchequer bills, as contradistinguished from those they receive for advances made to the public. This is an admission that I have been aiming at for a number of years, and out it has come at last." (*Hear, hear.*)

The accounts were then ordered to be printed.

GRIEVANCES UNDER THE SUSPENSION ACT.] Mr. *Bennet* presented a petition of John Bagguley, apprehended at Manchester, stating that he had been confined in irons for a month, and praying against the passing of any bill of indemnity.

Mr. *Brougham* thought it was due to the house, that either then, or on some future day, some of the right hon. gentlemen connected with the Home Department, should state to the house, whether or no the allegations in these petitions were true. The present petitioner alleged, that he was kept in irons for one month. The infliction of such sufferings was never contemplated by the law; the power given by the legislature was to detain in safe custody. If petitioners ventured by falsehood to impose on the house, it amounted to a breach of privilege, and the house, being in possession of the facts, would know how to uphold its own dignity. But it was incumbent on the right hon. gentlemen of the Home office to give the house the necessary information, and, while they withheld it, he must feel disposed to credit the allegations of the petitioners.

The petition was then received, and ordered to be printed. It set forth, " that the petitioner was on the 10th of last March, while addressing a peaceable meeting, legally called for the purpose of petitioning his Royal Highness the Prince Regent to withhold his royal assent from the habeas corpus suspension bill, suddenly surprised by a body of military, who without any the least cause rode through the people, trampled upon and treated them in the most inhuman manner, and after the petitioner had been repeatedly struck by the military, he was conveyed to the New Bailey, Manchester, where he remained until the following day, when he was informed he must go to London; the petitioner was then chained to the leg of another prisoner, and conveyed to Cold Bath Fields prison, where he remained until the 15th of March, on which day he was ordered to appear before the honourable privy council, when he was informed by Lord Sidmouth he must be committed to prison on suspicion of high treason; the petitioner was then removed to Horsemonger gaol, Surrey, where he was put in irons and locked up in a room until the 10th of April, on which day an order was received that he must be removed to the county gaol at Gloucester; on his arrival he was compelled to enter a cistern of cold water, which caused a severe sickness, insomuch that the physician ordered him to be removed into the hospital; during his illness he requested Mr. Baker, one of the visiting magistrates, to allow some person to remain in the room, as he was unable to help himself, but was informed by that gentleman, that Lord Sidmouth's orders specified that the petitioner must be kept alone, and that no person must see or converse with him but the keeper and magistrates; after the recovery of the petitioner he was ordered back to his former apartment; during the first four months of the petitioner's confinement in this prison he was not allowed to speak with any person, no, not even a common felon, and when the door of his room was unlocked, which was four hours every day, the petitioner no sooner left the room to take the benefit of the air, than the keeper always locked the door, thereby preventing the petitioner from returning to his room, so that he was repeatedly forced to endure the inclemency of the weather; on the 6th of August 1817, an order was sent by Lord Sid-

mouth that the petitioner must be allowed the company of another prisoner four hours each day; in the month of October another order was received, that the petitioner might walk in the prison yard whenever he thought proper; on the 13th of November a King's messenger came into the room of the petitioner, and informed him that, in consequence of a petition sent by his father to the honourable privy council, the petitioner would be permitted to visit his mother at Manchester, who at that time lay upon her death-bed, and is since dead; on his arrival in Manchester he was confined in the New Bailey two nights and one day, at the expiration of which he was removed to Lancaster Castle; on the arrival of the petitioner in that prison he was informed by the worthy governor, that he had received orders from Lord Sidmouth to keep the petitioner in close and solitary confinement; the petitioner was then conveyed to his destined abode, which was a flagged cell four yards square, the window of which was boarded up in the form of a prison shutter; the petitioner was allowed to walk two hours each day on a terrace which surrounds the keeper's house; after he had been confined three weeks in this cell he was discharged, on entering into his own recognizances in the sum of 100*l.*, to appear in his Majesty's court of King's Bench, Westminster, on the first day of the present term, and so from day to day; the petitioner has accordingly travelled to London, in order to answer to such recognizances, and has appeared day by day until the 31st of January, on which day his recognizances were discharged; the petitioner having endured all this unjust imprisonment, at the end of which he was compelled to enter into recognizances, in order to evade future imprisonment; it is likewise the humble but firm belief of the petitioner, that the treatment which he received in the prisons of Horsemonger and Gloucester was wanton and cruel, and he prays that the house will procure copies of orders sent by Lord Sidmouth to Mr. Walters, the governor of Horsemonger gaol, Surrey, and to Thomas Cunningham, the governor of the county gaol of Gloucester; and if such orders do not warrant the treatment which the petitioner received, that the said governors, particularly the latter, may be by due course of law called upon to answer for their conduct; and the petitioner further prays, that the house will afford him such redress as it may of its wisdom think fit; but, above all, the petitioner most humbly and most fervently prays, that no bill of indemnity may be suffered to pass, but that his Majesty's ministers may be called to an account for the cruel wrongs which they have inflicted upon his Majesty's loyal and peaceable subjects."

Five petitions of freeholders and other inhabitants of Harrington, near Liverpool, against any indemnity, were then presented, and ordered to lie on the table.

CONSTABLES OF WESTMINSTER.] Mr. *Calcraft* moved, that the petition of William Lee, high constable of Westminster, and the petty constables attending the Houses of Parliament, for remuneration (presented on Friday last), be referred to a committee, to examine the matter thereof, and report the same, with their observations thereupon to the house. The committee were appointed, consisting of Mr. Calcraft, and several others, with power to send for persons, papers, and records.

ROYAL BURGHS (SCOTLAND).] Sir *George Clerk* moved, that the petition respecting the providing of prisons in the royal burghs, (presented on Wednesday last), be referred to a committee to examine the matter thereof, and to report the same, with their observations thereupon, to the house. The committee were named, consisting of Sir George Clerk, the Lord Advocate of Scotland, the Lord Register, Lord Archibald Hamilton, and others, with power to send for persons, papers, and records.

HOUSE OF LORDS.

Tuesday, Feb. 17.

EXCHEQUER BILLS BILL.] The thirty millions Exchequer Bills Bill, and the Malt Duties Bill, were brought up from the House of Commons by Mr. Brogden and other members, and read a first time.

HOUSE OF COMMONS.

Tuesday, Feb. 17.

NORTHERN COUNTIES.] Mr. *M. Angelo Taylor* begged the attention of the house to the consideration of the very important subject of which he had given notice for that day. It was impossible that the house should not feel the necessity of that consideration, when it was recollected, that the evil which it was his object to redress, excluded from the ordinary administration of justice four counties in England. In all the other counties of England, commissions of General Gaol Delivery and Nisi Prius were held twice every year; in Ireland, twice; in the principality of Wales, twice; in Scotland twice, and, on extraordinary occasions, prisoners were brought up for trial to the High Court at Edinburgh. The counties of Durham, Northumberland, Westmoreland, and Cumberland, with the county and town of Newcastle-upon-Tyne, formed the sole exception in the United Kingdom. On what principle an evil, thus impeding the administration of justice, had been so long continued, he was wholly at a loss to account. Those counties were numerously inhabited; they contained within them large trading and commercial towns, which enjoyed an intercourse with every part of the world. He feared that they could not claim a greater exemption from the commission of offences than the other counties of England, and, therefore, they ought to possess equal advantages in

the speedy administration of justice. There were persons now confined in the prisons of those counties whose trials would be postponed, not till the spring, but till the summer assizes. So that nine, ten or eleven months must intervene before those unhappy individuals could be brought to trial. Was such an evil to be tolerated in this enlightened age? The civil causes in those counties were not trivial either in number or form. In Durham alone, at the last commission of Nisi Prius, there were fifty causes on the list. If the accounts that he had some days ago moved for were on the table, the house would feel, that the evils arising from an obstruction to judicial business were progressive every year. Even in the ordinary proceedings of an ejectment between landlord and tenant, an interval of three years would elapse before the landlord could recover possession of his property. It might be said, why had not representations been made by the parties aggrieved? The answer was, that those who felt the grievance most severely, were disinclined by the hurry of other business, and the anxiety to return to their private pursuits; such, for example, was the case with grand juries. The prisoners themselves could be expected to do little. They might apply to the Secretary of State for the Home Department on their individual sufferings. He would refer them to the ordinary tribunals, or they might appeal to that house by petition. What chance of redress had they, unless their petition were supported by high authority? The house should remember how little alive men in general were to the ordinary impediments of justice. There must be some specific suffering to attract public consideration. Men must writhe under a sense of pain before they are roused to complaint; and, indeed, in many instances, they feel the pressure without thinking of applying for the remedy. What a number of years elapsed before any step was taken to remedy the evils arising from the system of appeal causes, and the delays in the court of chancery? Every man felt the injury which the administration of justice sustained in these points, yet how long had that subject slept, until he had the honour of first introducing a specific proposition to the consideration of that house? He felt it was unnecessary to state more at present, in order to induce them to take steps for correcting so gross an evil. The great question was, as to the remedy. It was impossible, after a system of abuse had continued for so many years, not to feel every step in the pursuit of correction surrounded with difficulties. But, in looking for a practical remedy, he had first to request the house to reflect on the great increase in our population, agriculture, and commerce, since the reign of Elizabeth, and then to ask itself whether, if twelve judges were then necessary to the administration of public justice, some relief ought not to be afforded to the various courts of law, to enable them to dispose of the vast increase of public duty that had since taken place? The hon. member then reviewed the growing business for some years past in the courts at Westminster, and observed, that, in the last session, parliament had deemed it expedient to afford relief by passing two acts—one, to facilitate the progress of business in the King's Bench—the other, to facilitate the hearing and determining of suits in equity in the Exchequer. It was a lamentable fact, that the sessions at the Old Bailey, which, in former times, commenced every eight weeks, on a Wednesday, and terminated on the succeeding Saturday, now lasted, on the average, for a fortnight, while there were instances of longer duration, and of the Recorder and Common Serjeant, to whom the business, from the necessary absence of the judges, at one time devolved, being obliged to call in the aid of the chairman of Middlesex, on the trial of traverses. The crown, by virtue of its prerogative, could direct commissions of gaol delivery to be held, but, without a legislative enactment, from the attendant expense, commissions of assize and Nisi Prius could not be directed, as no person could be appointed below the rank of a serjeant at law. In that house, therefore, the bill must originate, as it was a money bill. He would now proceed to state the plan which seemed to him to be the most feasible. There was an officer in the court of Exchequer called the Cursitor-Baron. The present Cursitor-Baron (Baron Maseres,) was a sound lawyer, and a man of great science. His situation, however, was one that afforded him considerable leisure, in proof of which it was enough to state, that he had for a time acted as deputy Recorder of the city of London. In fact, all he had to do was, when the Barons of the Exchequer came into court, to be sworn in, to make a handsome bow to them, and to retire. What he (Mr. Taylor) proposed was, to make this office effective—to make the Cursitor Baron of the Exchequer forthcoming (if he might so express himself,) to take his turn for the assizes, and to sit at the Old Bailey. For these duties he might be allowed an additional salary of three thousand pounds, and the arrangement would afford a substantial relief to the judges.—He had another proposition to make. It might be proper to have a cursitor judge of the court of King's Bench, who should take the whole of the bail during term, and be, in fact, an effective judge for the Old Bailey, for Nisi Prius, and the assizes, though not in banc. At present, the term did not afford sufficient time for disposing of the numerous causes, and other matters, that were to be heard; and the judges were compelled to resort to a variety of expedients to supply the deficiency, so that the assistance of these two persons would be highly valuable to them. The whole cost of the plan would be trifling, if, indeed, expense were to be at all put in competition with the

evils of the present system, by which it frequently happened that individuals were imprisoned in the four northern counties, before trial, for a period longer than that to which their crime, even were they found guilty, would subject them by law. He had heard it said, but he could not suppose it possible, that his plan would be objected to on the part of those persons in office in the counties in question, who had to entertain the judges, and whose expenses would, therefore, be doubled, should the assizes there be put on the same footing as in other parts of the kingdom. He was persuaded that the sheriffs of those counties would not make such an objection, nor did he think it would proceed from the bishop of Durham.—After expressing a hope that, if the house should agree to his motion, he might have some communication on the subject with government, and especially with the law officers of the crown, in order to ascertain how the matter might be best arranged, the hon. and learned gentleman concluded by moving, "That an humble address be presented to his Royal Highness the Prince Regent, praying that he will be graciously pleased to issue his commission of Oyer and Terminer and general gaol delivery, for the counties of Westmorland, Cumberland, Durham, and Northumberland, and the town and county of Newcastle-upon-Tyne, twice in every year; and also his commission of assize and Nisi Prius; and to assure his Royal Highness, that this house will make good any expense attending the same."

The *Attorney-General* said, he did not rise to enter into all the arguments of his hon. and learned friend, but to express his regret that he had not stated some specific proposition which might have been a fit subject of consideration by the legislature. Before so great an alteration in our judicial constitution was agreed to, it ought to undergo the most deliberate investigation. He objected to the motion, because it proposed that to be done suddenly, which, if done at all, ought to be done with great caution; and because no present emergency existed that required any immediate step to be taken on the subject. He by no means meant to say, that after due consideration it might not be deemed advisable to adopt some arrangement, by which the four northern counties might be put on the same footing as the rest of the kingdom; but he could not consent to the hasty proposition of his hon. and learned friend, and he should, therefore, move the previous question.

Sir *C. Monck* thought that the hon. and learned gentleman could not have understood the nature of his hon. and learned friend's proposition. His hon. and learned friend had not argued that there was any sudden occasion for a departure from the established law and usage of the land; he had only stated what was notorious to every body, the grievances under which the four northern counties had long laboured. The purity of justice in England was the theme of general and just admiration; but it should not be forgotten, that promptitude was an essential part of the administration of justice. Why should not the assizes be as frequent in the northern counties as in Cornwall, which was equally distant from London? So far was he from agreeing with the Attorney-General that his hon. and learned friend's proposition was too great a departure from the ordinary course of the administration of justice, that he wished that proposition had been more simple and direct. He wished it had been merely to address the Prince Regent to extend to the northern counties the usual assize commission in spring, which was now confined to York and Lancaster. When he recollected how easily the house had the other evening voted 400,000*l.* to purchase the abolition of the slave trade from Spain, he could not believe that they would hesitate in granting the trifling sum that would be necessary in order to defray the expense of communicating to the four northern counties the blessings of equal justice; and he thought that if they agreed to the previous question moved by the hon. and learned gentleman, they would be guilty of a gross dereliction of duty.

Lord *Castlereagh* observed, that the objection to the motion was, that the house could not be suddenly prepared to venture on an address to the crown, which must of necessity occasion a very extensive change in the composition of all the courts in Westminster Hall. For one, he felt quite incompetent to determine on the probable advantages or disadvantages of the hon. and learned gentleman's plan; and he apprehended that the house at large must be pretty much in the same situation. He imagined that the hon. and learned gentleman had attained the object he had in view, namely, calling the attention of the house to the subject. On the importance of it he by no means differed from him. It was certainly extremely desirable, that all the inhabitants of the kingdom should equally enjoy the benefits of the administration of justice; but to decide on the best mode of effecting that object, required more information than the house at present possessed. If the hon. and learned gentleman had moved for an inquiry, as in the case of Wales, last year, he should have had no objection to the proposition *(hear, hear)*; but he had come to the conclusion at the very outset.

Mr. *M. A. Taylor* said, he had brought forward his motion, in order that the subject might be discussed; and whether it was discussed in the present shape, or under that of a motion for inquiry, was to him indifferent. With the permission of the house, therefore, he would withdraw his motion.

Mr. *Brougham* concurred in the general opinion which facts had so irresistibly impressed—that it was impossible longer to deny an equal administration of justice to the four northern counties. He was much gratified to find that the only objection was to the mode in which the remedy was to be applied. He strongly

urged his hon. and learned friend, therefore, not only to withdraw his motion, but immediately to follow up that step by moving for a committee of inquiry.

Mr. *W. Smith* agreed entirely with the motion. He stated, that he had received a letter which convinced him that some alteration of justice was absolutely necessary in the north of England.

Mr. *Warre* expressed his satisfaction that an inquiry was about to be instituted into the subject.

Sir *M. W. Ridley* said, he had always been impressed with the expediency of having the assizes in the northern counties twice in the year, and he thanked his hon. and learned friend for the motion which he had submitted to the house.

Mr. *Wynn* observed, that although he felt that some measure was necessary, yet he was glad that his hon. and learned friend was about to withdraw his motion, to which he could not have consented, considering the near approach of the spring assizes, and that no person who had a suit would be sufficiently aware of the new arrangement.

Mr. *Taylor* then withdrew his motion, and gave notice that he would to-morrow move for a committee of inquiry on the subject.

IRISH TREASURY BILLS.] An account was ordered "of all Irish Treasury Bills outstanding and unprovided for on the 13th day of February 1818, in British currency."

BRITISH CLAIMANTS ON FRANCE.] A petition was presented of Francis Franco, of Portland Street, Daniel Reardon, of Corbet Court, executor of Jacob Franco, deceased, and Edward Du Bois, assignee of the estate of William John Frederick and James Du Bois and others, British claimants on the government of France; setting forth, "that in the years 1792 and 1793 the petitioner Francis Franco and the said Jacob Franco, deceased, who is represented by the petitioner Daniel Reardon his executor, and the said William John Frederick and James Du Bois, who are represented by the petitioner Edward Du Bois, were creditors to a very great amount of sundry subjects of France, and that their property was confiscated and sequestrated by the then revolutionary government of France, and that the same has never wholly or in part been restored to them, although they have resorted to every means in their power to obtain restitution thereof; that by a convention signed by Lord Castlereagh, the Duke of Wellington, and the Duke de Richelieu, at Paris, on the 20th day of November 1815, concluded in conformity to the ninth article of the principal treaty, relative to the examination and liquidation of the claims of the subjects of his Britannick Majesty against the government of France, it was provided, amongst other matters, that the subjects of his Britannick Majesty, having claims on the French government, who, in contravention of the second article of the treaty of commerce of 1786, and since the 1st of January 1793 had suffered on that account by the confiscations or sequestrations decreed in France, should, in conformity to the fourth additional article of the treaty of Paris of the year 1814, themselves, their heirs, or assigns, subjects of his Britannick Majesty, be indemnified and paid, and which convention the petitioners believe to be already before the house, and printed by their order; that, on the part of the British government, all claims for the maintenance of French prisoners of war in England were abandoned, on the express condition that the claims of the petitioners and all other British subjects, to their own property (which though considerable, as it respects all the British claimants, is yet very inferior in amount to the sums so relinquished by the British government) should be satisfied and paid by the French government; that the commissioners appointed to examine the commercial claims of British subjects on the government of France in pursuance of the said convention, and provided for by the sixth article of the said convention, have not to this time, nearly three years, (notwithstanding the process prescribed by the said convention, and the French commissioners, to the petitioners and the other British claimants in proof of their claims, have been complied with, and vast expense incurred in the pursuit,) determined, liquidated, or settled any one commercial claim, as far as the petitioners are informed; the petitioners therefore most humbly hope that the house will take into its consideration the injustice and hardships they have suffered, as well as the breach of agreement between the two governments, by which that of France was immediately benefited, while the British subjects remain to this day without redress, notwithstanding the justice of their cause, and the sums far more than equivalent, renounced on that condition by the British government."

The petition was ordered to lie on the table, and to be printed.

GRIEVANCES UNDER THE SUSPENSION ACT.] Sir *F. Burdett* presented a petition of James Leach, flannel weaver, of Broadoth Lane, near Rochdale, in the county of Lancaster; setting forth, "that the petitioner was arrested on the 28th of March 1817, under the suspension of the habeas corpus act, at the Georgius tavern, Hardwick, in the town of Manchester, along with some other men who were entire strangers to the petitioner, by the police officers, and escorted to that prison by a troop of dragoon guards, and put into a cold damp cell flagged with stone, without victuals, for that night; the only furniture it contained was an old bed of straw swarming with vermin; the petitioner remained in that situation for ten days; his victuals, which consisted of bread and cheese, were given him through the iron bars which served him for a window, and his cell door was seldom suffered to be unlocked; on the evening of the 7th of April, the petitioner was ordered out of bed about nine o'clock, and taken into the court with about ten others, and, after their names were called over, justice Heys said a

king's messenger was just arrived for the petitioner and two others, William Kent and George Plant, with warrants from Lord Sidmouth to take them to London, to be examined before the secretary of state for the home department, and he wished them to prepare themselves for what they were likely to meet, for he could assure them they stood charged with high treason, and with having under their protection men and arms to wage war against his majesty and his liege subjects: the king's messenger then shewed his authority, and ordered to take them off by the first coach; they were then taken back into the prison, and the petitioner was put alone into the felons' day-house; in vain he begged to retire to his cell, but the cold flags served him for his bed that night, resting his head upon bars of iron; about five o'clock the next morning, the petitioner was fetched out of this cold and dismal place and heavily ironed on both legs, Kent on one side and Plant on the other; finding that one of his bazels held him too close, he begged of the deputy constable to change it for another, observing that he should not be able to bear it to London; but, damning the proud limbs of the petitioner, he said if he would not behave well with what he had already got, he would furnish him with an iron collar for his neck; they then stepped into the coach for London, and they arrived at Bow Street office about twelve o'clock on the 9th, and after having their irons taken off, and a little refreshment, they were conducted to the secretary of state's office for the home department, and underwent a short examination before Lord Sidmouth and other privy counsellors, charging the petitioner with high treason, but did not say what it consisted in; he was then taken to the Brown Bear public-house, and the day following to Cold Bath Fields prison; on Tuesday the 15th, the petitioner was again brought up for examination, and likewise on Tuesday the 22d, and likewise on Tuesday the 29th; on this his fourth examination before Lord Sidmouth, his lordship said he was regularly receiving information against the petitioner, and from such a respectable source that authorized him to commit the petitioner to close confinement till liberated by due course of law, and if he had any thing to say why he should not be committed, he was then at liberty; at which the petitioner said, he had arrived at the age of a young man, and had never violated the law, and whatever his lordship's information was that gave him that authority, it was incorrect; his lordship then added, that the petitioner was committed, and at some future day he should be brought to trial, for which he should have timely notice, with a list of the evidence against him; the petitioner was then taken back to Cold Bath Fields to his former situation; on Thursday the 1st of May, he was removed to Chelmsford gaol, in the county of Essex, conducted by a king's messenger and a turnkey, handcuffed to one Flitcroft, from Stockport; while the petitioner remained in that prison he was never suffered to sleep with his clothes in the same cell, they were taken away from him every night and returned every morning; his bed was purely searched every morning, and when he attended divine worship in the prison often overturned; that, on the 14th of November he was taken before a bench of Magistrates to enter into recognizances which bound him in one hundred pounds to appear in the Court of King's Bench on the first day of the next term, and day by day, and not to depart the Court without leave; and the petitioner returned home to his distressed parents, who, by the fatal consequences of his imprisonment, had not reduced them to beggary only, but brought them near to the grave; on the 21st of January, he received a letter signed by John Entwisle, esquire, one of his Majesty's justices of the peace, stating that he was desired by Lord Sidmouth to acquaint him, that as nothing had appeared against him in his conduct since his discharge, his appearance in the Court of King's Bench on the first day of next term, pursuant to his recognizance, would be dispensed with, and his Lordship hoped that his future conduct would never render it necessary to call him into a court of justice; the petitioner can assure the house that he never was guilty of any such treason, or any breach of the law, that it was always his principal motive in promoting peace and quietness; therefore, as an object truly deserving compassion, after eight months of unjust imprisonment, with his health impaired, with an injured character, out of employment, and in a state of starvation, the petitioner most humbly implores and petitions the house to take his case under their most serious consideration, and for such redress as in their wisdom they can grant him."

The petition was ordered to lie on the table, and to be printed.

Mr. *Brougham* said, he had to present to the house a petition of Benjamin Scholes, of Wakefield, in the West Riding of the County of York, and late a prisoner under the suspension of the habeas corpus act. He was a victualler and alehouse keeper, by which business he had supported himself and his family with comfort. In the month of July, however, he was apprehended by a warrant from Lord Sidmouth, thrown into prison, and notwithstanding the prison of Wakefield was well secured and well regulated, he was conveyed to the castle of Cambridge. There he was detained till January, in which month he was set at liberty without any more cause for his liberation than had been stated for his detention. *(Hear, hear.)* In consequence of his imprisonment, he had been ruined, his house and business broken up, and himself materially injured in health. He (Mr. Brougham) had in his possession a certificate from a respectable member of the college of surgeons who had attended him, which declared, that the confinement which the petitioner had endured had caused the illness under which he

had laboured. His health was broken, and he was ruined in circumstances; and he had now to state to the house the sole reason of those proceedings which he had been able to discover. A charge had been laid against him by two persons of the names of Oliver and Bradley, (*hear, hear,*) for having been concerned in meetings held in his own house for seditious purposes. The particulars of that transaction he should relate to the house. Scholes first became acquainted with Oliver through the introduction of a person of the name of Mitchell, who was travelling about Yorkshire, as others had done in various parts of the country, pretending to come from societies in London, and making use of the name of the honourable baronet the member for Westminster, as well as of that of his noble colleague. In the course of their proceedings, Oliver, as the petition stated, was very constant in instigating Scholes to go farther; and, not to trouble the house with more than one instance of his conduct, he might state that Oliver said it was in vain to petition, petitioning was of no use; that they must have recourse to physical force. (*Hear, hear.*) Scholes, in consequence, had some suspicions of the man, and threatened to lay an information against him before the magistrates. Then came Oliver's plans; for he being threatened with exposure, no sooner found himself in danger of an information which could be supported by good evidence, than, with his associates, he wrote circular letters to call a meeting at the house of the petitioner. Scholes denied that such a meeting had ever been held at his house. He thought that other circumstances might throw much light upon that fact. Indeed, he believed that an hon. friend of his had found means to obtain some information on that point; that he had discovered Oliver himself complaining to others of the slackness of Scholes, and of his refusing to allow meetings to be held in his house. (*Hear.*) The petitioner denied that he ever had been present at any such meeting in his life. Indeed, he stated, that he never had any knowledge of any, but one, for promoting the cause of constitutional reform, which had ended in a petition that had been presented and received by that house. Inquiries had been made, and the result had been in every way favourable to the petitioner's character. He (Mr. B.) stated that, because he did not think it right to bring such charges rashly, especially when they involved considerations of such importance. The first reason that he had for believing Scholes to be a person of good character was, that he had at different periods filled offices of considerable respectability. He had been employed as deputy-constable in the neighbourhood of Wakefield at a period of disturbance, and, principally by his exertions as deputy-constable, the peace had been so well preserved, that the provisions of the watch and ward act, then in force, had almost directly ceased to be applied. In consequence of the vigilance which he manifested, his services were received with unanimous approbation, and he believed with the thanks of the magistracy under whom he acted. He had also received the thanks of the deputy-lieutenant. In addition to that, he might state, and to some persons in the house it might be a considerable improvement of his former character, that the petitioner had been upwards of three years a collector of assessed taxes. These things, he trusted, would not be forgotten, for he had had means of communication with most respectable persons, and from them he was informed that the petitioner had for many years fulfilled the duties imposed on him with the greatest propriety. He had had communications on the subject with the noble lord the member for Yorkshire, as well as the venerable personage to whom he was related; and he might read one or two letters which would inform them what was the character of the petitioner. [The hon. and learned gentleman then read an extract from a letter, in these words:—" I have taken some pains to inquire into his (Scholes's) case, as I was at first prepossessed with an unfavourable opinion of him. But I am now thoroughly convinced that he has been most unfairly dealt with, and that he has had no more connection with any illegal or seditious designs than Mr. Wilberforce (*hear, hear,*) or the most innocent man in the kingdom; and I have no doubt that this will most evidently appear, if a full and fair investigation can be had of his case."] The suspicions of the man's character which appeared to have been entertained, were the consequences of all such cases. The moment it was heard that a man had been apprehended on a charge of high treason, or of any thing seditious, he was instantly suspected of being a very bad character. The hon. member (Mr. Wilberforce) would see that his name had only been introduced as the most striking person of the kind that was suggested to the writer. The petitioner, in one part of his statement, related a circumstance which he should read to the house. [The hon. and learned member then read a part of the petition, which prayed that the house would take the statement he had made into consideration, and that they would grant him such redress as they in their mercy and clemency might think proper; and that they would use such interest with the secretary of state as would cause him to return the papers which were taken from him, and an old memorandum-book, the property of a poor widow, which furnished the only evidence she had of a debt that was due to her of 17*l.*] It was singular, that after all he had experienced—he would instance that as the most striking proof of his character—that after all he had endured, he asked but for the property which had belonged to himself and others to be restored to him. He called for nothing to be done to those by whom he had suffered; he invoked no vengeance upon their heads; he demanded no justice; but he (Mr. B.) trusted, that this would not be held as any argument for their turning a deaf ear to what was laid before them;

he hoped that they would no longer have evidence so repeatedly proffered, without allowing those who were supposed to possess it to adduce their proofs.

The petition was then brought up, read, laid on the table, and ordered to be printed.

It set forth, "That on Wednesday the 2d day of July 1817, the petitioner was taken from Wakefield by a king's messenger, and carried before the right honourable the secretary of state for the home department, and others, by whom he was committed to Cambridge castle, or New County gaol, where he remained in close confinement until the first day of January 1818: that in consequence of the arrest and detention of the petitioner, his home has been broken up, his business totally lost, and himself at the age of forty is thrown into the world to seek for a livelihood as if he had now to begin life anew; that on the 3d day of January, after his liberation, the petitioner was taken ill, so that he has never since been able to do any thing towards the procuring of a livelihood, and that his disorder has entirely been the consequence of his confinement, as a certificate of the surgeon will testify; that thus injured in health and ruined in business, the petitioner is destitute of the means of supporting himself in the same comfortable and honourable manner which he did previous to the time when he was taken from his home, and he trusts most undeservedly immured in prison; that the petitioner has been informed that his arrest and confinement have had their origin in the information of a person of the name of Oliver, and another of the name of Bradley, who had falsely informed the honourable the privy council, that the petitioner had taken part in several meetings of persons calling themselves delegates who harboured treasonable designs against the existing government; but the petitioner can prove that a person of the name of Mitchell, who had been travelling through the country on a pretence of encouraging constitutional parliamentary reform, first introduced Oliver to the petitioner under the appellation of a delegate from the friends of parliamentary reform in London, and as the particular friend of Sir Francis Burdett and Lord Cochrane: that the said Oliver strongly solicited the petitioner to become an agent for the sale of the Black Dwarf and other similar publications, which the petitioner positively refused; that the said Oliver first talked to the petitioner of resorting to physical force to obtain reform, as petitioning had proved of no avail; but on hearing such language from him, the petitioner threatened to lay an information against him before the magistrates, renounced his acquaintance, and desired that he might never see his face again; that the said Oliver and Mitchell, without any knowledge of the petitioner, did write circular letters to call a meeting of persons from different parts of the kingdom, to be held at the house of the petitioner; but as soon as he heard that a meeting was about to be held at his house for political purposes, the petitioner interfered and discharged them from assembling there; nor, notwithstanding the numerous statements professedly official to the contrary, has any meeting of delegates for secret political purposes, been held there at that or any other time since the petitioner has kept the said house; and that the petitioner never had any political connection with any man living in any unlawful purposes, nor ever attended any political meeting but one, regularly called to consider of a petition for parliamentary reform, which petition was afterwards presented and accepted by the house; that the petitioner can refer with confidence to his past conduct as a full and satisfactory proof of the loyalty and uprightness of his principles; that the petitioner for three years, during which period the mischievous Ludding system was at its utmost height, held the situation of deputy constable of the populous townships of Stanley cum Wrenthorpe, near Wakefield, in which situation his exertions were such, that that district was altogether exempted from the provisions of the watch and ward act, though that act was put in force in all the neighbouring villages by the deputy lieutenants, whose thanks the petitioner received for his active and useful exertions; that during the time the petitioner held the above office, all depredations were by him prevented through the precincts of those extensive and populous townships; that the petitioner also held for three years the situation of collector of assessed taxes throughout the same townships, during which period he was honoured with the warm commendation of the receiver-general for his diligence and punctuality in that office; the petitioner therefore humbly prays the house to take the above statements and the present situation of the petitioner into their kind consideration, and that the house will grant him such redress as in their mercy and clemency they may deem expedient and proper; and that the house will interpose their good offices with the right honourable secretary of state, that he may have the goodness to return to the petitioner the papers and old memorandum-book taken from him, which are the property of a poor widow, and furnish the only evidence she has of a debt of seventeen pounds, and her only security for its recovery."

Lord *Folkestone* then rose, pursuant to notice, and moved that the petition of Francis Ward, (presented to the house on the 29th of January) the petition of William Benbow, (presented on the 31st of January) the petitions of John Knight, and Samuel Haynes, (presented on the 6th of February) the petitions of Joseph Mitchell, Thomas Evans, William Ogden, and John Stewart, (presented on the 13th of February) and the petition of John Bagguley, (presented on the 16th of February) should be entered as read. This being done, the noble lord proceeded as follows:—"Sir, when the house consider all the circumstances detailed in those petitions, I am persuaded that they will think it

their duty to pause, before they are induced to entertain, as a matter of course, a bill of indemnity. I have been led to introduce this subject to your notice at the earliest opportunity, because the noble lord (Castlereagh) has stated that a bill of indemnity is to be brought forward, not for the grave and serious discussion of the house, not as a measure that is to depend on its own merits, and to be rejected or approved as the conduct of his majesty's ministers shall warrant; but as a measure which the ministers are entitled to demand of the house, as a matter of course, and which the house in its legislative capacity, cannot refuse. It appears to me that a strange confusion prevails in the minds of several persons with respect to that bill. They seem to think that it is really due to the ministers of the crown, as the noble lord has stated, without any previous investigation; but if I know any thing of the principles of our constitution, I will be bold to say, that it is the duty of the house on this occasion not to take care so much of the ministers of the crown as of the liberties of the people. (*Hear, hear.*) Before they suffer themselves to give any countenance to a bill of indemnity, they should see that the people have not been damnified: they should first appoint a committee to examine the grievances which the petitioners have stated, and to ascertain whether the ministers have not exceeded their powers. Nothing can be more hostile to the spirit of liberty, nothing more destructive of that generous plan of power which our forefathers have delivered down to us, than the doctrine that a bill of this nature should be passed as a matter of course. During the last hundred and twenty years, the habeas corpus act has been suspended nine or ten times; but there is only one instance, the noble lord and his colleagues can find only one precedent of a bill to indemnify ministers for the measures which they have pursued under the suspension. It is singular, too, and not the least point that requires attention, that almost the very same persons then applied for a bill of indemnity who apply for it now. They are acting, therefore, on a precedent which they have made for themselves; they are calling upon the house to screen them from the consequences of their late violations of the law, merely, as they state, because they have been protected from such consequences before. Whatever some gentlemen may think of this matter, it is a curious fact, that the system now proposed to the house is of very modern date. I have taken some pains to look into the proceedings of parliament, and I find that the first instance of a bill of indemnity occurred in the 40th year of the reign of the present king. When ministers thought proper to apply to the legislature for a bill to suspend the habeas corpus act, they asserted that sedition and treason prevailed in several counties, and that the ordinary powers of the law were not sufficient to repress them. This was the ground upon which they desired to be intrusted with extraordinary powers. But what has been the result? The only instance which we know of any outrage having arisen from the evil spirit which was said to prevail, was that which occurred in Derbyshire, which was followed by a trial for high treason, and three individuals suffered the punishment of the law. No gentleman has shewn that any other case of treason had been found to exist. It is evident, therefore, that the dangers of the country were exaggerated beyond their proper dimensions; and that they might have been removed, had government taken a different course from that which they have pursued. With respect to the manner in which ministers have exercised the powers given to them by the act for suspending the habeas corpus, the very fact of asking for a bill of indemnity is a confession that they have abused the laws. (*Hear, hear.*) They have violated the law in all respects, and I am at a loss to know how gentlemen will justify themselves in the eyes of their constituents, in what manner they can reconcile it to their own consciences to grant an indemnity under such circumstances. It is admitted on all hands, that the suspension of the habeas corpus act gave no new powers of apprehending or dismissing persons. (*Hear, hear, from Sir S. Romilly.*) As to taking up persons in a different form, and executing warrants in a different manner, from the ordinary course of proceeding, ministers may look in vain to the suspension act for any sort of justification. The law has appointed regular and stated forms by which persons are to be apprehended and discharged; those forms are regulated by the authorities of our law books, and by acts of parliament; but, in the present instance, not one of those forms has been pursued. I will not dispute the power of a secretary of state to commit:—but it is undoubtedly an usurpation, and the practice is not of ancient date. It was by no means recognized in the time of King William. In the trial of Kendall and Roe, it is expressly denied by Sir Bartholomew Shower, who was counsel for the prisoner, and a long argument followed on his denial:—and though it was determined by the court in that case, that the power existed, yet it is not a little remarkable that, in that very case, which is said to have established and settled the point, the grounds of it were so indistinctly understood, that Mr. Justice Rokeby, affirming the power, drew as a necessary inference this conclusion:—that the secretary of state must have power to administer an oath—a power which from that day to this has never been exercised or so much as claimed by him.—A little before this time, it is clear that the power was understood not to exist, for by the licensing act of Charles II. though power is expressly given to the secretary of state to issue a warrant, (and this is the only act which does give such a power) the power to commit is so far from being given, that it enacts that the persons so apprehended shall be taken before a justice of the peace, and be by him committed:—thus in truth negativing the power of com-

mittal in the secretary of state altogether. I will not now dispute the power of the secretary to issue a warrant; but it is an undoubted usurpation, and was so pronounced by that great and excellent lawyer, Lord Camden, in which the three other judges of the court of common pleas agreed with him; and how it arose nobody knew. It is, in fact, a perfect anomaly; and if it is to exist, I, for one, should prefer that the power should be given to a secretary of state to administer an oath, in order to destroy the anomaly. With respect to forms, I certainly do not find any statute, or any judicial decision, by which a particular form is to be gone through by the secretary of state; but the same forms should be attended to on these occasions as are adopted in ordinary cases. In all cases of felony, a justice of the peace is to take the examination in writing of the accuser and witnesses on oath, and to send it to the proper court. It is not to be supposed, then, that if this necessity exists in inferior cases, it is not to be followed in superior cases: if particular forms are required in felonies, the same precaution should be taken towards those who are accused of the crime of treason. If a justice of the peace commits for treason, he must proceed in that way; because he commits not for treason, but for a breach of the peace. Now, none of these forms, as far as I have been able to ascertain, were followed in the recent proceedings. In regard to the first petition which I presented, it appears that the warrant for the arrest of the petitioner (Francis Ward) originated not with the secretary of state, but the magistrate at Nottingham, and that the parties entered the house, and refused to shew the warrant. It has been said, that, with respect to the treatment experienced by this man at Nottingham, great exaggerations have been made, and probably it may be so; but I shall insist, that irons ought not to have been used in any of these cases, unless absolutely necessary. I cannot help observing, that though the secretary of state may have given directions that these people should not be ill-treated, yet he took care that all those who are the proper guardians of such persons, the magistrates and justices of the peace, should be prevented from ascertaining whether they were ill-used or not (*hear, hear, hear*); and, therefore, if they were ironed, he is responsible for it. (*Hear.*) Some of the grievances may be expressed in language rather too strong; but I do not wonder that persons taken away from their families, and subjected to solitary confinement—a punishment unknown to the old law of England, and not inferior to death itself—should consider themselves much aggrieved, and express themselves in the strongest terms. In other times, the house has not been in the habit of turning a deaf ear to such complaints. It appears by an entry on the journals of the house, that in the year 1689, Lord Castlemaine, a member, was committed to the Tower, under a warrant of the secretary of state, for high treason; and the house being informed that he was not allowed to see his friends or servants, a debate arose touching the close confinement and ill usage of prisoners in Newgate, and several other prisons, and a committee was appointed to prepare and bring in a bill for the better regulating the imprisonment of the subject; and further, the Attorney-general was ordered to prosecute Mr. Richardson, the keeper of Newgate, for his illegal usage of several of the King's subjects during their imprisonment. Such were the resolutions of the Commons at that time; and I hope that the house will follow the example, and appoint a committee to examine into the truth of the matters alleged in these petitions, and take measures for giving redress. (*Hear, hear.*) I now beg to call the attention of the house to the case of these people. I maintain, that they were committed to prison without the ordinary process of the law, and were dismissed without due process. No lawyer will say that this was not irregular; no one will take upon himself to assert, that a person committed for a known offence can be released without some process of law. As to the recognizances of the parties themselves, it is an inferior sort of bail, and one of less security. It is a mode of discharge as illegal on the part of the officers of the crown, as it is unjust to the prisoners. It is illegal, because it is contrary to all the statutes from Edward I.; and unjust, because it leaves the parties with a stigma on their characters, which, if they had been tried, would most probably not have attached to them. The first statute on this subject, is that of the 3d of Edward I., commonly called the statute of Westminster. This act relates to replevins, the only sort of bail known at that time, and enacts, that prisoners that be taken *for treason touching the King* shall be in *no wise replevisable.* This act of Edward I., is re-enacted and confirmed by the 1 & 2 of Philip and Mary; so that I hold it to be most clear and decided law, that no magistrate can bail in case of high treason. But even admitting, (which I only do for the sake of the argument,) that magistrates have the power of bailing for high treason, they do not possess that power as lately exercised; for in the case of the prisoners, *one* magistrate took their recognizances in some instances, whereas by the act of Philip and Mary, the presence of two is required for the performance of that duty. These persons, therefore, could not legally have been bailed; for if it was regular now under the suspension act, as that act did not make any change in the law regarding the right of commitment or discharge, it would be regular in other cases. But it is said, that in this case there is the authority of the court of King's Bench, in favour of the doctrine that magistrates can bail for high treason, for the prisoners appeared before that court to have their recognizances discharged, and the legality of entering into them had thus been acknowledged. To this I cannot assent; no subsequent act of the

prisoners could have any retrospective effect, so as to render legal what was previously decided to be contrary to law. But, after all, the question now in discussion was never brought before the court; the legality or illegality of the proceeding was not the point submitted, no decision, therefore, was or could be taken on it. I beg the house to consider what this doctrine, if admitted to this extent, would lead to. My hon. friend (Mr. M. A Taylor) has spoken of the delay of justice in the northern counties; and I will put the case of the commitment of a person, on the warrant of the secretary of state, to some gaol in Westmorland, immediately after the assizes; there he may lie for 11 months, and upon the near approach of the assizes, may be bailed by a magistrate, and thus may be left without any remedy, not having even the means of bringing an action for false imprisonment. Such a case may arise at any future period in the four northern counties, if the principle lately acted upon is admitted to be law It may appear strange, that I, who am so decidedly against the late imprisonments, who think the arrest and treatment of the persons who suffered by them were uncalled for and oppressive, should yet complain of their discharge; but on a little consideration it will be allowed that I am perfectly consistent. I complain of the manner in which these men were discharged, because it took from them all remedy—because it deprived them of all means of clearing their character, and obtaining compensation for the losses they suffered, and the hardships to which they were subjected. But this is not my only motive, nor is it the only duty of the house to see these men righted. It is the duty of the house to take notice of the violation of the laws, and to punish those who were the violators, though the petitioner might not quarrel with the transactions in question, and had no complaints to make against the government. (*Hear, hear.*) In regard to what was said in a former debate in this house. and the regret then expressed, (see page 163) that persons of more weight and greater consequence, who inflamed the public by their speeches, had not been arrested, I think that it is now manifest. why this was so. Doubtless the ministers would have been too happy to have given such an *eclat* to their measures, if they could have found any tolerable grounds for such steps; but they were unable to do so. Neither the hon. baronet (Sir F. Burdett) below me, nor any other gentleman, gave them the desired opportunity. Still, however, some victims must be had. It was not safe to lay hold of others who would not have submitted so quietly to their fate, or have accepted of their discharge on such conditions, who could neither have been imprisoned nor turned out of prison without creating some noise. (*Hear, hear.*) Not only is the rank of these victims such as to preclude them from making their complaints be heard with effect, but the house is told that their complaints ought not to be listened to, because their allegations are false. It has been argued, that they could not be believed, and that therefore their petitions for inquiry laid no sufficient ground for the present motion. Even admitting the premises of the gentlemen opposite, I cannot see the justness of their conclusion. If the allegations of the petitioners were as false as they are contended to be, I still think the present motion ought to be entertained, in order to have them disproved, and to shew to the country if that were the case, that the ministers, in the exercise of the extraordinary powers intrusted to them, have not proceeded with unnecessary rigour, or acted contrary to the authority of law. It has been said, that Francis Ward, whose petition I have made the ground of this motion, is a bad character, and therefore unworthy the attention of the house; but I will ask on what ground the charge is advanced? Has he done any thing which has been proved against him—has he been convicted of any offence? On the old maxim of law, which I am sorry to see discountenanced by some members of the house, (*hear*) every man ought to be presumed innocent till he is found to be guilty; and this person ought, therefore, to be considered as honest and credible till he is convicted of being the contrary. I shall not only rely on this general doctrine, but I will say, that I have the authority of government itself for this man's innocence. He was taken up at Nottingham, immediately after the disturbances which agitated the neighbouring districts, and which were made the subject of legal investigation at Derby; but if this man were the dangerous and turbulent character now alleged, why was not the power intrusted to the government used before? Why was he not taken up when his activity might have promoted the disturbance? He was left in tranquillity, in fact, till the storm, which it is now said he was concerned in raising, was dissipated. This fact must therefore be taken either as an acknowledgment that the present allegations are false, or else that he was left at large as a means of ensnaring and decoying others. Let ministers make their choice. But if there are any objections against the character of Ward, there can be none against that of the petitioner whose case has this night been submitted to the house, by my hon. and learned friend (Mr. Brougham), and that case, with others, may be referred to the committee. Even, however, on the admission that the conduct of Ward is indefensible, that fact cannot be pleaded as an argument for doing him injustice. Whether he is a good or a bad man, his case deserves to be inquired into, and he ought to be placed on an equal footing with any other subject till his guilt is proved. I have received a testimonial of Ward's character, which I will read to the house, if it is necessary; but I do not ground this motion on the petitioner's character, but on the breach of the law which has been made in his person. I shall therefore not trouble the house with any further observations, but conclude by moving,

"that a committee be appointed to inquire into the truth of the allegations in the said petitions, and report their opinion thereupon to the house."

Lord *Castlereagh* said, that the speech of the noble mover did not seem to accord with the words of the motion of which he had given notice. He had understood the noble lord formerly to allude to the case of Francis Ward, and to move for a specific inquiry into the allegations of his petition. He had, however, widely departed from that declared intention, and introduced into his speech the discussion of more comprehensive topics, connected with the general measure of the suspension act, and the cases of all those who had been imprisoned under the powers which it conferred. But though the noble lord had altered his course, he would not alter his. He would particularly advert to the case of Ward, which the noble lord threw in the back ground, and for inquiring into which, had the noble lord confined himself to it, he would not have objected to a committee. He was willing to allow that, if such a committee had been appointed, the noble lord might consistently have moved to refer other petitions to it: but by his speech he had departed from the grounds of his motion, and dwelt only on the necessity of a general investigation. He had alluded to the probability that his Majesty's ministers would introduce a bill of indemnity to protect them from any of the legal consequences of the late exercise of the powers intrusted to them by parliament, and he had apparently bestowed some attention to the nature and history of such a measure; but he could not compliment him on the accuracy of his reasoning or the success of his search. He had said, that though there were numerous instances of the suspension of the habeas corpus act, from the commencement of the last century down to the present time, yet that there was only one precedent for a bill of indemnity, and that had been passed as a protection to a cabinet composed nearly of the same persons who were now about to apply for it. Relying on the accuracy of this statement, the noble lord had called upon ministers to produce another instance of the passing of a bill of indemnity after the exercise of the powers conferred by the suspension act; but he (Lord C. should be more correct in challenging the noble lord to produce an instance where it was necessary to exercise the extraordinary powers of the suspension, which was not followed by an act of indemnity. *(Hear, hear.)* The last precedent, he allowed, was peculiar in its circumstances, for it extended to acts done under all the suspensions of the constitution, from 1793 down to 1801; but it was not singular in its occurrence. In the reign of King William, not less than three bills of indemnity were passed. There was one after the rebellions in 1715 and 1745. In fact, the noble lord would find, that an act of indemnity had been granted in every case where a suspension act had passed, and where it was found necessary to put in force the powers conferred for the stability of government, and the safety of the country. *(Hear.)* The noble lord had assumed, that an application for a measure of this kind, after the exercise of the extraordinary powers put into the hands of government by the legislature, amounted always to a confession of the oppressive rigour with which they had acted, and of the commission of deeds which they could not justify to the country on their responsibility. This was an unfair view of the case. The suspension act, which was never passed by the legislature except with the view of meeting a danger which it believed could not be encountered by the ordinary powers of the law, only allowed government to commit suspected persons, and bound them over to prosecute. In the exercise of this authority, he denied that his Majesty's ministers had committed any unnecessary acts of severity, or had transgressed the bounds of the trust reposed in them. He denied that his noble friend, the secretary for the home department, had been guilty either of cruelty or injustice; he denied that he had given his warrant for commitment without the evidence of credible witnesses, taken on oath: *(hear, hear)* he denied that he had committed one individual on the testimony of the person (Oliver) so much alluded to by the other side of the house: he denied that a single arrest took place without not only having the depositions of credible witnesses, but the authority of the law-officers of the crown. *(Hear, hear.)* The noble lord, however, went on such grounds as would render any justification of this kind quite inadmissible, and would prove the criminality of ministers in whatever manner they exercised the powers intrusted to them by parliament. He had argued, that there was no necessity for the suspension act. The house had, however, thought otherwise; and having placed in the hands of ministers extraordinary powers, which they were called to exercise on their own responsibility, those ministers would have betrayed their trusts, if, seeing the necessity of exercising them for the maintenance of the public tranquillity, and the preservation of the government and constitution, they had refrained from acting as they had done. Parliament had proceeded to legislate on two reports, the main facts of which were believed by gentlemen on both sides of the house. Both those reports stated, that a dangerous conspiracy existed against the frame of government and the peace of the country; and that this conspiracy was endeavouring to take advantage of the unavoidable distresses of the times, to turn the physical force of the people against the existence of the state, and the order of society. Government had been armed with powers to meet the danger, and had exercised those powers consistently with the tenor of existing laws and the conditions of their trust. On this ground he would meet the noble lord, and say that there had been no violation of the law. He agreed with him that all

the forms of law should be observed, that witnesses should be examined, and that no arrest should take place without proper evidence; but he denied that this principle made it necessary to place a witness, who gave his oath under the suspension act, in the situation of other witnesses, or that a magistrate was bound to bring his informations into court, as he would be bound in ordinary cases. The ordinary course was for a magistrate to lay the evidence on which he committed, with the names of the witnesses, before the bench; but it was plain that this principle could not be acted upon on the present occasion without defeating the object which the legislature had in view. He would put a case:—supposing a magistrate had offered to the secretary of state evidence on oath, on the truth of which he completely relied, affecting the existence of the government, or necessary to the preservation of the public tranquillity, and supposing that that magistrate could only obtain or transmit such evidence on condition that the names of the witnesses were to be concealed, or that neither he nor they were to be exposed to the consequences of giving such important information, could his noble friend, acting on his responsibility, have refused to listen to such testimony, or could he have refused his warrant to commit the person whom it affected? He was convinced that such a principle could not be maintained, and should be glad to be informed in what situation his noble friend would stand, if, after having acted on such evidence, he was required to justify in a court of law the commitment he had made? It was altogether a false view of the bill in contemplation, to consider it as a bill for the protection of the ministers of the crown: it was for the protection of individuals who had come forward to give information of the utmost importance to the security of the country; but which could not be elicited otherwise than by the prospect of such protection as the measure alluded to held out. The ministers of the crown had only their choice of two difficulties. They must have received such information under the only conditions it was judged safe to communicate it, or hazard the peace of the country by adhering to the ordinary course of law: but if the ordinary course of law had been sufficient, why should recourse be had to the suspension of the habeas corpus? The suspension was for the express purpose of protecting individuals from the hazard which might attend the disclosure, in an open trial, of the information which they had given; and without such protection no information could be had, as none would venture to offer it at the risk of his own safety. On such grounds indemnity was always judged necessary, not to cover ministers, but to protect those who saved their country. If the question were at all inquired into, it would appear, that upon every principle of justice such a protection was necessary, and to deny it would be attended with insurmountable difficulties. With respect to the hardships of imprisonment, of which so much had been said, the question could not be entertained by the house without great irregularity; for those individuals who thought themselves aggrieved, had always their remedy at hand; the ordinary courts of law were open to them, and there was nothing to preclude them from bringing their action. The suspension of the habeas corpus act only prevented trial during the operation of that measure. When that was no longer necessary, there was nothing to prevent individuals, who conceived themselves aggrieved further than by mere confinement, from seeking redress: but this was a question to be tried only by the judges of the land, and to this they were fully competent. He trusted, therefore, that the house would agree with him in thinking that there was no necessity for a committee of inquiry. With regard to the hardships of which those petitions complained, great delusion had been practised, which had produced much inflammation without, and misrepresentation within that house. Many petitions had been presented on that subject last session; some not even signed by the persons from whom they purported to come. In one of them, heavy complaints were made of the great danger arising to the petitioner's health from the damp state of the dungeon in which he was confined. Upon inquiry, however, by several members of the house, it was found that the accommodations were comfortable, and that the rooms were such as the hon. gentlemen themselves, if committed to prison, would not think it a hardship to dwell in. These petitions were brought forward for the purpose of putting the house into an invidious predicament—for the purpose of creating clamour, inflammation, and discontent, because parliament would not step out of its way to interfere with what evidently belonged to other parts of our system. Let the plaintiffs commence their action in the proper place, and there could be no doubt of inquiry. With respect to the number of petitions now brought forward, he had to observe, that there was nothing startling in the case. In no one instance had a bill of indemnity been contemplated, but similar petitions were brought forward, and gentlemen were equally ready to vouch for the truth of the statements which they exhibited; but this never induced the house to step aside to inquire into such *ex-parte* statements by a committee who should examine witnesses not upon oath. The statements of Mr. Ward were a pregnant instance of misrepresentation. The manner in which he stated his original imprisonment was quite incorrect. He was arrested by the magistrates of Nottingham, upon suspicion of being concerned in the outrages of the Luddites in that part of the country. When he was within a few days of being dismissed from confinement on this charge, he was detained under a warrant from the secretary of state, on charges of a treasonable nature. The complaint of being confined with common felons was applicable only to the first period of imprisonment, when he was confined as a felon. With respect to

the place of his confinement, it appeared from the affidavit of the gaoler (which his lordship read) that the walls were perfectly dry and free from damp; that there was no offensive smell but what arose from fumigation; that the petitioner never made any complaint to the gaoler, nor was he ever loaded with irons or fetters. He was shortly after removed to Oxford; and when he was there, he wrote to the secretary of state to desire some changes to be made in his treatment, which were all granted, and he sent a letter to Lord Sidmouth to express his gratitude. This man affected the character of an extremely moral and religious person, and complained much that he had not the privilege of attending public worship. He had been confined there from the 21st day of June, and from that day to the 1st of August, he never once expressed a wish to that purpose; and the first notice they had of such a wish was by a letter to his wife. This letter, which the gaoler never saw, was transmitted to the secretary of state. Inquiry was immediately made why the prisoner was not allowed to attend public worship. The gaoler wrote in reply, that he should have allowed the state prisoners to attend divine worship, if they had desired it, at the chapel of the gaol, in his own pew. They were then allowed to attend public worship at the regular times. The petitioner had complained that he had been improperly treated on his way to town. The two officers denied any ill-treatment, and the man to whom he was fettered had expressed great gratitude to them for their treatment. But the petitioner had also complained of solitary confinement, and that the room was unsuitable in which he was confined. The inconvenience of the room was, that it smoked during certain winds. The gaoler offered to make any alteration in the chimney which should be suggested, and an alteration was made, and no complaint was afterwards heard. He was allowed also, on his request, to live with another prisoner. He left prison apparently in as good health as he entered it, though his constitution, especially as to his lungs, was defective. It was excessively painful to allude to the moral character of an individual, but it was necessary, to prevent the house from being carried away by their feelings. He must protest against the attempt to mislead them by *ex-parte* statements. The house, he trusted, would not suffer their feelings to be trifled with, nor call in question the conduct of ministers in the exercise of an arduous duty, on such grounds as the petition on the table contained. As to the morals of the petitioner, he could prove them to be very different from what the petition might lead gentlemen to expect. He must here, however, refrain from entering into all the evidence he could produce on the subject, for the same reasons for which he could not bring forward the evidence against those committed under the suspension act. The danger of disclosure to those who gave evidence was the cause of concealment. But he could, notwithstanding, satisfy the house as to the petitioner's moral character. From the terms of his petition, he might be supposed to be more than ordinarily religious: when complaining of the officers, he says,—"having always conformed to the laws of no less a personage than Jesus Christ, 'do unto others as you would they should do unto you,' I believed I had nothing to fear." Then, to give an idea of his distress, he says:—"figure to your imaginations a man who through life has taken a very active part in it, being accustomed to labour hard for his bread, by frequently having to work 12, 14, 16 hours a day, and sometimes more, and on whom a numerous family depended for subsistence, suddenly dragged from home and labour, to be immured in a dungeon. Add to this," he proceeds, "that I am possessed of all the finer feelings that can adorn human nature (*a general laugh*), and that those feelings were put on the rack," &c. Now, in complete contradiction to all this, he was prepared to shew that this petitioner had been engaged in the most atrocious crimes. (*Hear, hear.*) In 1816, two persons were convicted and executed at Leicester and Nottingham, who made a full confession of their crimes a short time previous to their execution. Their confessions were taken by the magistrate, and forwarded to his Majesty's ministers. The confessions he would now read, suppressing all the names alluded to in them, except the name of Francis Ward. The first was the confession of Josiah Mitchell, who was executed at Leicester for a felony committed at Loughborough. In this confession he stated:—"B. shot A.—C. told me that Francis Ward had mentioned the thing to him on Saturday evening, and said there would be a deal of money in it, the workmen had offered to give one hundred pounds for the machinery. Several of us met at the Navigation Inn, and formed our plans. I received from three to four pounds from Ward for acts I performed. Ward gave me ten pounds for the part I took in destroying the works at Wood-peck-lane, in Nottingham. Our committee met at the Duke of York in Nottingham, Francis Ward was the treasurer. Ward belonged also to the Loughborough committee. Ward employed me to shoot a man who had refused to turn out, and offered four pounds as my reward." The noble lord requested that the house would not consider this as incredible; assassination was a crime bargained for, and set at a regular price, like a piece of stockings or any other work. More than one jury had convicted on evidence which shewed that four pounds was often the price for shooting a man. The confession went on. "Ward offered ten pounds for shooting some of Kendal's men. He offered ten pounds for shooting another master manufacturer; and five pounds for shooting one of his men for working. He offered a large sum for murdering the judge at the last assize. We met at the Jolly Bacchus, and when none agreed to do this, Francis Ward took out a golden guinea and said, he was determined it must be done." The second confession was that of

Thomas Savage, who was executed a few weeks after Mitchell. It corroborated the former confession. The noble lord trusted the house would now see the course of proceeding they were called upon to adopt; he trusted they must now be aware of the true character of this petitioner. (*Hear.*) Whether this man could be put on his trial for the foul crimes with which he was charged, it was not for him to determine. It was enough to say, that he had been committed on the evidence of two credible witnesses, and that he was charged with having been engaged in those dreadful and infernal actions, by the confession of two of his associates, given in the most solemn moments,—in the last moments of life. He could assure the gentlemen opposite, that there were circumstances which would appal their convictions, as to the whole proceedings of ministers, as much as in this case. In this case there was nothing wanting to a moral conviction but the judgment of a jury; but without that, every moral mind must be satisfied as to the petitioner's character. He hoped he had now said enough to prevent the feelings of the house from being run away with. If then the motion was not rational in the case of Mr. Ward, he would contend that it was not rational in any other case. The house would not, therefore, on those *ex-parte* statements, think it necessary to institute a committee of inquiry into the allegations of those whose crimes threatened the country. When the conduct of ministers should be fully inquired into by the committee above-stairs, it would be the conviction of the committee, and from their report it would be the conviction of that house, that ministers had shewn no malignant spirit, no oppressive temper, no disposition to injure or distress any individual; but, on the contrary, that they had shewn every forbearance and lenity consistent with their sense of duty. The noble lord opposite wished, by his motion, to bring forward those who had given evidence on the faith of government, and to bring them before a committee of that house. He should satisfy the committee already appointed, that no individual had been committed but upon oath, and upon evidence satisfactory not only to the secretary of state, but to the law officers of the crown, and he would further prove to the committee the probability of the crimes of which they were suspected. If the house would not allow secret information to be received and acted upon, conspirators, who contracted for assassination with the same precision and formality as for any other engagement, could not be detected or punished. The outrages that broke out in the places from which the suspected were taken, proved the existence of strong grounds of suspicion, and the necessity of such measures as were adopted in order to put down insurrection; for an insurrection it was. He therefore trusted that the house would not suffer such inquiry as was now required; this he trusted, not from any apprehension of the principles on which ministers had acted, but in justice to those whose names they were bound to keep secret: for the consequence of such an inquiry would be, either that ministers must submit to all the charges brought against them, or abandon those who had given evidence on the faith of concealment to the vindictive attacks of those whom they had detected. (*Hear, hear.*)

Mr. *John Smith* said, he had supposed that the present motion was to be confined to the case of Ward, and with this supposition he had resolved to vote against it. (*Hear, hear.*) No man could believe one word in Ward's petition. If falsehood was detected in one part, that was good ground for discrediting the whole. The part, then, that reflected on the magistrates of Nottingham was most false. He had no motives for saying of those magistrates what he did not believe, but he appealed to ministers whether those magistrates could be surpassed by any set of magistrates in honour, fairness, and fidelity. (*Hear, hear, from the ministerial benches.*) Information on oath had been given them that there were arms in Ward's house, and this information was given the day after the Derby insurrection. Mr. Enfield, the clerk, a most respectable gentleman, hesitated to give a warrant at first, because the information was not in writing. This occasioned any irregularity that might attend this part of the case. But the magistrate had information, that Ward had been concerned in the horrible murders at Loughborough, the most horrible that were ever known in any part of the country. He was grieved to say, that there were still circumstances which made it dangerous for witnesses to come forward in that quarter. There was one circumstance to prove this man's participation in those crimes which he had occasion to know, and which the noble lord had not mentioned. Previously to the trial, Mitchell confessed the main part of the facts respecting Ward, to a professional man; whether desired to do so in order to prepare for his defence, or whether he had done it to relieve his mind, the hon. member could not say. The professional man felt himself obliged to conceal this while Mitchell lived; but after his death the obligation ceased, and he then confirmed the confessions read by the noble lord. For these reasons he had come down to the house, resolved to oppose the motion, but he found it to be a different motion from what he had expected. It was not confined to Ward, but included all the petitioners; and, therefore, he did not know that he was to neglect all the complaints of the many other petitioners, because Ward, a petitioner, was a very bad character. (*Hear, hear, from the opposition side of the house.*) He, being connected with such a populous district, had often happened to apply to the noble lord at the head of the home department; and he believed no man was more likely to do what was fair and humane than his lordship. But it was not equally clear that his intention was always carried into effect. Many who acted under his orders, but not immediately

under his eye, might have indulged party feelings to which his lordship was a stranger. He could not at all see that the falsification of Ward's individual statement afforded any fair ground for refusing to go into an inquiry. If any one case of improper severity was made out, the house were bound to inquire into it: he could not, therefore, because one case had been negatived, oppose a motion, the object of which was to go into an inquiry on all. If not a word of all the statements were true, he wondered that the parties making them had not been brought to account. *(Hear, hear.)*

Mr. *Golding* said, he was possessed of some local knowledge on the subject of a part of these petitions. He held in his hand a declaration of the gaoler of Reading, which stated, that three prisoners, James Sellers, Nathaniel Hulton, and John Knight, were brought to him on the 10th of April, at about nine o'clock in the evening; they complained that they had tasted no provision during the whole of their journey from London (the house would recollect that that journey was only 39 miles); he then conducted them into his own kitchen, fed them on cold roast beef and pickles, with strong beer; they had as much as they could eat. He then provided them with beds in the best apartments of the prison; they were feather beds of the best quality, and Sellers was placed in the state apartment; Knight was placed over the chapel. On the day following he stationed them in a ward, where they had an apartment 16 feet by 14: annexed was a list of luxuries with which they had been supplied. Instead of being separated, they continued together for 16 days; and it was not possible that this should have been otherwise arranged, except under the orders of a visiting magistrate. Those orders were afterwards given, and Knight was placed in the room over the chapel; the deputy-gaoler was removed to accommodate the others, and their apartments were all well furnished; insomuch that the prisoners expressed to their relations their satisfaction at the good treatment they had received. Knight, who had spent 10s. 6d. in tobacco, and had received many presents from the gaoler, returned thanks for his kindness and generosity. When he was first placed over the chapel, the sashes of his apartment were nailed down, to prevent him from communicating with some workmen, who were employed opposite; but on his applying for a ventilator, it was immediately granted. The apartments allotted to him had since been occupied by gentlemen debtors. Knight's situation was more comfortable than even that of Sellers and Hulton. Sir Nathaniel Duckenfield, Mr. Stone, Mr. Farmer, and many other magistrates, had visited the prisoners continually, and could prove that they expressed themselves entirely satisfied. He held in his hand an acknowledgment of two of them, made to the magistrates of Berkshire, thanking Eastaff, the governor of the gaol, for his kindness and attention; he had furnished Sellers and Hulton, on their departure, with extra clothing and money for their journey. The hon. gentleman said, he should not trouble the house any farther on this subject, but he had felt it his duty to put them in possession of these facts, as an act of justice to the gaoler. *(Hear, hear.)*

Sir *W. Lemon* declared, that no man in England could be less suspected of severity than the noble lord at the head of the home department, nor did he think that his Majesty's ministers were desirous of using that law, which he, and other members, had thought it their duty to oppose, to any bad purposes. But petitioners now came to the house complaining of oppressions, of which the noble lord might or might not be guilty; but it was by no means so clear that those employed under him were altogether blameless. An hon. gentleman under him had admitted that one of the petitions was not borne out; perhaps none of them might be borne out; but whether that should turn out so or not, it was the paramount duty of that house to inquire into all cases of grievance that were laid before them. *(Hear, hear.)*

Mr. *Gordon* wished to say a few words on the petition of Bagguley. In consequence of that petition, he had written to the gaoler of Gloucester, whom he knew to be a man of great humanity, and the reply to his inquiries was a complete contradiction of the petition. The prisoner stated, that on his arrival he had been plunged in a tub of cold water; and that a dangerous fever and cold had been the consequence of this immersion. The gaoler stated, that so far from the water being cold, the rules of the prison required that a warm bath should be always used on such occasions: the prisoner, who had travelled all night, declared at the time, that he found this extremely comfortable, and so far was he from being ill, that he went into prison on the 11th of April, and never complained till the 20th of May. The part of the prison in which he had been confined, had since been allotted to gentlemen debtors. He was allowed to walk out whenever he pleased, and was allowed a guinea a week for provisions. *(Hear, hear.)* The bills brought in to him for various articles were carefully examined that he might not be imposed upon, and he expressed himself in every way satisfied with his treatment. Notwithstanding Lord Sidmouth's circular, the governor had permitted all magistrates to visit him; not visiting magistrates only, but even some who did not belong to the county, and among them Sir George Paul. He (Mr. Gordon) thought it was but justice to the governor of Gloucester gaol to state these particulars, but the governor himself was anxious that an investigation should take place. *(Hear, hear.)* And even if all the petitioner had stated were false, he thought it no reason against commencing an investigation: for the house ought to know on its own authentic inquiry how far the petitions were true, and how far false, in order at least to punish those who had made false representations.

Sir *W. Guise* read a letter from a respectable

clergyman, a magistrate, confirming the statement that had been made respecting Bagguley, more especially as to the fact of the warm bath, and the various comforts that were supplied him. His general behaviour, it was added, was extremely regular, and the governor had not once occasion to find fault with him. The hon. baronet contended, nevertheless, that the house was bound to go into an inquiry wherever a grievance was alleged, and, therefore, he thought it right to support the motion.

Sir *F. Burdett* regretted that he could not come to the discussion of this question with a mind quite so unbiassed and unprejudiced as those gentlemen had professed who had delivered their sentiments before him. He could not but call to mind, that when he first drew the attention of the house to the conduct of the governor of the prison in Cold Bath-fields, when he was charged with crimes of the blackest die, (of which he, Sir F. Burdett, possessed the fullest evidence, but was never permitted to bring it forward)—he repeated, he could never forget, that at that time, just as on the present occasion, gentlemen rose up in various parts of the house, some declaring on their own knowledge, others on statements made by Aris himself, that he was a man of the most kindly and benevolent disposition; that he had never been guilty of any cruelty or oppression whatever, and that the prison was conducted on a system of uniform mildness. The hon. gentleman who was then member for Yorkshire, (Mr. Wilberforce) had stated, that nothing could equal the attention paid by Aris to the prisoners; that he was a pattern of humanity, and indeed too good for his station; but the house would probably recollect that story, which at the time it was told seemed to excite very little sensation in the house—a story which was paralleled only by the history of the prisoner in the Bastile, and his companion the spider; that prisoner, in the course of a long and solitary confinement, by way of some object to divert his weary hours, had attached to him a large spider, which, by degrees, became so intimate as to visit him at regular intervals, and receive its food; it served as a companion, and gave an interesting occupation to the wretched prisoner. He watched its motions, and taught it to spin its web in a peculiar way; but the malicious gaoler, observing the pleasure he derived from this mode of diverting his mind, killed the spider, when the unhappy prisoner declared, that he had lost the only tie that rendered existence supportable. The story he had told of Aris was much of the same description: he had confined a prisoner for 15 months in a solitary cell. In the course of a hard winter, a robin flew into the window: it soon became a favourite with the prisoner, and his only solace. After a long interval, Aris, who very seldom visited the cell, entered one morning, and seeing the bird, crushed it in his hand, notwithstanding the most earnest entreaties on the part of the prisoner that its life might be spared. The agony the poor man suffered was that of one who had lost his dearest and most valuable friend; so bitter had been the infliction of solitary confinement. Aris nevertheless represented himself as the most humane of mankind—a man whose foible was benevolence, and whose fault always to relax the discipline of the prison. He only mentioned this to say that the house ought not to be surprised if he was not quite so ready to believe what gentlemen or what gaolers themselves stated in proof of their own good qualities. He had no doubt that the gentlemen who made these statements meant well, and themselves believed all they had advanced; but he could not avoid being himself a little more sceptical on the subject. With respect to the hon. member for Nottingham, (Mr. J. Smith) he begged pardon, but he could not avoid saying, that the whole of his speech relating to the business of Ward was nothing to the purpose. The question whether he was a bad man or not was nothing to the house; the real question was, whether he had been justly charged with high treason, whether he had been legally committed, and whether he had been legally treated under that commitment; that was the question, and not whether he was a man of good or bad character. He should therefore contend with those gentlemen who said they believed these statements, and yet called for an inquiry, that such an inquiry ought to be instituted; for what could be such scandalous trifling with the public, as to hold out redress for grievances, and yet refuse to inquire whenever a case was brought forward? The noble lord opposite had left very little for him to do, because he had not in any manner met or answered the arguments of the noble mover; and though he complained that it would waste the time of the house to inquire into grievances which might turn out to be false, yet he thought it no waste of time to enter into long statements, of which not a syllable could ever be capable of proof. He put it once more to the common sense and candour of the house, and he would ask, could any person be biassed by the statement of a gaoler in his own favour? It had been said, and it might be true, that a great number of gaolers had not even been accused of harshness; if so, the expression of one of our poets, that "the steeled gaoler was seldom the friend of man," should be now applied to the steeled minister; and if any misconduct had been committed by any under the noble lord's authority, he should say that the noble lord was liable, even though he was not privy to such misconduct. It was a maxim of the common law, that *qui facit per alium facit per se*, and the noble lord was answerable for the acts of all who were placed under him. The noble lord's characteristic mildness and benevolence had been used as an argument for obtaining extraordinary power, and the same character was now thrust forward as a ground for stifling all inquiry; so that this individual character was to supersede the principles of the constitution, and set at nought the ordinary course of justice, when

the power granted to him had been so shamefully, disgracefully, cruelly, and illegally applied. Some of the gaolers had themselves stated, that they were sorry they were ordered to proceed more harshly than was necessary, and that they thought there could be no use of irons to secure those who were immured in a solitary cell. A gentleman had said that many of the statements made were false; they might be so, but there were many of them which loudly called for inquiry. He should be glad to be informed why Ogden's case was not to be investigated—a man 74 years old, who had suffered most severely, and who, like many others, was transferred from one gaol to another, and exposed as a spectacle to their countrymen. It was asserted, and was not contradicted, that two men had been chained together, even in bed, and were besides loaded with heavy irons, where there could exist no pretence of safe custody—why was not this to be inquired into? Sufferings from cold and hunger made but little figure upon paper; but they were great miseries to endure, and whether they had been justly or unjustly endured, it became the house to ascertain. Was it any answer to the general claim, for a member to produce in his place, a letter from a gaoler, who stated that the water in which the prisoner had been plunged was warm, and that it was very delightful and comfortable, when the prisoner himself declared that the water was cold, and that the consequence of it was a fever, from which he with difficulty recovered? This fact shewed that inquiry was necessary; and though in one or two cases it had been admitted that the keepers of the prisons had behaved with humanity and kindness, yet there were many others where complaints were made of a treatment directly the reverse. No doubt, however, the house would decide against the motion, and many members would hold that the statements in the petitions were all false. Why?—because the noble lord had so asserted. The noble lord had great confidence (far too great and too well founded for the interests of the people) in the discernment of parliament, at least as far as respected his own arguments and assertions. He (Lord Castlereagh) was sure hon. members would think with him that all investigation was needless; and in the same confidence that all he alleged would be implicitly credited, he had gone on to state, that ministers wanted no bill of indemnity, and required no protection. The house could not fail to recollect in what manner the noble lord had talked at the time the habeas corpus suspension was first brought forward; he had spoken of the heavy responsibility about to be thrown upon ministers, and he and they appeared almost to lament that so grievous a burden was about to be cast upon them. Of course he (Sir F. Burdett) never believed a word of it; he knew it was a mere pretence, and he had proposed several motions to lighten the weight; first that it should be followed by no bill of indemnity; and next to obtain a declaration by the house, that it was not its intention that under the suspension bill torture should be inflicted by loading the prisoners with heavy irons, or confining them in solitary dungeons. What was the answer given on the other side? The character of the noble Secretary of State for the home department. It was impossible to suppose that such a kind-hearted man as Lord Sidmouth would consent to such practices, and the motion was an unnecessary imputation upon his character. Many gentlemen thought it was impossible that such things could have been done; but had they not been done? or if the assertions of the sufferers were disputed, why was not inquiry to be made? The majority of the house undoubtedly entertained high notions of ministers; they could be guilty of no misconduct as long as they were ministers; and because they were ministers, they had not been guilty of any misconduct in this instance; the bare mention of misconduct on their part was enough to acquit them, in the house; but not out of it; for such notions did not extend beyond the walls of the place in which they were supreme. The question was, who broke the law? The prisoners answered, the noble lord and his friends; but assertion would not satisfy the country, and the gaoler of Gloucester himself solicited investigation; the offenders, if such they were, were anxious for trial, even at the risk of their lives. Ministers alone resisted it, maintaining that the time of the house would be wasted, and its character degraded. He (Sir F. Burdett) should be glad to know what a house of commons was to do, if not to inquire. The noble lord had said, that it could not take evidence upon oath, and so forth; and was for completely destroying its inquisitorial functions, formerly esteemed of such value and importance. The noble lord was a perfect Proteus in argument; he could "confute, change sides, and still confute." When he wished to shield his own acts and those of his colleagues, then said he, appoint a committee; but a committee of his own selection, of which he was himself a member; a committee in which ministers sat to be their own judges, and who were aided by those who would ask for nothing but what the noble lord was pleased to shew them, and who would credit any thing which he requested them, without inquiring, and out of compliment to himself, to believe. Such a gross delusion would satisfy no man out of parliament. But if a body were proposed, from which placemen and pensioners were to be excluded, and who would go to work thoroughly and fairly with the delinquencies of the noble lord and his friends, then they were not to be trusted, the time of the house would be wasted, and its dignity degraded! But, said the noble lord, it is a great mistake to suppose that ministers want an indemnity: what they wish is, to cover their friends, Oliver, his fellow spies, and accomplice informers; in short, the bill of indemnity was admitted on the other side to be for the protection of those secret and infamous sources of private accusation,

whose purpose was to destroy the happiness and reputation of every honest man. Was it possible that at this time of day such an avowal should be made—that in England it should be professed that innocent men might be solitarily confined, cruelly tortured, and unjustly accused, and should never have an opportunity of discovering to whom they were indebted for all these deprivations and sufferings? The illegality of letting these unfortunate men out of prison with the ridiculous mummery of their own recognizance, was as great as the illegality of their first commitment. He (Sir F. Burdett) did not rest the question upon the merits or demerits of Ward;—that had been already answered, at least as far as was necessary for a fair decision upon a motion which did not respect his petition merely; and he could not help hoping, that when gentlemen considered the subject seriously (more especially those who had voted for the suspension,) they would feel themselves bound in honour, and for their own sakes, to vote for an inquiry. They ought to recollect, that this very subject of arbitrary imprisonment on suspicion of treason, had occasioned some of the severest domestic struggles this country had ever known; they ought to recollect that the words of the great charter were, *nulli negabimus, nulli differemus justitiam;* yet now the answer was, *negatur, differtur,* for justice was delayed and denied to those who, in the confidence of their own innocence, had clamoured in a court of justice for trial by the laws of their country. This fact of itself was a condemnation of ministers. The injured men were refused a trial, not from the tender mercies of government, but because they knew that the acquittal of the innocent would be the conviction of the guilty. *Magna Charta* had become obsolete of late: it was old-fashioned law, not suited to the refinements of modern times; and the declaration, that *nullus liber homo capiatur, aut imprisonetur, nisi per legale judicium parium suorum,* had been totally neglected and forgotten. It might not be amiss if gentlemen would refresh their memories, and enlarge their minds a little, by recurring to the wholesome laws of Henry II. and Edward III., by all of which it was provided, that no man should be imprisoned without being duly brought to trial *. Though not quite so old, the Petition of Right seemed equally to have escaped recollection; it consisted of four parts—first, that no tax shall be imposed without common consent, by act of parliament; next, that no arbitrary imprisonments shall be allowed without information upon oath, and subsequent trial; thirdly, that the people shall not be compelled to receive soldiers and mariners into their houses, against the laws and customs of the realm; and fourthly, that the kingdom shall not be governed by martial law.—If the measures lately adopted were to be pursued, it would be utter nonsense to talk of the happy constitution of England; and if it were to be infringed, far better would it be that it should be done by the King than the Commons. Nothing could be more lamentable than that this house should take upon itself unwarrantable innovations; for if the King made attempts of the kind, the Commons might be resorted to, but it would be a mockery to appeal to the Commons *pro formâ* against its own acts.—As this would, probably, not be the last time he should have an opportunity of addressing the house on subjects on this nature, he would not trouble them further at present.

Mr. *Wilberforce* begged to state, in reference to what had fallen from the hon. baronet, that he derived his intelligence respecting the humane character of Mr. Aris, late governor of the house of correction for Middlesex, from the rev. Mr. Owen, chaplain-general, who for many months had been in the habit of visiting the prison, and was well acquainted with its condition and management. He requested, in return, that the hon. baronet would state his authority for the story he had told regarding the bird wantonly killed by Mr. Aris. With respect to the question before the house, he thought that all the presumptions were in favour of the correctness and legality of the proceedings of ministers, and it was a great mistake to suppose that the character of Mr. Ward had nothing to do with the merits of the motion; if he had stated what was untrue, as was evident, what right had he to ask for investigation, unless, indeed, that he might be punished as his crimes deserved? Hon. gentlemen from all quarters had borne testimony to the good conduct of gaolers, and in several instances it was established that the petitions contained nothing but falsehoods. True it was that the house possessed the privilege of inquiry; but nothing was more dangerous to a privilege than its abuse. All ancient constitutions had possessed some extraordinary means of meeting extraordinary dangers; and it was the glory of our own, and that which had given it stability, that while sometimes it allowed the infringement of the strict bounds of law, to avoid sudden and imminent peril, it had the faculty of returning unimpaired to its first beauty and dignity. Surely some alteration in the ordinary mode of proceeding was required, when the people of England had resorted to assassination as a trade, as was the case with the Luddites, and when the life even of a judge, venerable for his age, and admirable for his learning, had been threatened, if not attempted, while the perpetrators were to be rewarded by money raised in subscriptions of 5*s.* each. If from the petitions on the table any truth could be sifted, it would be easy for individuals to make themselves acquainted with the facts, and to bring

* The trial by jury, though not near so ancient as some writers have imagined, was certainly very general in the reign of Henry II; for we find in that time many questions of fact relating to property were tried by twelve *liberos et legales homines juratos*, sworn to speak the truth, who were summoned by the sheriff for that purpose.—See also Lord Lyttleton's History of Henry II. Vol. I. p. 508.

the matter forward upon a future occasion; but at present, he trusted that the house would reject an inquiry, the effect of which might be to mark men out for slaughter, and to send witnesses into the country as victims to private malignity.

Sir *F. Burdett* explained, that Mr. Wilberforce Bird, chairman to the committee upon the House of Correction, had related the story of the robin and Mr. Aris to the house.

Mr. *Wilberforce* asked, whether Mr. Bird had spoken from his own knowledge.

No answer was returned.

Sir *S. Romilly* observed, that a bill of indemnity being about to be passed, the question now was, whether it should be done without inquiry, when gross abuse of the power intrusted was imputed to ministers. He begged the house to recollect, that though bills of indemnity had before been agreed to after the suspension of the habeas corpus act, yet never in any other instance than the present, after a committee should have sat and made its report: the notoriety of the facts was therefore put out of the case, and a sort of grand jury (most extraordinarily constituted, having power to examine all the evidence for the accused, and none for the accuser) was appointed to make some kind of investigation. Why, then, should not these petitions go before them, or some other tribunal better selected? It was asserted that people had been dragged about the country in fetters, as proofs to the inhabitants of an existing plot; and the question was, whether unnecessary severity had not been employed. There could not be a subject more worthy of the interposition of parliament. His principal object in rising was, to refute a statement made by the noble lord, in the humble hope of influencing some few votes, namely, that if the facts stated in the petitions were true, the sufferers would not be deprived of their remedy by the bill of indemnity. How unfounded this assertion was, appeared from his lordship's next sentence, in which he observed, that the bill of indemnity now required would be the same as that of 1801, which in the first clause expressly enacted, "that all personal actions heretofore brought, or which may be hereafter commenced or brought, against any person on account of any act, matter, or thing done, recommended, directed, ordered, or advised to be done, for apprehending, imprisoning, or detaining in custody any person suspected of high treason, shall be discharged and made void." It was clear, therefore, that the parties who had so severely suffered would be deprived of all redress, if the bill of indemnity in question were adopted. He would now say a few words as to the petitions. There were, he believed, eleven of them, from different persons in different parts of the kingdom, and containing different allegations. Suppose three of these should be proved to contain false charges, was it consistent with justice, would his hon. friend (Mr. Wilberforce) assert, that the other eight petitions should be rejected unexamined, on account of the hollowness of those three? What answer had been given to the complaint of that wretched man, Ogden, who, at the age of 74, and in a state of lamentable disease, had been loaded with fetters like a common felon? There was at least some ground for supposing that his petition contained truth; for he had referred to the surgeon, Mr. Dixon, who had attended, and cured him of the complaint produced by the weight of his fetters? He would ask his hon. friend, whether he thought it just to dismiss that petition without inquiry. There were seven other petitions which stood on the same footing, against the truth of which not one syllable had been uttered; and, when he considered what extraordinary pains had been taken to refute the statements contained in some of the petitions, he could not but think that those which had not been impeached, were, on that very account, unimpeachable. Silence was a proof that nothing could be said against them. As to the denial given by a gaoler to the statement of a petitioner, he conceived that nothing could be more absurd than the production of such testimony. The hon. baronet had founded a very just argument on the conduct of the house with respect to Aris, on a former occasion; and his hon. friend (Mr. Wilberforce) had, instead of giving an answer, completely mistaken the object of the hon. baronet's observation. The hon. baronet had intended no imputation on him, when he alluded to his testimony in favour of the humanity of Aris, but had justly inferred, that if a member of such integrity and sagacity had been imposed upon in that case, it was not impossible that the gentlemen who that night had spoken in such high terms of different gaolers might likewise have been deceived. What, then, was the deduction from this? Surely not, that no inquiry was necessary, but that the strictest examination should take place immediately. Aris, notwithstanding the testimonies to his character, was afterwards convicted of the grossest delinquency; and it was not impossible that similar results might follow, if proper inquiries were to be instituted on the present occasion. His hon. friend had lately said, when a case of enormity was brought forward, "Why had not the hon. mover (the member for Shrewsbury) taken pains to make inquiries, and to examine witnesses as to the truth of the allegations?" The hon. member for Shrewsbury answered that he had examined: that he had seen the witnesses and questioned them in person: yet his hon. friend, instead of being satisfied with this compliance with his own desire and sense of justice, had voted against a motion so founded and supported. (*A laugh.*) He trusted, however, that his hon. friend would yet retrace his steps. He hoped he had repented of that vote, and would yet make amends. As to Ward's character, it was certainly a bad one: indeed, the only wonder was, that he had not been brought to justice long ago, if indeed he was as criminal as had

been represented. It was said, that previous to the suspension act, he had been in gaol on a charge of felony; if this were the case, he should like to know why he had not been tried —why his life, if the case required it, had not been sacrificed to justice. But this had nothing to do with the allegations in the petition, some of which, notwithstanding the great preparations which had been made by the noble lord, for the purpose of contradiction, had been left completely unanswered. He alluded particularly to the statement of Ward's having been, every alternate four days thrust into a loathsome cell, from which he was only taken because it was impossible for him to exist in it more than four days at a time: and yet for all this, and for similar abuses of power, an indemnity was to be obtained: and the report which was to warrant this indemnity, was to come from a committee, before which the accused brought only such evidence as they pleased, while the accusers were not allowed to bring any at all. As to the personal character of Lord Sidmouth, of which so much had been said, there was no man more ready than himself to do justice to the humanity and excellent disposition of the noble lord; but that was no answer to the charges of misconduct in his agents. He would not say if all the facts in the different petitions were proved, that they were in themselves illegal, but he would say that they were unnecessary and wanton abuses of power. What, for instance, could be a greater mockery and insult than the parading those men from town to town in open daylight, and loaded with chains: and what possible objects could be answered by such a wretched triumph, except to convince some miserable minds that some extraordinary plot existed against the state? (*Cheering.*) His hon. friend (Mr. Wilberforce) had thought proper, in one part of his speech, to pass a glowing eulogium on the suspension of the habeas corpus, and had referred to the history of ancient republics in illustration of the advantages of suspended liberty; but did not his hon. friend know what was the consequence of those occasional dictatorships to which he had alluded? Did they not at last end in a perpetual dictatorship—in a tyranny never to be shaken off? (*Loud cheering.*) For his own part, he believed most firmly, before God, that these frequent and unjustifiable suspensions of the habeas corpus would (unless the House of Commons should do its duty, which it had not hitherto done) end in the complete ruin of our liberties. (*Loud cheering.*)

Mr. *Ashurst* read a long statement, made to the magistrates of Oxford, relative to the condition of the county-gaol: it described all the accommodations to be most excellent; and asserted, that the state prisoners confined there returned thanks for the treatment which they had experienced, nor was any complaint made, except by one man, who said that his room had a smoky chimney.

Mr. *Holme Sumner* thought the house had reason to complain of the mode adopted by the noble mover. (*A laugh.*) He had brought forward only one case, that of Ward; and when an answer had been prepared and given to that case, but to that case only, the hon. and learned gentleman who had just sat down, took advantage of the circumstance, and asked what answer had been given to the other ten cases which had not been brought forward. As far as regarded himself, he was able to give some information of one case, that of Ogden. This man had told falsehoods from the beginning to the end of his petition. Whether the prisoners had been ironed before they were taken to Horsemonger-gaol, he could not say; but he knew that in consequence of an application to Lord Sidmouth, the irons were immediately struck off. As to the disease of Ogden, it had been ascertained that he was afflicted with a rupture when he entered the prison. (*Cries of hear, from the opposition, echoed by the ministerial benches.*) Ogden had even said that he thought it a blessing that he had come to that prison, for he could never have been cured elsewhere. (*The same cries repeated.*) He had also expressed the utmost gratitude to the gaoler for his kind treatment. (*Hear, hear, from the ministerial benches.*) —The hon. member then argued, that most complaints against gaolers turned out to be nugatory. He instanced first the commission of inquiry sent some years ago to Lincoln, which, he said, completely disproved every article of the charges brought against the gaoler: he next instanced the case of one Colville, who had been confined in Cold Bath Fields, and whose petition had been brought before the house by the hon. baronet (Sir F. Burdett), who had paid so much attention to that prison, but who on that occasion was so convinced of the fallacy of the allegations, that he concurred with the rest of the committee of inquiry, that no steps ought to be taken on the subject.

Sir *F. Burdett* said, it was very true that on the occasion alluded to, he had found the rest of the committee, on all points, unanimous against him, and he at last consented to their report; but it was solely on the ground, that inquiry might lead to disclosures injurious to persons then in a foreign country,—at Hamburgh.

Mr. *Holme Sumner* appealed to the house, whether they did not recollect the hon. baronet's concurrence with the report.

Sir *F. Burdett*.—"I have just told the hon. member, that I did concur in that report, and I have also just told him my sole reason for so doing." (*Hear, hear, from both sides.*)

Mr. *Bennet* observed, that the complaint made by Ogden was, that the disease with which he had been afflicted, and of which he was so ably cured during his imprisonment, was produced by the chains and irons imposed upon him. The inquiry before the magistrates on this subject was confined to the case of the Evanses. There was nothing in the representation of the hon. gentleman (Mr. Ashurst) that contradicted the statement

contained in the petition. He believed the case of Bagguley was fairly stated, nor did the letter read by the hon. gentleman disprove any of the circumstances which were described as having taken place in the gaol at Oxford. The account of the treatment experienced by Mr. Knight, of Reading, threw no imputations on the gaoler; it was of being carried to Salisbury Gaol, a gaol of which no hon. member had spoken or would speak in commendation, and of being again removed to Worcester, that he complained. The only reason that he could conceive for thus parading the petitioner about the country was, to create alarm, and to withdraw him from the observation of the Berkshire magistrates, as not sufficiently subservient to the minister of the day.

Mr. *Philips* rose amidst loud cries of *question*, for the purpose of confirming his hon. friend's representation of Ogden's case. The fact alleged was, that the distemper had been so much increased by the treatment he received, as to render a severe operation necessary.

The *Attorney-General* declared, that he had attentively read the petition of Ogden, and he thought it clear, that the statement in it was intended to create a belief, that an old man had been seized with a violent malady in consequence of the weight of irons which been imposed upon him. However the detention of persons charged with offences against the state might be justified under the late act, and admitting that a bill of indemnity, on the precedent of that of 1801, should be passed by parliament, he begged leave to say, that such an act would not indemnify a gaoler for any cruelty or excess beyond that restraint which was necessary to the safe custody of the prisoners. He would still remain liable to a criminal prosecution, and to answer to the party injured in a civil action. A question might arise, whether, when a person so charged was apprehended in a disturbed district, it might not be proper to place fetters on his limbs to prevent the danger of an escape. If done for this purpose, and without any unnecessary rigour or violence, it was legal and justifiable. His hon. and learned friend (Sir Samuel Romilly) had no colour for saying that some of these unfortunate men had been removed to different prisons, and exhibited in different parts of the country, for the purpose of exciting alarm. The secretary of state had two duties to perform—that of keeping them in safe and close custody; and, secondly, of rendering their situation in every other respect as comfortable as possible. He would have been justly open to reproach had they been left in an unhealthy or painful situation. The noble lord who brought forward the motion seemed to think, that when a man was once lodged in gaol upon a charge of treasonable practices, the door ought to be hermetically sealed upon him till the day of trial arrived. But by the law of this country, although a justice of the peace could not discharge after commitment, and before indictment, a secretary of state might, and, without the assistance of any suspension act, arrest on a charge of treason, and afterwards discharge his warrant if he thought the accusation could not be substantiated. (*Hear, hear, hear.*) He contended that all the allegations of these petitions, as far as they had been examined, were falsified; and that the secretary of state had, by his great exertions, broken the link of a confederacy which threatened society with all the evils of universal pillage and disorder. If that simultaneous movement which had been proved to be in contemplation, had been suffered to take place, and the expected multitude from the north had joined the disaffected in other quarters, what justification would then have been received on the part of the secretary of state, for not having exercised the powers with which parliament had armed him, and for a dereliction of duty which had led to such destructive consequences?

Mr. *Lamb* said, he considered it would be unwise and dangerous to lay before an open committee the grounds on which these people were detained. Had, however, the motion been limited to any alleged severity during the period of their confinement, it would be imprudent to deny it. The present motion not being so restricted, he felt it his duty to oppose it.

Lord *Folkestone* briefly replied. He contended, that sufficient grounds had been laid to induce the house to institute a full inquiry into the treatment of the petitioners, but he had no objection to the appointment of a secret committee for that purpose.

The house then divided.

Ayes,	. . .	58
Noes,	. . .	167
Majority	.	109

IMPRISONMENT FOR DEBT.] Mr. *Ogle* rose and moved, "that leave be given to bring in a bill to prevent imprisonment for debt on mesne process." There were very few members in the house at the time, and the motion was negatived without a division.

LIST OF THE MINORITY

ON LORD FOLKESTONE'S MOTION.

Althorp, Visct.	Duncannon, Visct.
Atherley, Arthur	Douglas, Hon. F. S.
Aubrey, Sir John	Fazakerley, Nic.
Barnett, James	Ferguson, Sir R. C.
Bennet, Hon. H. G.	Frankland, Robert
Birch, Jos.	Gordon, Rob.
Brand, Hon. T.	Guise, Sir W.
Brougham, Henry	Hamilton, Lord A.
Browne, Dom.	Heron, Sir Robt.
Byng, S.	Howard, Hon. W.
Burroughs, Sir W.	Hurst, Rob.
Calcraft, J.	Latouche, Rob. jun.
Calvert, Chas.	Latouche, John
Campbell, Hon. John	Lemon, Sir W.
Carter, John	Lyttelton, Hon. W. H.
Coke, Thos. W.	Macdonald, Hon. J.
Cochrane, Lord	Macintosh, Sir J.

Martin, John	Ridley, Sir M. W.
Mildmay, Sir H.	Romilly, Sir S.
Morpeth, Visct.	Scudamore, R.
Milton, Visct.	Sharp, Richard
Monk, Sir C.	Smith, John
Neville, Hon. R.	Smith, W.
North, D.	Symonds, T. P.
Ord, Wm.	Tierney, Rt. Hon. G.
Ossulston, Lord	Waldegrave, Hon. W.
Philips, George	Webb, Edward
Ponsonby, Hon. F. C.	Wilkins, Walter
Ramsden, J. C.	Wood, Alderman

TELLERS.

Burdett, Sir F. and Folkestone, Viscount.

HOUSE OF LORDS.

Wednesday, Feb. 18.

THE PRINCE REGENT'S ANSWER TO THE ADDRESS, ON THE OPENING OF THE SESSION.] His Royal Highness's most gracious answer to the address on the opening of the session (see page 14), was this day reported as follows:—

"My Lords,—I return you my warmest thanks for this very dutiful and affectionate address.

The manner in which you have expressed your feelings on the late afflicting dispensation of Divine Providence is, in the highest degree, grateful and consolatory to my own.

You may rely on my constant and cordial support of all such measures as may contribute to the increasing prosperity of the country, and to the welfare and happiness of all classes of his Majesty's subjects."

IRISH GRAND JURIES ACT SUSPENSION BILL.] The royal assent was given by commission to this bill. The commissioners were the Lord Chancellor, the Marquis of Cholmondeley, and the Earl of Shaftesbury.

EXCHEQUER BILLS BILL.] The thirty millions Exchequer bills bill was read a second time.

MALT, &c. DUTIES BILL.] This bill was read a second time.

HOUSE OF COMMONS.

Wednesday, Feb. 18.

EX-OFFICIO INFORMATIONS.] An account was presented (pursuant to an order of the 4th instant) of the fees taken in the crown-office for copies of *ex-officio* informations for libel.—Ordered to lie on the table and to be printed. (See the Appendix.)

SEVERN COAL TRADE.] The petition for a bill (see page 363) was reported, and a bill ordered to be brought in by Mr. Protheroe and Sir William Guise.

PUBLIC REVENUE.] Mr. *Lushington* presented an abstract "of the net produce of the revenue of the United Kingdom of Great Britain and Ireland, in the years ended 5th of January 1817 and 5th of January 1818; distinguishing the quarters, and also the total produce of the customs and excise."

Also, an abstract "of the net produce of the revenue of the United Kingdom of Great Britain and Ireland, in the years ended 5th January 1817, and 5th January 1818; distinguishing the quarters, and also the total produce of the consolidated fund, the annual duties, and the war taxes."—Ordered to lie on the table, and to be printed. (See the Appendix.)

LONDON PRISONS.] Mr. Alderman *Wood* said, that in moving for a committee to examine into the state of the prisons in the metropolis, it was not his intention to trespass on the house with unnecessary arguments. Much had been said of the abuses that prevailed in those prisons; but he believed that a full investigation would establish the conclusion, that where evils existed, as he was willing to admit some did exist, they were not to be attributed to any oblivion of duty on the part of the magistrates. There were many things that required alteration. Great abuse arose from the number of convicts kept in these prisons. But when he mentioned that evil, it was a duty he owed to the noble lord at the head of the home department, to state, that he had done every thing to remove the convicts as rapidly as circumstances permitted. To attach reproach to the magistrates of London in the management of their prisons, was very unjust. His hon. friend (Mr. Bennet),—and who could feel disinclined to testify to his meritorious exertions in alleviating the miseries of the wretched and the destitute?—had, in a recent publication, given the magistracy a severe lecture, though it would be found that the evils for which they were blamed, were imputable to the want of room in the prisons. Besides, later customs had operated to fill the prisons prematurely. Formerly, in Middlesex, as was now the case in London, prisoners were not removed to Newgate until the Thursday immediately preceding the sessions. The numbers now from Middlesex committed on the final examination, were, as to the London commitments, in a proportion of seven to one.—Before he concluded, he wished to advert to one circumstance, which he sincerely hoped would attract the attention of the committee. He alluded to the casualties that occur at sea in convict ships, where, from the season at which these people are embarked, for instance, in the midst of winter, then suddenly exposed to the violent transition of heat under the line, and then to another change in getting further to the south, great mortality must prevail. It was, indeed, so great, that in 1814, out of 200 convicts embarked, 50 died before the vessel reached New South Wales. He should only say, that if any delay had occurred in carrying the wishes of the magistracy of London into effect, in regard to those prisons, it arose from circumstances over which they had no control. He then moved, that a committee be appointed, "to examine into the state of Newgate and the other prisons within

the city of London and the borough of Southwark, and to report their observations, together with the minutes of evidence taken before them, to the house."

Mr. *Bennet* said, it was not his intention to offer any opposition to the motion, but as allusion had been made by his hon. friend, who was so strong an eulogist of the conduct of the magistracy of which he was himself a member, to a publication of his, he was anxious to make a few observations. It was true that the London prisons were rendered more grievous to the unhappy persons confined in them from want of room. Young and old were huddled together in indiscriminate and crowded masses, to the extent of making these prisons not schools of reform and instruction, but schools of crime and depravity. But want of room was not the only defect; there was also a want of clothing and of food. (*Hear, hear.*) He had himself seen in one of them an infant, without shirt, shoes, or stockings, and he found that the same miserable spectacle had been witnessed by the visiting committee. It was with no view to self-applause, that he was compelled to say, that he had himself given the necessary clothing to this unfortunate infant. (*Hear, hear.*) Want of food was also experienced by the prisoners. It was impossible to look at a collective body of the confined, without being able at once to discern those who had been long in custody, from those more recently committed. The *squalor carceris* was visible among the older prisoners. Scantiness of food was the cause; indeed, those who had been confined for any time appeared in a starving condition. There was one observation which he wished the house to bear in recollection. It was this—that whatever improvements the proposed committee might find on their inspection of the prisons, was to be attributed to the exposure made in that house. Since that moment, all was solicitude, occupation and haste on the part of the London magistracy to correct abuses. Dilapidations of long continuance were now repairing—the walls of the gaols were being white-washed—even the baker had been changed within the last four days. (*Hear.*) In their anxiety for sudden improvement, even Sunday was not held sacred. The house would, therefore, recollect, that if the prisons of London presented all these improvements to the committee, they would be seen in their court dress. (*Hear, hear.*) He should concur with the motion, in the hope that the prisons of London would no longer be discreditable to the wealth and character of that city, and that instead of being schools for the propagation of every species of crime, they would become schools for the moral reformation of the miserable, the vicious, and the neglected.

Sir *Wm. Curtis* considered that all the statements of the hon. member were exaggerated, or that, if the facts were true, they did not bear him out in the way he had put them. What did he want? Were not prisons places for punishment, not for comfort? He denied that the food was bad. He had often tasted the bread, and it was as good as any gentleman would use in his own family, or was used by his Majesty's troops. There was a sufficiency of meat. What! were not four pounds of meat a day sufficient for one person? (*A laugh.*) He meant four pounds a week. Did the hon. member want to have the prisons furnished with Turkey carpets? Men, it should be remembered, were sent to prison for their crimes. The windows of the new prison were broken wantonly, and those who broke them were told that either they must mend them at their own expense or suffer. As to the white-washing, of which the hon. member had spoken, he knew nothing about it.

Mr. *Bennet*, in explanation said, that on Friday last he visited Newgate, and saw with his own eyes the preparations making for the inquiry. If the worthy baronet had done his duty, he would have seen them also, and not been ignorant of the fact of white-washing. He had also tasted the bread frequently, and found it heavy and sour. The reason given was, that it was baked on tin.

Mr. *Warre* observed, that as one of a former committee, he visited the Borough Compter, and found in it more bricklayers and carpenters than prisoners. The committee were, however, too alert for the magistrates, and were fully impressed with the motives for that sudden exertion of improvement. He then adverted to the case of a man named John Bundy, who died a short time back in Tothill-fields, and whose death the coroner's inquest, after mature deliberation, recorded as having arisen from the want of food and medical aid. The turnkey of the prison had on that occasion given most equivocal testimony, and ought not to be retained in his employment.

The motion was then agreed to, and the following gentlemen were appointed:—

Mr. Alderman Wood	The Lord Mayor of London
Lord Visct. Lascelles	Sir William Curtis
Mr. Finlay	Sir James Shaw
Mr. Dundas	Mr. Alderman Atkins
Sir George Clerk	Sir Tho. Acland
Mr. Milne	Mr. Bennet
Mr. Littleton	Mr. H. Sumner
Mr. Lowndes	Mr. Waldegrave
Mr. Tremayne	Mr. John Smith
Mr. F. Lewis	Mr. Holford
Mr. Dickinson	

Power was given to the committee to send for persons, papers, and records: five to be the quorum, to adjourn from time to time, and from place to place, and to sit notwithstanding any adjournment of the house.

CHIMNEY SWEEPERS.] Lord *Milton* presented a petition of inhabitants of York, against the practice of employing climbing boys in the sweeping of chimneys. He took the opportunity of suggesting, that he feared the bill of his hon. friend (Mr. Bennet) went too fast to its meritorious object, and might therefore endanger its success. There were many chimnies in which it was impossible to employ machinery.

Mr. *Bennet* said, nine out of ten of these chimnies were in the houses of opulent persons, who could well afford to have them altered. They were the very flues in which all the danger was experienced, and were generally seven inches square. (*Hear.*) Was he chargeable with haste in endeavouring to save human life, by preventing children from being put to this most atrocious torture? (*Hear.*)

Lord *Milton* in explanation said, that he did not by any means object to the bill *per se*, but he objected to it as in some measure calculated to frustrate the purpose for which it was framed.

Mr. *Lyttelton* was sure that every body who knew his noble friend would give him credit for the greatest humanity.—He differed from him, however, totally on this subject, and thought that every means should be adopted to make the bill so effective, that in no case henceforth should it be possible to employ a single child in this dreadful business.

The petition was ordered to lie on the table.

A similar petition of inhabitants of the city of Gloucester, and another of inhabitants of Darlington having been received, the house went into the further consideration of the chimney-sweeper's regulation bill, which was re-committed, and an amendment introduced, extending its provisions to Ireland.

GAME LAWS.] Mr. *G. Bankes* said, that in the motion which he was about to make, he expected the support not only of those members who were anxious to protect the game of the country, but also of those who were solicitous to diminish the number of offences connected with the unlawful destruction of game. Most of these offences would be got rid of, if the legislature could effectually prevent the buying and selling of game; for it seldom happened that poachers killed game for sustenance, or for the mere gratification of their own taste. As the law stood at present, all persons, qualified and unqualified, were forbidden to sell game. Unqualified persons were also virtually forbidden to purchase game, but there was no such restriction on qualified persons.—His wish was to put all persons on the same footing in this respect; and by the bill, for which he was about to move, to enact, that all persons, qualified or not, should be liable to the same penalties for buying game as those inflicted by the existing law on unqualified persons who purchased it. The hon. gentleman then moved, "that leave be given to bring in a bill for the further preventing of offences connected with the unlawful destruction and sale of game."

Mr. *Curwen* thought the proposition of the hon. gentleman quite inadequate to the attainment of the object in view. It would only go to make the game laws still more odious than they were. He was by no means one of those who thought this an unfit subject for legislation. On the contrary, he was fully impressed with the advantages of increasing the inducements to gentlemen to reside in the country, by protecting the game for their amusement. But while the present oppressive and unjust code of laws existed, it was in vain to think of putting an end to the crimes which they generated. At present the right of game was confined to landed proprietors. Now, it was well known, that in this country the proportion which commercial property bore to landed property, was as seven to one. He could see no objection to making game private property, up to a certain extent, and to doing away all qualifications not founded on property. Severe penalties were never productive of the effect intended by them. While the plundering of a farmer's field of turnips and such articles was felony by law, the practice was general, as the punishment was too severe to be inflicted; but as soon as it was reduced to a moderate fine, the practice entirely ceased. He strongly recommended the hon. gentleman not to content himself with so inefficient a proposition as that which he had just made, but to go to the root of the evil, and endeavour to reform the whole system of the game laws. As to making the purchase of game penal, the only consequence would be, that the smaller culprits would be punished, while those of more importance would escape. For instance, such an individual as the Lord Mayor of London must have game. He would not purchase it himself, but others would purchase it for him; and this would take place, whatever statutes the legislature might think proper to enact.

Mr. *Warre* was surprised that his hon. friend could imagine that in the present state, temper, and constitution of society, any legislative measure could effectually prevent the sale of game. Two years ago an hon. member brought in a bill on this subject, the enactments of which were so severe, that it was deemed expedient to repeal it last session. The hon. member who had just sat down, had given his hon. friend good counsel, although it would be no easy task to set about reforming the whole system of the game laws. On this subject he had that morning met with a passage in Mr. Justice Blackstone, which he would read to the house. It was as follows:—"Though the forest laws are now mitigated, and by degrees grown entirely obsolete, yet from this root has sprung a bastard slip, known by the name of the game law, now arrived to, and wantoning in, its highest vigour: both founded upon the same unreasonable notions of permanent property in wild creatures, and both productive of the same tyranny to the commons; but with this difference, that the forest laws established only one mighty hunter throughout the land; the game laws have raised a little Nimrod in every manor."

Mr. *G. Bankes* explained, and professed himself wholly incompetent to execute the task which the hon. member for Carlisle wished him to undertake. All he desired was to make the game laws something better if he could. The

omission which the proposed bill tended to supply, appeared to him to be a casual one, and easily to be remedied.

Sir *C. Burrell* thought the bill proposed by the hon. gentleman would be beneficial, by putting the rich and the poor on an equal footing. It had been most justly said by Mr. Fox, that, without a violation of the laws of property, he could not see how the game laws could be much altered at present.

The motion was then put, and the house divided.

Ayes	60
Noes	28
Majority .	32

The bill was ordered to be brought in by Mr. George Bankes and Sir C. Burrell.

NORTHERN CIRCUIT.] Mr. *M. A. Taylor*, in pursuance of the notice which he gave yesterday, moved, "that a select committee be appointed to consider whether any and what steps may be necessary to be taken to give to the counties of Westmorland, Cumberland, Northumberland, and Durham, and the town and county of Newcastle-upon-Tyne, the same advantages of assizes twice in each year, as are now possessed by all the other counties in England and Wales; and to report their opinion thereupon to the house."—The motion was agreed to, and the following gentlemen were named:—

Mr. M. A. Taylor	Mr. Ord
Lord Visct. Castlereagh	Mr. Courtenay
Mr. Chancellor of the Exchequer	Lord Visct. Lowther
	Mr. Powlet
Mr. Attorney-General	Mr. Casberd
Mr. Solicitor-General	Mr. Brougham
Sir M. Ridley	Mr. Richard Wharton
Sir John Nicholl	Mr. W. Smith
Sir S. Romilly	Sir C. Monck
Mr. C. Wynn	Lord Ossulston
Mr. Cuthbert Ellison	Mr. Curwen

Power was given to them to send for persons, papers, and records: five to be the quorum, and to sit notwithstanding any adjournment of the house.

ELECTION LAWS AMENDMENT BILL.] Mr. *Wynn* moved the further consideration of the report of this bill, for the purpose of submitting one or two verbal amendments.

Mr. *Lamb* suggested the propriety of omitting such parts of the bill as appeared to be of a questionable nature, till the next parliament.

Sir *W. Burroughs* strongly objected to that clause which required that 400 votes should be polled on the first two days, and as many on the third day, or that the election should close. He was convinced that the effect of such a provision would be, to disfranchise a great number of non-resident voters, as well as to cause a very considerable additional expense to the candidates.

Mr. *Wilberforce* supported the clause.

Lord *Milton* also maintained the expediency of the clause, and observed, that all persons who were connected with county elections, were much indebted to his hon. friend for diminishing the expense of contested elections.

Mr. *Marryatt* opposed the clause.

Mr. *J. Smith* thought, that the clause was calculated to give too much power to the returning officer.

Mr. *W. Wynn* said, that certainly the returning officer might object and stop the proceedings in some degree, but the undisposed votes would be going on. (*Hear, hear.*) He thought that a man would hardly succeed in his election who could not bring up 400 members in the first two days. If this clause were rejected, all the towns and cities in the kingdom would be exposed to very great evils. A person who had only the means of bringing up seven votes a-day, might declare, "I will keep the poll open the whole 15 days." As the law stood at present, this might be done. In Devonshire, the poll had been kept open by a person who had only 19 votes, and it was merely by accident that he had been hindered from continuing the poll. In Bristol, the same thing had happened from a person who could only bring nine or ten votes. In Berkshire, one who could only bring 500 votes had kept the poll open the whole 15 days. He hoped it would not be held, that because this was the sixth session of parliament, the evil ought to be suffered to exist till another, especially at a moment when the poll might be kept open merely for the purpose of disturbances. (*Hear, hear.*) These observations had struck him as important, and he hoped the bill would not be objected to.

Mr. *Lushington* thought that the wording of some of the clauses was too general.

Mr. *Brougham* hoped that every thing exceptionable would be done away with, that the bill might not be frustrated in its progress, as it had been last year. He had then wished it to be printed after the commitment, and the blanks filled up. There was one clause preventing freemen from taking up their freedom that they might vote, to which he had objected, and this he was happy to see was omitted. With respect to the clause relative to the 400 voters, it was a question whether a smaller number of voters or a greater number of days might not be allowed. At the same time he thought it might be a question, whether the word 'tender' instead of 'poll,' and a clause, allowing the election to go on while the returning officer was fulfilling his duties, might not be necessary. But he did not think that it ought to remain as it stood; at any rate, some alteration should be made relative to the word 'poll.' He could not exactly agree with the propriety of throwing the expenses upon the shoulders of the constituents from those of the candidates. It might seem designed to favour themselves at the present period; for though the members of that house were not the only persons concerned, yet they formed the bulk of those interested. With respect to qualification, he thought the year and a day's possession was the best title, unless, in-

deed, the house should think it necessary to have a complete and absolute register; and the only time when such a plan was attempted, petitions were presented against it from all parts of the kingdom.

Mr. *Speaker* hoped that the house would permit him to inform them how the question stood. With respect to the alteration of any words that had been agreed to in the committee, that could not then be made; but as to any other alteration that might be proposed, the house was open to agree to or dissent from it.

Sir *W. Burroughs* wished the discussion to be postponed.

Dr. *Phillimore* was surprised that the house should be gravely asked to postpone the discussion, when the bill had been already so well considered. It did not appear to him that it could have undergone a more complete discussion.

Sir *W. Burroughs* thought it impossible that they could, in their present state, do justice to the bill, and therefore he should move that the house be counted.

Mr. *W. Wynn* thought it would be a more regular proceeding to let the bill be re-committed to-morrow, than that the report should be re-considered. He should, therefore, propose that; and he hoped the house would have no objection to allow the bill to be read a third time the next day. He thought it very important that there should be as much consideration given to the bill as possible, especially as it was so near the quarter-sessions. As to the number of voters, he had heard of 5000 having been brought up in one day; and indeed, if he had had his own way, he would have proposed a greater number; but as it was, he would rather that it should be under than above the mark.

The question that the bill should be recommitted to-morrow was then put and carried.

HOUSE OF LORDS.

Thursday, Feb. 19.

Exchequer Bills Bill.] The house having resolved itself into a committee on the thirty millions Exchequer bills bill,

Earl *Grosvenor* stated, that he felt it his duty to say a few words before this bill went through the committee. He had hoped that their lordships would have heard something on the subject of economy in his Majesty's speech, but in that expectation the house and the country had been grievously disappointed. Notwithstanding this omission, it was a notorious fact that the finances of the country were in a most deplorable state; for the income, though a boast had been made of the improvement of the revenue, did not cover the expenditure by many millions. In this situation it was reasonable to have hoped that his Majesty's ministers, if they neglected to bring forward the subject on the meeting of parliament, would at least have said or done something at a very early part of the session, to encourage the expectation of their being disposed to resort to that system of reduction and economy which could alone avert the ruin that threatened the country. No indication of any such disposition had, however, been given; and now, after three years of peace, the country had still to endure a weight of unnecessary expenditure. He had before alluded to reductions which ought to be made, and was still of opinion that considerable savings might be effected in different branches of the public expenditure, and particularly in that of the army. If the army on the frontiers of France were recalled, a more economical arrangement with respect to the military force might be made. While in a state of peace with all mankind, was it not most absurd to persist in maintaining a great military establishment, an army of 100,000 men? Notwithstanding what had fallen from a noble earl (Stanhope) with regard to the state of France, on the first day of the session, he could not agree with him as to the danger of withdrawing the army of occupation. He could not partake entirely in the view of that noble earl, and was rather inclined to believe that time had removed many of the objections which might have been urged against withdrawing the allied troops. He agreed with the noble earl in thinking, that the occupation of the throne of France by the Bourbon family was most favourable to the interests of Europe, and he was convinced also, to the interests of France, provided they adhered to constitutional principles. This, he was persuaded, was felt in that country; and though there might be different parties there, and though he carried his opinion as to the supporting the present French government, as far as he believed that opinion ought to be carried, yet he could see no necessity why any part of the military force of this country should be maintained on the French frontiers. Whether Buonaparte was popular in France to the extent which had been stated, he could not pretend to determine; but however popular that person might be, he trusted that this country would not be so unjust and impolitic as to completely mix itself in the domestic affairs of another. To a certain degree he was ready to admit that interference might be a duty, but with domestic parties we had really nothing to do. Feeling and lamenting as he did the state of the finances of the country, he could not help expressing his surprise at finding a measure like the present in progress through their lordships' house. That there should be 30,000,000*l.* of Exchequer bills afloat, in addition to the other circulating paper, was a very melancholy consideration. The serious importance of the measure would be appreciated when their lordships considered that the issue now proposed equalled any that had ever been made in this country during the late long and expensive war in which it had been engaged. It must be evident that this increased circulation of paper tended more and

more to depreciate the regular coin of the state, and to render more difficult, if not entirely prevent, the removal of that restriction on the payments of the Bank which all their lordships so seriously deplored. Impressed with these opinions, he could not suffer this important measure to go through the committee without calling their lordships' attention to it.

The Earl of *Liverpool* did not wish to enter into any discussion on the questions respecting the army of occupation and the house of Bourbon, which the noble earl had started. With regard to the subject of finance, the noble earl had gone so far as to state that the income of the country was many millions below the expenditure. He should only say, that when the accounts, from which alone a just opinion respecting the finances of the country could be formed, were fairly before the house, he should be prepared to meet the noble earl on the question. Then would be the proper time for any discussion which the noble earl might think proper to bring forward: but he would then find that the opinion he now entertained was most erroneous. The noble earl had complained of the superabundance of Exchequer bills; but if he inquired into the real state of the case, he would find that there was upon the whole a reduction, and that the interest was very little more than 2 per cent. Another complaint of the noble earl was, that nothing had been done in the way of economy and reduction. On this subject, too, he was perfectly ready to meet the noble earl, when the proper time for discussion arrived. But the noble earl could not fail to know from the journals of the other house of parliament, that the peace establishment of the country underwent the serious consideration of a committee in the course of the last session; and that measures were then taken for reducing the different departments of the public service to the lowest scale on which they could with propriety be placed. The noble earl, it appeared, thought these establishments still too great: that might be a subject of inquiry when the question came regularly before their lordships; but they had nothing to do with it at present. The noble earl had said that a saving might arise by withdrawing from the frontiers of France that part of the army of occupation which belonged to this country; but on what foundation did he rest that opinion? Could he shew that the recal of our army would be any saving whatever to the country? The view which the noble earl appeared to have formed of the expense of that army was totally erroneous: and however desirable saving might be, he must look for some other sources of economy than the reduction of a force by which no expense was incurred. With regard to the revenue, he assured the noble earl that it covered the expenditure.

Earl *Grosvenor* expressed himself not satisfied with what had been done in the way of reduction, in consequence of the institution of a committee by the other house of parliament; and was of opinion, notwithstanding what had been said by the noble earl, that a considerable expense was incurred by this country in maintaining the army on the frontiers of France.

(The Earl of *Liverpool* said across the table, not a shilling.)

The Earl of *Lauderdale* was surprised to hear what had fallen from the noble earl on the subject of the finances. Did he mean to say, that the revenue of this country was capable of covering the charges on the consolidated fund, and the whole of the present expenditure?

The Earl of *Liverpool* wished to be understood to say, that the whole revenue of the country, in which he included the sinking-fund (*hear, hear*), was more than sufficient to cover the charges on the national debt, and all the other expenses of the government.

The Earl of *Lauderdale* wished merely to remind the noble earl that the sinking-fund amounted to nearly fifteen millions. Was this, then, to be understood as the noble earl's proposition—that after deducting 15,000,000*l.*, this country possessed a revenue capable of covering the present expenditure, and paying the interest of the debt?

The Earl of *Liverpool* said, he never intended to state any such thing. The noble earl could not suppose that he meant to assert that the country had an excess of revenue amounting to 15,000,000*l.*

Lord *King*.—Then what the noble secretary of state says, merely amounts to this—that we have only a nominal sinking fund; that there is nothing real in its operation, and that it does not discharge one shilling of the national debt.

The Earl of *Liverpool* considered the noble lord to be quite mistaken in the statement he had made. The noble lord conceived that the sinking fund was only nominal. He might say so, according to his view of the subject.—(*Hear, hear.*) He might say, that in his view there was not a sinking fund, nor a shilling of debt discharged, unless in so far as the fund formed an excess over and above the revenue. This idea of the noble lord he, however, conceived to be erroneous, and was fully of opinion that we had a real and efficient sinking fund, notwithstanding he had included it in the revenue.

The bill then went through the committee.

MALT, &c. DUTIES BILL.] This bill passed through a committee.

ORDERS FOR PAPERS.] Earl *Grosvenor* said, that he had some time ago moved that an account of places granted in reversion be laid before the house, but the account had not yet been produced. He thought their lordships had reason to complain of this procrastination, and he hoped that the noble secretary of state would take measures to cause the account to be produced without further delay.

The Earl of *Liverpool* did not conceive that he could be considered responsible for the production of the account alluded to by the noble earl, more than any other member of their lordships' house. When the house pro-

ceeds by an address to the Prince Regent for papers, occasion may arise for making inquiries of ministers respecting their production, which it will then be their duty to facilitate; but when the house proceeds by order, unless the department which ought to produce the papers be the Treasury, it cannot be expected that the head of that office should be able either to forward them, or to account for the delay. It was competent to the noble earl, or any of their lordships, to inquire into the cause of delay in the production of papers; but in the present case he could not regard himself as in any way answerable for the account which had been ordered on the motion of the noble earl.

Earl *Grosvenor* thought, that an order of the house having been made for the paper in question, under very singular circumstances, no delay would have taken place respecting it. He still thought that it was the duty of the executive government to enforce the prompt production of a paper ordered by their lordships.

The Earl of *Liverpool* observed, that it was proper for the house to enforce its orders; but he had again to repeat, that unless the paper required was in the possession of the Treasury, there could be no obligation on him to produce it.

The Earl of *Lauderdale* said, that when the house ordered papers which were not in the possession of the higher departments of his Majesty's government, it was to be expected that the superior departments would see that the inferior performed their duty, by producing them. If there should appear to be any undue delay in obeying the order of the house, the regular course was to pass a resolution that the papers be produced forthwith. If there should still be farther delay, it would be their lordships' duty to appoint a committee to inquire into the cause.

The Earl of *Liverpool* reminded their lordships of the distinction between papers asked for by an address, and those ordered to be produced by a vote of the house. When an order was made by the house, it was necessary to discover the proper department on which it should be served, and that the individual who made the motion, assisted by the officers of the house, could always very easily do.

Earl *Grosvenor* observed, that he had meant to move an address when he brought forward the motion—(The Earl of Liverpool said across the table, that the account was not a proper object for an address): but the order was made, and it was proper that there should be some means of enforcing obedience to the orders of their lordships' house.

The *Lord Chancellor* thought, that if inquiry had been made among the officers of the house, the means of enforcing the order might have been discovered. An account of the same kind had formerly been laid before their lordships, and, by examining it, the department from which it came might be traced.

Lord *Holland* saw no excuse for the delay. Their lordships had an undoubted right to the papers they had ordered, and he should therefore move that they be produced forthwith.

The Earl of *Liverpool* acknowledged the right of the noble baron to call for the vote he proposed, but thought it would be better, before a step was taken which might cast reflection where none was due, that means should be taken to ascertain whether the order had been properly served. Here he would remark, that if the noble earl had proceeded in the way he supposed, a motion for producing the papers forthwith would not have been regular, because, in the case of an address, the house would wait for explanation as to the cause of the delay. In the case of voting an order, however, the house acted on its own authority, and therefore ought never to ask for papers by address, the production of which it could enforce.

Lord *Holland* said, it was not necessary that their lordships should inquire what might have been the cause of the delay, before they passed a resolution for the papers being produced forthwith. He was, however, willing to withdraw his motion, trusting that in a few days the paper would be laid on their lordships' table.—The motion was withdrawn.

Grievances under the Suspension Act.] Lord *Holland* wished to call their lordships' attention to two petitions, which he had received in order to be presented. The subject of them was somewhat similar to that which his noble friend had presented the other day, and on which he was now about to make a motion. They had been put into his hands not two hours before he came down to the house, and though he had not had time to read them very minutely, he could say that their titles were correctly worded, and that they were couched in language which he considered decorous and respectful. They both complained of the execution of the act for the suspension of the habeas corpus—a complaint to which it was fitting the house should attentively listen. The first came from a person of the name of Knight, and stated several circumstances of cruelty which were worthy of inquiry, and described a variety of sufferings which the petitioner had undergone in consequence of his being arrested, fettered, imprisoned, and finally compelled to enter into recognizances. He knew nothing of Mr. Knight; and in presenting this or any other petition, he wished it to be understood, that he neither vouched for the truth of the statements it contained, or the character of the individual from whom it came. It was his duty to bring the complaint under the notice of the house. The second petition was from a man of the name of Mitchell, and he also stated that he had suffered severely in consequence of being unjustly imprisoned and held to bail. As he had before observed, he could not vouch for the truth of the allegations in these petitions, but he thought it no way surprising, that persons who had suffered unjustly should sometimes state their case with a degree of aggravation, nor could he regard that as a reason for not inquiring into the

facts. It was fit the petitions should be laid on their lordships' table, whether the injury complained of was attributed to ministers, or to persons of inferior authority. He had made these remarks, because he knew from experience that when complaints were made of the violation of the laws and constitution, it was often endeavoured to identify the individual who brought forward such complaints with the cause of the persons into whose statements it was proposed to inquire. He was standing up for the laws of the country, and not for the character of the petitioners, or the accuracy of their statements. He moved that the first petition be read.

The petition of John Knight, of Manchester, was then read by the clerk. It was in the same terms as the petition from the same individual presented to the House of Commons on the 6th instant. (See page 166.) Ordered to lie on the table.

The noble lord then presented a petition of Joseph Mitchell, of Liverpool, which was to the same effect as that presented to the House of Commons on the 13th instant. (See page 371.) It was ordered to lie on the table.

Lord *Holland* said, he had been assured that the allegations in the last petition could be confirmed in many points by persons whose evidence would be entitled to credit before any tribunal.

The Earl of *Carnarvon* said, he had presented a petition a few days since from an individual, complaining of having been unjustly imprisoned; and he had thought it so much a matter of course to refer such a complaint to the secret committee, that he was about to make the motion immediately, not conceiving there could be any objection to it. It was at the request of his Majesty's ministers that he postponed his motion till this day. With regard to the petition he had presented, it contained allegations which certainly deserved inquiry. As to their truth, it was impossible for him to answer. Had it been his intention to move for a specific inquiry, it might be necessary for him in that case to pledge himself to the facts contained in the petition, but such was not his object. They had appointed a secret committee; and they were told by his Majesty's ministers, for the contents of the green bag were known only to a few, that the whole of the conduct of government would be laid before that committee—that the whole exposition of the internal state of the country subsequent to the passing of the act would be submitted to their inspection. The investigation, such as it was, had already commenced; and the only question was with respect to the reference of those petitions to this committee;—it was simply, whether they would go into inquiry upon the evidence of ministers themselves, or whether they would prosecute it in the only way that could lead to any useful results? *(Hear, hear.)* His Majesty's ministers had told him that they were to review their conduct—he would say; let them do so. It was not for him to assert that their conduct would be found reprehensible; on the contrary, he hoped that it would be justified by inquiry. But of this he was sure, that if the government were in earnest when they challenged investigation, if they were truly anxious to maintain a clear character in the opinion of the country, they must go to the committee, not with evidence prepared by themselves, to be estimated by a tribunal nominated and packed by themselves, but with their evidence compared and confronted with such other evidence as might be collected from sources independent of their influence, and even adverse to their justification. It had transpired, and was now generally known to the public, that there was not a single name on the committee, which was not contained in the lists drawn up by ministers. If ministers were innocent, should they not rejoice at the opportunity of vindicating their proceedings, by disproving the facts alleged against them? If they were guilty, where was the hope that they would bring from their own offices the proofs of their offence? Was it not more natural to suppose that they would overlook the serious charges, if not intentionally, through neglect or mistake, and call upon the house to concur in their justification by making them participators in their ignorance? Do what they would, it was impossible for parliament to take any thing out of the green bag but what ministers had put into it. *(Hear.)*—Was this no reason for the exercise of caution, and even jealousy, on the part of the house? If they left it to the discretion of those gentlemen to prepare not only their own case, but the whole of the evidence by which that case was to be tried, they might trust to Heaven for justice, but they might depend upon it that such facts would only find their way into the committee as were most favourable to parties on their defence. He would ask them to look back a little on their own proceedings; but a few days had elapsed, when it was found that the first green bag would not be sufficient for the justification of ministers: another was consequently produced. Was it not possible at least, arguing from this instance, that a third green bag might be necessary; might not additional evidence be still required, if they wished that truth should be the result of their investigation? Much of the importance of the inquiry depended on the object which the ministers had in view. An inquiry had been made on the first day of the session, to ascertain what that object was. No one could give information. They were all ignorant who the members of the committee were to be, and therefore ignorant of the ultimate proceedings which they might recommend in their report. But the delusion was now seen through. The committee were appointed by ministers, and the object in view was —let them contradict him if they could—a bill of indemnity. The investigation was not a mere matter of curiosity, but was to be the foundation of one of the strongest measures that parliament could adopt—that of shutting the doors of justice against persons who were supposed to be innocent. If such was the course intended to be adopted with regard to these unfortunate per-

sons, it should be openly and manfully avowed. *(Hear.)* They should be told distinctly, that there was no redress for them in the ordinary tribunals of the country—that the anxiety of parliament was directed to protect ministers; but that all justice was to be denied to the accused, even to the extent of refusing with scorn to hear the explanation which they were solicitous to afford. Such was the issue which they were to determine that night. If they refused to refer the petitions to the committee, they would go the length of stating, that the committee appointed to bring in a bill of indemnity for the protection of ministers, was bound to try those ministers upon their own evidence, to hear every thing that could make in their favour, but to shut their ears against every thing that might possibly go against them. *(Hear, hear.)* It was upon that ground he contended for referring the present petition, and all petitions of a similar nature, which were conveyed in respectful language, to the committee. It was not necessary that the house should form distinct opinions upon each, it was not possible that it could do so, but it was unquestionably it its power to send them to the committee, there to be dealt with according as they might deserve. He was strongly impressed with the importance of the question; indeed if there was any one question more important than another, it appeared to him to be this: whether in all proceedings between the ministers and the people, the people should or should not be fairly heard? *(Hear, hear.)* How could they hope that the people would look to parliament for redress, when, after complaining that they had been misled by the agents of government, parliament refuse to inquire into the fact? Much stress had been laid upon individual character; but was it fair to make use of the character of any minister, however benevolent, to induce that house to prejudge the case of a poor petitioner who called upon them for redress? *(Hear.)* Was it right to answer his complaints by stating, the ministers tell us you are wrong, and they are all men of excellent character; consequently you are wrong, and we will not listen to your evidence? Was it the fact, that ministers stood so high in the estimation of the public; or was there not a feeling without doors, that it was possible a case might be made out against them, notwithstanding the purity of their fame, very different in its complexion and degree from what was likely to be extracted from their own green bag? *(Hear.)* The report of the committee of last year, admitted that some portion of the disturbances was to be attributed to the conduct of the agents employed by government; and many persons believed, at this moment, that the greater part, if not the whole, of the insurrectionary spirit, was fomented by the industry of spies and informers. The distresses of the times had thrown numbers out of employment. Distress produced discontent, and the flames of discontent were easily blown into rebellion by those who had an interest in the disorders of the country. Were they not bound to inquire even with regard to those unfortunate persons who had suffered the sentence of the law, whether they had acted on a system concerted among themselves, or whether they were encouraged and betrayed by informers? The friends of ministers contended, that their vigorous exertions preserved the peace of the country. Their opponents were of opinion, that their mistaken and ill-directed interference disturbed it. Here they were directly at issue, inquiry alone could decide it. There was this leading point to be considered in the outset—what sort of inquiry should they go into? *(Hear.)* Would they examine the internal situation of the country? His Majesty's ministers said yes—if so, could they refuse to hear the petitions illustrative of that situation? Would they review the conduct of ministers through the whole of the late transactions?—The ministers said yes—if so, could they refuse to hear the charges made against them, and submit to the degrading taint of unanswered accusation? The petitioners demanded trial, and were refused; they now demanded inquiry, would it be decent to refuse them?—The ministers were on their trial, not in open court before God and their country, but in their own dark chamber, before their own secret committee. Was not that very circumstance enough to excite suspicion? *(Hear.)*—That house was not to consider the feelings of ministers, but the general feeling of the country. There was no man who must not admit that there was much mystery in the whole of those proceedings. Inquiry was therefore necessary, as well to protect their own character, as to do justice to the people, who always had, and always would, look to parliament for protection, as long as parliament manifested a disposition to extend it. If any question were brought before the house, in which ministers had no concern; if any bill of a private nature was introduced, and petitions were presented against its enactment, such petitions would be referred to the committee on the bill as a matter of course. He thought it would have been so in the present instance; for the importance of the occasion, so far from justifying a deviation, called more forcibly for an adherence to the rule, but he found that he was mistaken in his expectations from ministers. When he was last in town, he intended to have made a similar motion, to which he did not contemplate that any objection would be made. Finding that it would be resisted, he had taken time to consider, and he hoped that the house would not shrink from the discharge of its duty. His lordship concluded with moving, that the petition be referred to the committee of secrecy.

Lord *Sidmouth*, after observing that the noble lord had not gone into the merits of the petition, but had confined himself to the broad ground, that all petitions, of whatever description, ought to be referred to the committee, admitted, that they might be suffered to lie on

the table, but that to ask more than that, was to say, that petitions, of whatever description (so as not absolutely disrespectful), whether frivolous, false, malicious, or libellous, were all to be considered, and that the attention of their lordships must be employed in investigating the statements they contained, however false or improbable: that was a proposition to which he could not accede. But the noble lord more especially wished them to be referred to the secret committee. He defied the noble lord to shew a single instance in which such a proposal had been adopted: the very nature of a secret committee was in direct opposition to it. If any case of real hardship existed, it was more proper that such a case should be referred to the consideration of a select committee. He hoped the noble lord had read the petitions in question. If he or their lordships would read those petitions, he could assure them with confidence, that unless they contained much more information than that which had been read, it was not only not fit for their lordships to take that cognizance of them which the noble lord had asked, but not fit to consider them at all. Drummond, for instance, had undertaken in his petition to prove the decorum and propriety of the meeting of the 10th of March, before Manchester. Of the nature of that meeting their lordships had read information in all the papers, and had also derived it, however the noble lord might ridicule them, from the documents laid before the last committee. The petitioner stated, that he was on that day boisterously apprehended by drunken soldiers without any cause whatever: the truth was, that the magistrates having notice that the people were then about to proceed in a body to Manchester, and that their intentions (as was borne out by the facts) were to proceed to acts of violence, applied for thirteen warrants to apprehend those who were most active. The warrants were sent down, and many of them executed before the day of meeting; but some of the remaining leaders, regardless of the fate of their companions, proceeded to assemble on the 10th. The magistrates of Manchester acted wisely; they knew that, notwithstanding the check that had been given, a large meeting would take place, and they applied for a military force. Drummond was one of the parties against whom a warrant was issued. The people met to the amount of 12,000, were preparing for their march to London, with the intention of carrying confusion in their train, and addressing the Prince in person, and the petitioner was arrested while haranguing them in the most vehement terms; but not till the riot act had been read by Mr. Holland Watson, the magistrate. That the soldiers had assisted the civil power was unquestionable; but that they had done so in an improper manner, he (Lord Sidmouth) should utterly deny. The character of Sir John Byng was deservedly high: and from him, who had been on the spot, assurances had been received of the regular conduct of the soldiery. This was corroborated by the magistrates of the district, who, whatever fears they might be under of violence that might ensue to their persons or property, were not so lost to all regard for the constitution as to approve of misconduct in the soldiery. The magistrates had given a satisfactory account, that no insult or outrage had taken place. The whole grievance complained of by Drummond amounted only to the fact of his having been committed. He was examined on the 15th of March before the Attorney and Solicitor-general, and expressly told not to say any thing that might criminate himself. When under examination, he made no complaint whatever of having been ill-treated. His manner was not sullen; he spoke freely, and in such a manner, that it was impossible not to regret that a person of his appearance should have fallen into such courses. But there was not one word of complaint as to the mode of his apprehension. He would now ask their lordships whether, because the noble lord had advanced a general law that all petitions should be referred to their consideration, they would not determine whether that one should not be rejected, and whether it contained any thing on the face of it which merited their attention. His Majesty's ministers disclaimed an indemnity for rigorous treatment, if they had been guilty of any. (*Hear, hear, hear.*) If there was any ground for a bill of indemnity, it was because the sources from whence they had derived their information ought to remain concealed. But he disclaimed any protection for rigour, if any could be proved against him. Let those who were aggrieved complain to the laws of their country, and he was sure that redress would not be withheld. A noble lord had presented two other petitions, and though he (Lord Sidmouth) had not time to follow all their allegations, yet they contained the grossest perversions; and if he had an opportunity of consulting his own documents, or re-perusing the petitions themselves, he could easily shew that they were unfit objects for their lordships' attention. With respect to Knight, he knew from the magistrates (it had been industriously circulated that even the visiting magistrates had been excluded from Reading-gaol, which was not the case) that every accommodation had been afforded to that person. He should make no other observation on Mitchell's petition, than that it charged Oliver with being the cause of his apprehension: but the warrant for that apprehension had been signed before government knew any thing of Oliver, and before he took his journey. He was not apprehended by a warrant from the secretary of state's office, but by the local magistrates, who had long known his character. The noble lord had said much of spies and informers; on that ground he (Lord Sidmouth) was ready to meet him, because the conduct of government would bear the brunt of any inquiry on that subject. When it was stated that that individual (Oliver) was the chief cause of all the disturbances, the noble

lord must have lost all recollection that the main features of them were developed in February; that the design then was to burn Manchester, before government had even heard the name of Oliver. He could not therefore avoid concluding that there was not the least ground for the noble lord's motion.

Earl *Grosvenor* said, that if he were to speak of the measures now in progress in a manner suited to the view in which he was led to regard them, he feared he should not be considered as cool enough for such a discussion: if, on the contrary, he spoke with apathy and indifference, he felt he should not be acting up to his own ideas of his duty, or in a manner agreeable to his feelings. He expressed his own conviction that there was an universal failure of proof to support the reports upon which the extraordinary powers intrusted to ministers were grounded. Notwithstanding this universal failure of proof of disaffection and treason, excepting in the case of Derby alone, he was still willing to admit that there was none more fit to be intrusted with the execution of such a disagreeable duty as the noble viscount (Lord Sidmouth), whose character was such as would impel him, wherever it was possible, to act in the manner most likely to consult the feelings of the individuals concerned. As to the petitions in question, he contended, that supposing there was not a word of truth in the various allegations they contained, yet that still they were called upon to allow these petitions to be referred to the committee, although it was not composed as he could wish. The noble viscount had either misunderstood or misrepresented a noble lord who had already spoken, and who was supposed to maintain that petitions of all kinds should be referred to the committee. The noble lord had proposed to send only petitions essentially connected with the appointment of the committee. But the noble viscount denied that any such petitions should be admitted. According to this language, nothing was to be received by the committee but what the noble viscount deemed fit to submit to them. But he contended that, according to the noble viscount's own shewing, the petition in question should be referred. There was no part of it which, *prima facie*, might not be true. According to the petitioner's statement, he was seized while addressing a large and numerous concourse of persons, who were assembled for the purpose of petitioning parliament against the suspension of the habeas corpus: but the noble viscount would have it that he (the petitioner) spoke with a degree of vehemence which was dangerous. The noble viscount could not deny that they had a right to petition against the suspension of the habeas corpus, but he did not like it. The object of such a meeting could not be regarded as treasonable; for, if treasonable, why were they not prosecuted and brought to trial? The petition stated, that while the meeting were so employed, they were suddenly surrounded by a large party of military. He could not say whether it could be denied that they were so surrounded; but he had certainly heard a great deal of the dexterity of the military manœuvres practised upon that occasion. The petitioner was taken before Mr. Sylvester; and, upon representing the hardships he had suffered, with regard to the quality of the food which had been allowed him, this gentleman ordered that he should have better food. He was afterwards committed to the charge of Nadin, who chained him, and hurried him away to another place. With respect to this Nadin, he understood there were serious charges brought against him in another place, as having given countenance and encouragement to the horrible system of blood-money; and there appeared no reason to doubt that by this man the petitioner was very cruelly treated. It was alleged that these people meant treason; but if so, why were they not brought to trial? It was said that they intended to proceed to London, to petition the Prince Regent: such a project was absurd enough, he would grant, but not treasonable. If it was alleged that their object was treason, let all the circumstances be brought to proof before the committee, that the committee might know who were right and who were wrong. It was not proper that any part of the country should rest under such a heavy charge, without investigation. After the feeling that was manifested on the death of the Princess Charlotte—a feeling that did not arise from an attachment to the mere trappings of royalty, but from a rational and well-founded admiration of one who was a glory to her sex, and whose life was connected with constitutional considerations of the highest importance—after the regret so generally felt upon that melancholy occasion, he little expected to hear the country maligned by the charge of treason. As the charge, however, was made, inquiry was indispensable.—The petitioner (Drummond) was oppressed with chains; yet it was not of this, or of the loss to his purse that he complained, but that he had had no trial. The expense, likewise, of attending to answer his recognizance was a grievance which could not be denied. The recognizances were highly improper, and subjected the petitioner to much expense and great inconvenience. In short, he contended that there was *prima facie* evidence of every one of the allegations being true. It had been said, if the grievances alleged were so great, how happened it that no more than those few petitions were presented; he believed this arose entirely from the opinion which had gone abroad from the whole course of proceedings, and especially from the appointment of this committee, that it would prove a hopeless case. The noble viscount talked of responsibility, and when, on a former occasion, the evidence was demanded that rendered such a responsibility necessary, they were told to suspend their opinion till the proper time. But what were they now to think of this heavy responsibility? He believed that the consequence of the bill of indemnity would be

to shelter them from every responsibility; and it was doubtful whether, by its operation, even gaolers and magistrates, who had acted improperly, would not be protected from punishment. Imprisonment even for a few days was a hardship, but confinement in a damp room for nine months was no light punishment. As nothing had fallen from the noble viscount which tended to alter his opinion on this subject, he should say "*content*" to the motion.

Lord *King* said, that after the able speech of the noble earl who had just sat down, it was unnecessary for him to trouble their lordships at any length. The noble viscount (Lord Sidmouth) had regarded the motion for referring these petitions to the committee as a sweeping proposition; but to appoint a committee of their own nomination, to judge of their own acts, and that upon evidence produced by themselves, in order to guide them to a bill of indemnity, was indeed, a sweeping proposition, an unheard of proposition on the part of his Majesty's ministers. When any complained of being seriously aggrieved, as in the present case, was it right that they should refuse to listen to their complaints on such frivolous pretences? The question was not whether these men were improperly detained or not, but whether the suspension empowered ministers to commit without evidence upon oath. He believed that, if these petitions were referred to the committee, it would appear that great injustice had been done: but his Majesty's ministers would allow nothing to be referred to the consideration of the committee but what they themselves had prepared; they were to furnish the evidence, they were to sit as judges, and to return a verdict, as the jury, in their own cause. (*Hear, hear.*)

Earl *Bathurst* contended, that it was contrary to all usage and precedent to force fresh information upon a secret committee. The committee had power to send for fresh information if they felt it necessary to do so, but it was quite unprecedented that the house should force any fresh information upon their attention. The committee was secret, and was appointed for a special purpose. Was it, then, for their lordships to know what sources of information were laid before it, or to force any particular topics upon their investigation? As to the report, their lordships would judge of it when it should be laid before them; and if they should not be satisfied with it, they would pass no bill of indemnity. The noble lord had said, that the report of a committee so constituted, and supplied with such partial information, could be no ground for a bill of indemnity. If not, no harm was done; then would be the time to say so, and to object to an indemnity. Uniform practice was against the motion, but uniform practice might be departed from on good grounds. Where, then, were the grounds for departing from it in this instance? On every former occasion of this kind there had been petitions like those in question, but they were never referred to a committee. Why should they now be referred? The noble lords had said, that they knew nothing of the individuals who signed them, and nothing of the allegations contained in them. Was that a reason for referring them to the committee? If they had said that they knew the individuals, that they had examined into the allegations, and that they had found that the petitioners had been illegally arrested and harshly treated, that would not be a reason for referring the petitions; but in the present circumstances, the reference appeared to him to be singularly objectionable. There were two subjects of complaint in the petitions—1st, illegal and injurious arrest; 2dly, cruel and harsh treatment during the detention of the petitioners. With respect to the second ground of complaint, the indemnity would not reach it, it would not protect from any action which the law allowed on that ground. There would be no clause in the bill of indemnity to prevent an appeal to the courts of law, if any person thought himself aggrieved by cruel and harsh treatment, while detained under the suspension act. As to the charge of illegal and injurious arrest, what would the noble lords propose to be done? Were the committee to examine whether the petitioners were guilty or not, of treason? That seemed to be the object of the motion. If it was, how were the committee to proceed? They must call the persons accused before them, examine all the evidence on which they were committed, and all the evidence to substantiate their guilt: in a word, they must take the whole trial of those individuals. Suppose they should be acquitted of treason, was the report of the committee therefore false, or was the committal of the petitioners wrong? But, suppose they should find them guilty, what course were they, in that case, to follow? Were they to dismiss them, or to send them to be tried again, after all the evidence had been extorted from them, and after the judgment of that house was given against them? (*Hear, hear.*) If the practice of the house were not against the motion, if the practice were the reverse, he should say that this motion ought not to be received.

The Marquis of *Lansdowne* said, he would not enter at length into the merits of the question, as he was a member of the secret committee; but he rose to reply to the statement of the noble earl who had just sat down, as to the practice of the house and of secret committees. It was not the practice that a secret committee should send to the house for papers, but to confine themselves to the consideration of such papers as were laid before them. That part, therefore, of the noble lord's speech did not apply to the point under discussion. If the committee were to see and investigate those petitions, the present motion seemed to be the only mode of giving them that power.

The Earl of *Liverpool* admitted that the noble lord was correct in stating, that it was not the practice of a secret committee to send to the house for papers; but they could apply to the ministers of the crown for any papers they

wanted; and if they did not obtain them, it was perfectly competent for them to report to the house that they had not had sufficient grounds for coming to any final judgment. Till the report came before the house, it was improper for any noble lord who was not a member of the committee to say that any papers were necessary. When the report should be made, they could judge of it. If it should be satisfactory, the petitions would be admitted to be unnecessary for the committee. If it should be unsatisfactory, and express the impossibility of coming to a conclusion without further information, then this motion might be urged. But till the house were aware of the report, it was impossible to say whether any or what proceeding should be adopted respecting it. Allusion had been made to the manner in which this committee was appointed; it had been asserted that it was appointed in a manner never heard of before. He would appeal to the house whether it was not appointed in the manner invariably adopted on similar occasions. It was always the duty of any noble lord who proposed a committee, to name the individuals who should form that committee. What benefit had that mode over a ballot? In both cases the mover proposed the individuals. What then was the difference, except that the ballot prevented invidious discussions as to particular names, which ought always to be avoided. Noble lords from both sides of the house were appointed members of the committee. When the subject was introduced last year, and on every occasion, he felt anxious to submit the information on which ministers acted to persons of all political opinions. (*Hear, hear, from the opposition.*) The committee was not formed on any narrow or party views. (*Hear, hear, from the opposition.*) He certainly would not choose to submit his conduct to the judgment of the noble lords he saw opposite to him (*hear, hear, and a laugh*). The report of the committee would speak for itself; he had no doubt that it would be a fair and just conclusion, deduced from ample materials of investigation. The members of the committee were as conscientious, and as much interested in the welfare of the country, as the noble lords opposite could be, and was it fair, then, to suppose that they would not do their duty? As to the contents of the petitions, the first ground of complaint was wanton and cruel imprisonment—(Lord Holland spoke across the table, to correct the noble lord: it was *illegal* imprisonment that formed the ground of complaint)—the first complaint was, then, illegal imprisonment; the second was, cruel and harsh treatment. With respect to the latter he should only say, with his noble friend, that the bill of indemnity would contain no clause to screen ministers, magistrates, gaolers, or any other description of persons against the consequences of any cruel or harsh treatment. This point, therefore, was not at issue. As to the other complaint, of illegal imprisonment, which was at issue, he would ask, whether it must not be the complaint of all who were confined under the suspension of the habeas corpus act? The ground of complaint was the very power conferred by the suspension. (*Hear, hear, from Lord Sidmouth.*) The noble earl (Grosvenor) had given his vote seven or eight times for the suspension of the habeas corpus. He might say it was upon grounds different from those of the last suspension: but the grounds were not now in question. Whenever, then, the noble earl had voted for the suspension of the habeas corpus, he voted for the power of taking up persons and confining them without trial. (*Hear, hear, from Lord Sidmouth.*) Whether it was necessary to grant such a power was another question. That question had been already discussed, and might be again discussed by the house; but it had nothing to do with the motion now before them.

Earl *Grosvenor* explained. He had not entered into the subject of the detention of the petitioners upon suspicion, as a ground of complaint, but in order to repel the insinuations of the noble viscount (Sidmouth) that the statements were unfounded. With this view he had stated that Drummond had, in fact, been arrested, brought before Lord Sidmouth, and dragged from gaol to gaol, as set forth in the petition. As to his former votes on this subject, he should only say, that the grounds of suspension were then different in all respects from the present.

Lord *Holland*, considering the motion as intimately connected with the whole system of government, considering it as intimately connected with the question now at issue between the government and the people, felt it his duty to offer a few observations upon it. But he would first answer the attacks of the noble lords opposite, and especially the very curious observation of the noble lord who had last spoken, respecting his noble friend's conduct on a former occasion. He hoped it would be indelibly engraven on the minds of their lordships, and he implored them to consider what was the consequence of once voting for the suspension of this sacred bulwark of our liberties—if they were once betrayed by the representations and delusions of ministers to assent to such a measure, they were held to be incapable ever after of deliberating on the subject. The noble earl (Bathurst) had misrepresented the object of the suspension: he did not charge him with having purposely misrepresented; notwithstanding his political hostility to him, he admitted that he was the last man in the house to misrepresent; but he had misrepresented in the present case. It never had been stated, till now, that the suspension of the habeas corpus granted the power of arresting and keeping in confinement, without any intention of bringing to trial at all. He had too often, unfortunately for the country, seen the habeas corpus suspended, although he was not an old man; but never had he heard it asserted before, that men could be arrested with no intention to bring them to trial. On the contrary, it was always

asked by the other side of the house, and particularly, he recollected, by the noble lord on the woolsack—"where was the great injury of the suspension? where the danger? Was any man to be committed but upon oath, and on their own responsibility to bring him to trial?" *(Hear, hear, hear.)* The ground of suspension urged on all occasions was, that it was necessary to postpone the trial beyond the period allowed by law, because it was dangerous to betray the evidence which might enable other traitors to escape. He had the best authority for stating, that a government dependent on one man was misery to all. This it was found to be during the last year. After a year of such misery, ministers came forward and said, they had obtained liberty to do all that has been done: they came forward to say that they had been authorized to commit illegally, and to treat their prisoners cruelly. What else could have been expected? After having, on false pretences, obtained an act of suspension, they came forward now and called upon the house to indemnify them for all they had done even beyond that act. The first noble viscount who had spoken on the other side had said, that the noble lord who brought this motion before the house had acted judiciously in confining himself to the motion, and refraining from going into the contents of the petitions. He knew that the noble viscount hated parodies, although one of his colleagues was very accomplished in that species of composition. For his own part, he was a very bad hand at a parody, yet he was almost tempted to try a parody upon this part of the noble viscount's speech. The noble viscount had certainly acted most judiciously in refraining from touching any one of the arguments of the noble mover, and in confining himself to points quite foreign to the question. He had charged his noble friend with having made a sweeping proposition to refer those petitions to a committee. His noble friend had not done so; he had distinctly said, that the appointment of a committee to inquire into the truth of the allegations of the petitioners might be made a question; but a committee being actually sitting, substantially and notoriously to report upon the conduct of ministers towards those very petitioners, he had moved to refer those petitions to them as a matter of course. The motion had been met, and he would admit with some authority, as to the point of form. But every word that was said, as to form, was an aggravation of the conduct of ministers in this case. He had not been in the house when the committee was appointed; but he understood it had then been stated, that the object of the committee was to examine papers upon the state of the country, and the manner in which ministers had acted. But, if they had acted fairly and honestly, they should have stated what limit and object were to be prescribed to the committee. They should have said, that the object was twofold—1st, to inquire into the state of the country; and 2dly, to judge of the criminality or innocence of ministers, and then they should have pointed out the proper form in which the inquiry was to be conducted. "We bring down a green bag," they should have said, "and we refer it to a committee, which committee we select ourselves, and we lay before them what papers we judge proper. We adopt this form, because we think it improper that the committee should obtain any evidence against our former assertions, or against our conduct under the suspension." The noble lord (Liverpool)—he had almost said, his noble friend, although he certainly had no intention of saying so—had declared he should not like those lords opposite to him for his judges. But he should have no objection to him (Lord Liverpool) for his judge. If he were innocent, he could have no reason for objecting to him. If he were guilty, he could have no objection, provided he had the choice of the evidence, the arrangement of that evidence, and above all, the preponderating voice among the rest of the judges. He did not speak invidiously of the committee, he spoke only of the proceedings of ministers; but he would always maintain that the persons to be tried ought not to be members of the committee that was to try them. (*Hear, hear.*) He would also maintain that no confidence could be placed on a report, however conscientiously framed, when the information was strictly and jealously *ex-parte*. As to the uniform practice of the house, he did not recollect that such an inquiry as ministers now instituted had ever been proposed in such circumstances. The danger was now over; its existence could therefore be fairly proved, if it ever existed. Last year the noble lord had introduced a green bag in a very mysterious manner; in consequence of this green bag there was a secret committee, a report, and a suspension of the habeas corpus. The report stated suspicions of a variety of meetings through the country, but chiefly of the central meetings in the metropolis. A petition was presented by his noble relation offering to prove this suspicion totally unfounded. It was moved, that the petition be taken into consideration. The reply was, that this was improper in itself; besides, that there was not time to inquire into the truth of all such representations; the purpose of the house would be defeated if they went into an investigation when every individual thought proper. It was objected, that the evidence laid before the committee was *ex-parte*. It was answered, that it must be so, and that the committee acted like a grand jury, who found true bills upon *ex-parte* evidence. Did ministers now, then, come forward, and really tell the house, that the excellent old maxim *Audi alteram partem* would not be admitted? After they had had two reports of secret committees; after many were arrested for high treason; after some had been condemned, many acquitted, and the most discharged without trial, were they to be told that they should have no further evidence of the necessity of the

suspension? The ministers must now say, "leave the law to its course, we are able to justify our conduct;" or, "we have been misled, expunge from your records the reports on which we acted," or, "you granted the powers under which we acted from confidence in the characters of ministers; grant us now an indemnity on the same principle. You suspended the constitution from prospective confidence in us; indemnify us from retrospective confidence." If they had manfully come forward with this last proposition, he should have opposed it, as he had done last year; but he must have thought much more highly of their fairness and magnanimity. The last year he regarded as a year of great misfortune. It was a year of delusion, practised in the most execrable manner; of power unnecessarily obtained and unwarrantably exercised; of distress and suffering, without justice and without redress. Yet it would have been manly to call for indemnity on the bare ground of character. One other honourable mode of proceeding was left for them; they might have come forward and said—"the storm is now over, the danger is past, the alarm has ceased, calmly judge therefore our conduct, examine all the evidence that can assist your judgment; let us hear all that can be said against our proceedings; open the doors to all complaints, petitions, and representations; we acted honestly upon the best information we could obtain; judge ye now our conduct." But the noble lord had chosen to recommend neither course; their proceedings were perfectly different, and embraced no mode of satisfying the minds of the people. His noble friend (the Earl of Carnarvon) had properly said that, whether justly or not, the country had loudly expressed an opinion, that injustice had been exercised; that government had exceeded its powers; and that every thing which they had done in consequence of the suspension act was not rightly done. There was a prevalent suspicion, amounting with some to a positive belief, that the noble lord at the head of the home department had not acted constitutionally; that he had exercised powers beyond the law; that in his circulars to magistrates, directing how to perform their duty, in preventing their visitation of prisoners, in recommending the suspension of the great bulwark of rights, and in employing spies and informers, he conducted himself in a manner subversive of our best privileges, and hostile to the public interests. The noble viscount (Sidmouth) had replied to the observations on the latter subject, that it was idle to suppose that all the mischiefs which had occurred in the disturbed districts could be attributed to spies. He (Lord Holland) would not go the length of saying that all this mischief had arisen from the employment of such persons; but he had no hesitation in declaring his conviction that much of it was to be referred to that origin (*Hear, hear*); and if he were allowed, he would produce sufficient evidence in support of his opinion. He was not accustomed to make rash pledges, or to advance exaggerated statements; but he could assure the house, that if a proper opportunity were offered, he had no doubt he could make out a better case against Oliver than ministers had been able to make out last year against the country. (*Hear, hear, hear.*) He was not in the habit of asserting facts on *ex-parte* testimony; he was not in the habit of coming to a decision on any question till he heard what could be advanced on both sides; and he would not therefore say that all the statements which he could produce should be implicitly relied on; but he would say that, till he saw the contents of the green bag, the evidence in his possession against Oliver appeared conclusive. (*Hear, hear.*) This evidence did not proceed entirely from persons who were interested or prejudiced—it was not altogether from what had been termed a polluted source—it was furnished by respectable individuals who had watched his operations, or who had inquired into the truth of accounts supplied by others. The noble viscount (Lord Sidmouth) had thought he had sufficiently disproved the allegations of Mitchell's petition, by denying that he had been apprehended on the testimony of Oliver: but so far as he (Lord Holland) remembered, the petitioner did not state that he was. One thing, however, was certain, and could not be denied, as it was supported on irresistible proof—that Oliver had been detected acting in most of the disturbed districts. Witnesses could be brought to state, that he had been engaged in exciting the people of Nottingham, of Derbyshire, and of Yorkshire, to violence and insurrection, by the most inflammatory language, and the most encouraging assurances of assistance. He (Lord Holland) did not assert that such evidence was true, but he gave it as his opinion that it laid sufficient grounds for inquiry and investigation. He would go further and say, that the employment of spies (he did not allude to the receiving of intelligence from informers) was always unjustifiable, except in cases of the greatest and most imminent hazard to the state. Nothing but a paramount necessity that set all ordinary rules at defiance, and threatened dangers to social order, that could neither be met nor averted by acting on common principles, or exercising all the means which human foresight and vigilance could suggest, would justify a resort to such revolting, hazardous, and abominable agency. The persons so employed must always be the refuse of society; and unless those who employed them were able to judge of their testimony, and to examine coolly the facts they supplied, they must always produce mischief. He might appeal to all history, and the opinions of all wise historians and politicians, in support of this doctrine. He would not, however, refer to the authority of some authors who were often quoted on the subject; he would not produce the severe invective and bold description of Tacitus, when speaking of this class of persons,

because it might be said, that he was a misanthropist, and coloured his picture with features taken from the arbitrary despotism under which he lived; he would not quote Lord Falkland, because he might be called a fastidious and speculative statesman; but he would refer to an author against whom none of these objections could be brought, the penetration, sagacity, and elegance of whose work was acknowledged by all, and who, whatever else might be said against him, could not be accused of having any unfavourable leaning towards popular claims, or any hostile feeling against existing governments. In speaking of the measures pursued by Burleigh and Walsingham, in 1584, Mr. Hume's beautiful history contained the following passage:—"Spies were hired to observe the actions and discourses of suspected persons; informers were countenanced; and though the sagacity of these two great ministers helped them to distinguish the true from the false intelligence, many calumnies were no doubt hearkened to, and all the subjects, particularly the Catholics, kept in the utmost anxiety and disquietude." When such great ministers as these were liable to be imposed upon, was it not to be suspected that the employment of similar agents by those who might not exercise the same caution and vigilance, would lead to the greatest oppression and abuses, especially when such instruments were relieved from the fear of detection or punishment? The fear of a public trial was the only check that could be imposed on the misconduct of spies. If protected from trial or exposure, there was no limit to their audacity, no control over their actions, no means of meeting or confounding their misrepresentations. They might give any information they pleased, they might invent the most palpable falsehoods, they might calumniate the most innocent and orderly individuals. If the danger from this detestable race was great, when they were sent among the better-informed classes of society, how much was it multiplied when they were employed among the lower orders, who were liable to every delusion which they might attempt to practise, and unable to detect their real characters? If a spy should be sent among their lordships, he would have no power to do injury, because they would neither be likely to be deceived by his impressions, or misled by his violence: but it need scarcely be stated, though it could not be fully conceived, how mischievous a character of this kind must have been among the labourers and manufacturers of the distressed districts last year. He found the people almost mad with projects of reform, discontented from want of employment, and almost furious from want of food. It was not his business to sooth their discontents, to represent the real state of their feelings, or to transmit intelligence of their real situation; he was sent to detect their dangerous projects, to discover their treasonable and seditious plots. To please his employers, therefore, and to magnify his own importance, he had a motive to impel them to the excesses, which it was the object to denounce. "I shall get nothing," says he, "by encouraging them to petition peaceably for parliamentary reform; I shall get nothing by urging a people crying for bread to bear their sufferings with patience, or to rely with confidence on the legislature for all the relief it can grant. I must excite them to violence, I must inflame their discontents into rebellion, before I execute my mission, or deserve my reward." There was, therefore, a probability, that when such agents as these were employed among a people most tempted to violence by distress, their influence was most pernicious and dangerous, in increasing discontent into disaffection and acts of violence. These things laid grounds for inquiry and investigation; but these were not the only things. The petitions on the table, and the inquiry proposed to be laid before the committee, referred to tampering with witnesses, to the taking of illegal recognizances, and to discharges without trial, by which suspicion was still fixed on the petitioners. But it was said, that the forms of the house precluded inquiry; and this was the only answer that was given to petitioners when they complained of the grievances which they had suffered, and the hardships to which they had been subjected. He was glad to hear it said, that the bill of indemnity which would be proposed would still allow recourse to be had to a court of justice for a redress of individual grievances, if any abuse of authority had been exercised; but he distrusted such pledges, when he remembered the effects and consequences of other bills of indemnity; when he recollected that, in 1801, the last bill of this kind precluded all inquiry. The noble earl opposite (Lord Bathurst) had produced an ingenious argument against referring the petitions to the secret committee. He had said that on such a reference the committee would be converted into a court of law to decide on the guilt or innocence of the petitioners, to convict or acquit them of treason; but he (Lord Holland) could not see how this would be the effect, as it was not the object of the motion. The motion referred the petitioners' case to the committee, not to pronounce whether they were guilty or not guilty, but whether the government, in its mode of apprehending and treating them, had exceeded its powers. It was an old maxim in law, in which if he were wrong, he would be set right by the noble and learned lord on the woolsack, that no truth could be proved till it was contested, and he thought the election of the committee was such as promised nothing without the present reference. He had never in his life been in the habit of predicting any thing in public. He remembered no instance in which he ventured to predict the result of a political measure, but one, when, in the case of the suspension of cash-payments at the Bank, he foretold that they would never be resumed. He would now, however, predict, and take his character of a prophet on the issue,

that the result of this partial inquiry, by this ministerial committee, would be the recommendation of a bill of indemnity *(hear, hear,)* which, in other words, would be this—that ministers, after having procured a recommendation from a secret committee, to grant them extraordinary powers to preserve the law, would obtain a similar recommendation, by the same means, to protect them against the breaches of it. (*Hear, hear, hear.*)

After his lordship had concluded, no other peer offering to address the house, the question was put from the woolsack, and the motion negatived without a division.

HOUSE OF COMMONS.

Thursday, Feb. 19.

WINDOW AND HEARTH TAX (IRELAND.) "Returns were ordered of the net amount of the window and hearth tax in Ireland, for the years ending the 5th of January 1816, 1817, and 1818, respectively.

"Of the amount of the insolvencies allowed by the commissioners of excise on the window and hearth tax in the city of Dublin, for the same years.

"Of the number of taxable articles for which notices of discontinuance and of increase have been served on the several collectors of excise in Ireland, for the year ending 5th of January 1819."

PUBLIC REVENUE.] Abstracts were presented "of the net produce of the revenue of Great Britain, in the years ended 5th of January 1817, and 5th of January 1818; distinguishing the quarters, and also the total produce of the customs and excise.

"Of the net produce of the revenue of Great Britain, in the years ending 5th of January 1817, and 5th of January 1818; distinguishing the quarters, and also the total produce of the consolidated fund, the annual duties, and the war taxes.

"Of the net produce of the revenue of Ireland, as paid into the Exchequer, in the years ended 5th of January 1817, and 5th of January 1818; distinguishing the quarters."

Ordered to lie on the table, and to be printed. (See the Appendix.)

IRISH TREASURY BILLS.] An account was presented (pursuant to an order of the 17th instant) "of all Irish treasury bills outstanding and unprovided for on the 13th of February 1818; in British currency." (See the Appendix.)

CHIMNEY SWEEPERS' REGULATION BILL.] This bill was reported, and ordered to be read a third time to-morrow.

DROITS OF THE CROWN.] On the motion of Mr. *Teed*, a list was ordered "of all ships and cargoes captured by private ships of war, and condemned as droits to the crown, since the 1st of January 1794, the net proceeds of each, and the proportion paid to the captors; distinguishing the flag, date of capture, and the date of the warrant granting such proportion."

BRITISH CLAIMS ON FRANCE.] On the motion of Sir C. *Burrell*, an account was ordered "of the number of claims for compensation which have been made upon the French government, classing the same into funded, territorial, and commercial, together with the number of each, which have been liquidated since the British commissioners for that purpose have been appointed; also, an account of the salaries enjoyed by the said commissioners respectively, and from what period they have received the same."

PARLIAMENTARY REFORM.] Sir *F. Burdett* presented a petition of inhabitants of Liverpool, which was ordered to lie on the table, and to be printed. It set forth, "that the petitioners beg most earnestly, but respectfully, to state to the house their full conviction and belief, that the people of the United Kingdom of England and Ireland are not fairly and duly represented, as by the constitution of these realms they ought to be, and to this source, and to this alone, do they ascribe the present enormous weight of taxation, the gross misapplication of the public money in the support of undeserving pensioners and sinecurists, and all the dreadful miseries and privations which have of late years afflicted the people of this country; and they beg leave further to state their conviction, that unless a speedy reform of the house takes place, the spirit and industry of the working population will become enervated, if not totally destroyed: that the country itself will lose its national character and become the desolate habitation of a disgraced and degenerate posterity; the petitioners refrain from entering largely on the subject, but they earnestly beg and intreat that the house will in their wisdom grant them that speedy relief which the urgency and necessity of the case requires."

The hon. baronet then presented fourteen petitions of inhabitants of Bath, praying for reform of parliament. Ordered to lie on the table.

COTTON FACTORIES.] Sir *Robert Peel* observed, that in calling the attention of the house to the subject of which he had given notice, he felt assured that the more it was considered, the greater would appear the magnitude of its importance. About fifteen years ago, he had brought in a bill for the regulation of the employment of apprentices in cotton-factories, having himself at that time about one thousand of them. At that time, these factories were established only in those parts of the country where the advantage of a water-mill could be enjoyed; but at present they were to be found in many large towns. No less a number than 20,000 children were employed in the cotton manufacture in Manchester alone, and treble that number in the whole of England together. It might be necessary for him to state, that these children were employed at the same time and

in the same rooms with adult persons, and that many of a very tender age were dragged from their beds long before sun-rise, and confined to their labour for the space of fifteen hours. The lamentable effects and contagious diseases which such a practice must produce, had induced him to submit some measure for regulating it to the consideration of the house. Of one plan, which had been suggested by several humane persons, that of substituting two sets of young labourers for adults, in this branch of industry, he decidedly disapproved, from a conviction that it would do more harm than good, and that the only effectual cure for the evil would be, to prevent entirely the employment of children till they should arrive at a certain age. Although the individuals in whose service these young children were engaged could not perceive from day to day the gradual decline of their health, it must appear manifest to a stranger on seeing them, that they could never attain that mature growth and bodily vigour which were requisite for the general purposes of life. The state would find it difficult to draw recruits either for its armies or navy from such a source. He was desirous of bringing in the bill that night, and of fixing the second reading on some day when the subject might be fully investigated and discussed. He now moved, therefore, for leave to bring in a bill "to amend and extend an act, made in the forty-second year of his present Majesty, for the preservation of the Health and Morals of Apprentices and others employed in Cotton and other Mills, and Cotton and other Factories."

Lord *Lascelles* said, he felt considerable difficulty on the present subject, which was of the highest importance to the manufacturing districts. All evils were not fit subjects for legislative interference; for instance, he highly applauded the bill of an hon. friend of his, respecting chimney-sweepers. But, in the present case, it should be recollected, that the individuals who were the objects of the hon. baronet's proposition were free labourers. This excited his jealousy; for, were the principle of interference with free labourers once admitted, it was difficult to say how far it might be carried. If there existed any thing radically vicious in the system, it ought to be inquired into. In fact, a parliamentary inquiry had taken place by a committee in 1816, and he could not help expressing his surprise, if the evils described by the hon. baronet, existed, that no legislative measure had sooner been proposed. When the house were about to legislate on a large scale they ought at least not to do so on *ex-parte* evidence privately obtained, but on evidence openly taken before a committee of the house or otherwise. If the evils stated in this *ex-parte* evidence really existed, it might be extremely desirous that something should be done to remedy them; still however the house ought to entertain a great jealousy on this subject. At all events the subject ought to be canvassed and examined in the most open manner.

Mr. *W. Smith* contended that the bill which the hon. baronet wished to introduce to the house did not originate in the *ex-parte* evidence alluded to by the noble lord, the member for Yorkshire—there stood on the report of the committee of 1816, full and sufficient grounds for the measure proposed by the hon. baronet.

Mr. *Philips* said, that if he conceived that the establishment with which he was connected, though he was only what was called a sleeping partner in it, scattered disease and death in the manner which had been described, he should take shame to himself if he did not immediately attempt to remedy the evil. The fact was, however, that that establishment had been conducted in such a manner that it was an important benefit to the poor, and an example to other factories. It had been established twenty-seven years, and during that period, no contagious disease had been known in it. Out of a thousand persons employed, the whole sum paid to them in poor-rates did not exceed 5*l*. per annum—a fortieth part of the sum which the factory contributed to the poor. If such was the fact, could any man say that the employment was unhealthy? There was no manufactory in the country from which, if the same means were taken which had been resorted to in this case, numerous petitions and complaints might not be obtained. About four or five persons had been very active in looking out for complaints; they had despatched their emissaries secretly about the country, and circulated papers among the people in the different factories for their signature. On a former occasion, the hon. baronet had said, that the petitioners, in order to have the number of hours reduced, would willingly submit to a reduction of wages; but the petitioners did not say one word about reduction of wages; and if they said they would consent to such reduction, he would not believe them. The habits of these people led them to combine together; and it required great delicacy on the part of their employers to prevent much mischief being done in that way. Small factories were often ill ventilated, and from that circumstance the health of a person might suffer more in six hours in one of those factories, than in fifteen hours in a factory which was well ventilated, and properly constructed in other respects. But how could this evil be cured by any bill? The small factories generally went to ruin, and that was the cure for the evil. From the returns made to the house, out of 31,117, the number of persons employed, 1717, or 5½ per cent., were of the age of 10 and under; 13,203 from 10 to 18, and 16,197 of the age of 18 and upwards. Out of 27,827 persons, there were 1830 only who could not read. Out of 25,000, the number of persons returned as sick was 163, very little more than 5-8ths per cent.

Mr. *Wilberforce* thought it would be better to reserve giving opinions on this subject till the

bill was before the house. If different systems of management prevailed in the conduct of different factories, that was a sufficient reason for inducing the house to require further information. His hope and belief was, that a fair inquiry would prove that the interests of the manufactures and those of humanity were not at variance.

Mr. *Finlay* said, that except in one instance, in the county of Lancaster, there was no proof of the existence of any evils which could justify legislative interference. That very establishment, however, was under the regulation of an act of parliament, none but apprentices being employed in it, and it only proved, therefore, that no law could prevent an immoral man from doing cruel and oppressive things. But even in that factory it was proved, that though children were employed fourteen hours, they were notwithstanding in very good health. He warned the house against entertaining any measure which went, like the present, to interfere with a manufacture of such vital importance. It was the most important ever established in this country; indeed, he believed it employed more people than all the other manufactures of the country taken together. The exports exceeded twenty millions a year; and they were not equal to the home consumption; the whole amount of the manufactures was little short of forty millions a year. In the linen and woollen manufactures, the hours were as long as in the cotton—in the woollen even longer. The opinions of the gentlemen of the faculty were altogether conjectural—none of them had ever been in a cotton manufactory. He gave warning that he would oppose the bill in every stage.

Mr. *Peel* wished to observe, that the bill now proposed to be brought in, was introduced in 1815—it was then withdrawn, as it was contended that there was not sufficient evidence on the subject before the house. In 1816, a committee sat for the purpose of investigation—a bill was not introduced last year from the indisposition of the mover; but that was no reason why one should not be introduced now. It was no argument against such a bill, that some factories were well regulated; if some factories were well regulated at present, that was a reason for the house to adopt the regulations on which those factories were conducted. With respect to the instance of misconduct in Lancashire, which had been alluded to, it was proved that children were employed there fifteen hours a day, and, after any stoppage, from five in the morning till ten in the evening—seventeen hours, and this often for three weeks at a time. On the Sunday they were employed from six in the morning till twelve, in cleaning the machinery. The medical men examined by the committee were some of them related to manufacturers, and well acquainted with factories. It was on evidence, that children had been employed at an age as early as five, and some were employed under the age of seven. Could any person say, that a child of seven years of age ought to be employed fourteen hours? Was it necessary to have the evidence of medical men to prove that to employ a child of seven years of age was unfavourable to health? At the same time he allowed that the subject was not without difficulty. A sort of personal reflection had been thrown out on a former occasion against an individual with whom he was nearly connected. An hon. gentleman (Mr. Philips) had observed, that the individual in question had not introduced the bill till after he had acquired his wealth, and abandoned the trade. So far the hon. gentleman was perfectly correct in his facts. The hon. gentleman had stated, that the magistrates had complained of the manner in which the establishment with which the individual in question was concerned, was conducted; but he had stated this without qualification as to the time of such complaints. This referred to a period so far back as 1784, and again in 1796; and it was in consequence of these complaints that the bill of 1802 was introduced. A great change had taken place in the manner of conducting the manufactory since that period. Before the application of steam, it was necessary to select situations where falls of water could be had; these situations were frequently mountainous, and the population thin, and children were obtained as apprentices from large towns—but now these manufactories were in populous neighbourhoods. The individual in question finding that in his own establishment abuses had taken place, and were kept from his knowledge by the overseer, and learning that the same abuses took place in other manufactories, gave a proof of his sincere wish to remedy the evil by bringing in the bill of 1802.

Mr. *Curwen* and Sir *James Graham* professed themselves hostile to the principle of the bill.

Sir *J. Jackson* and Mr. *B. Shaw* said a few words in its support.

Leave was then given to introduce the bill, which was afterwards brought in and read a first time.

GRIEVANCES UNDER THE SUSPENSION ACT.] Lord *Archibald Hamilton* presented a petition of William Robertson, of Meikle Gevan; also of William Murray, in Calton of Glasgow: also of David Smith, in Calton of Glasgow, complaining of their arrest and treatment in prison, under the habeas corpus suspension act, and praying for redress.

Mr. *Finlay* said, that the petitioners could have suffered no privations under the habeas corpus suspension act; for no persons had been taken up under that act, in Scotland.—With respect to the unwholesomeness of their place of confinement, and of inhumanity on the part of the sheriff, he had inquired into the subject, and there was no foundation for the complaint. In short, there was not one word of truth in their statement from beginning to end.

Lord *A. Hamilton* thought it very natural for

the petitioners to imagine that they were detained under the suspension act, nor could he conceive, why, if they were properly confined, they had been discharged without being brought to trial. (*Hear, hear.*)

The petitions were ordered to lie on the table.

ELECTION LAWS AMENDMENT BILL.] Mr. *Wynn* moved that this bill be recommitted.

Colonel *Allan* opposed the motion, on the ground that the bill tended very materially to abridge the rights and franchises of the free voters in many places. He thought it necessary to take every opportunity of opposing its progress.

On the suggestion of several members, the hon. member withdrew his objection; it being understood that the third reading should not take place till Monday se'nnight.

Sir *W. Guise* then proposed the following clause, which was brought up and read a first and second time.

"And whereas great irregularities have frequently arisen, and bribery has been often grossly practised, by the appointment of large bodies of persons, on behalf of opposing candidates, to act as constables at contested elections; be it therefore further enacted, that from and after the passing of this act it shall be lawful for the returning officer or officers, at every contested election for any county, city, town, borough, port or place, and he and they is and are hereby required, previously to the commencement or during the course of the poll, to nominate and appoint such and so many persons as he or they shall think necessary, to act as constables for the preservation of the peace and good order during such election; which said constables so to be appointed, shall be all duly sworn in before some justice or justices of the peace acting for such county, city, town, borough, port or place, and shall each of them be paid and allowed at the ordinary rate of constables per day in the execution of their duty, and no more, for his and their service during such election; which said sum so to be allowed to such constables shall be defrayed in like manner as the expense of erecting booths, and the allowance to poll clerks is hereinbefore directed to be paid; and no person or persons other than the persons so to be nominated and appointed by such returning officer or officers as aforesaid, shall be appointed or sworn in, or shall presume to act as constables during the polling at any contested election whatsoever."

Mr. *C. Wynn* brought up the following clauses, which were read and agreed to.

"And whereas there are several cities, towns corporate and places, within this kingdom, which do not contribute to the payment of any county rate; and doubts may arise whether such cities, towns corporate and places, can be legally rated and assessed towards the payment of the expenses hereinbefore mentioned; be it enacted, that in all such cases the said expenses shall be raised, levied, collected and paid, within such cities, towns corporate and places, by a separate rate and assessment, to be made by the churchwardens and overseers of the poor of the several parishes and precincts within such cities, towns corporate and places, or by such and the like ways, methods and means, as the rates for the relief of the poor are, can or may be assessed, raised, levied and collected, in such cities, towns corporate and places."

"And whereas it may happen that the sums of money to be raised in the said cities, towns corporate and places, or some or one of them, to answer and pay such expenses as aforesaid, may be so small that it may not be convenient to make an equal separate rate and assessment for the same, upon the said parishes and precincts within such cities, towns corporate and places; be it enacted, that in such last-mentioned case, and when and as often as the same shall happen, the before-mentioned expenses shall and may, by order of the justices in sessions assembled, be paid out of the monies from time to time raised for the relief of the poor in the said several cities, towns corporate and places, and the persons from time to time having the management of the said monies raised for the relief of the poor, in the same cities, towns corporate and places respectively, are hereby authorized and required to pay the said sums of money so ordered to be paid by the said justices, out of the said last-mentioned monies, when and as often as the same shall be so ordered; provided always, that should there be more parishes than one in the same district, the payments are to be made and levied in such rates and proportions as the respective parishes pay to the poor rate."

The house then resumed, and the report was ordered to be received to-morrow.

GAMBLING SUPPRESSION BILL.] Mr. *Ogle* moved the order of the day for the second reading of the bill "for the suppression of gaming, and for regulating houses kept for the purposes of play." After reciting that the laws now in force are not sufficient to prevent the evil effects of gaming; and that it is necessary to make an additional enactment to meet the circumstances of the case; the bill enacted, that from and after the any person keeping a house, room or apartment, for the purpose of affording accommodation to play at any game whatsoever, shall take out a licence annually for the same: provided always, that no licence shall be granted unless the person applying for the same shall obtain a certificate as to his character, of householders of the parish in which he proposes to keep any such house, room or apartment, for the purposes aforesaid.

And be it further enacted, that any person keeping any such house, room or apartment, not having obtained a licence for the same, shall pay a penalty, by information, of pounds per day, that he shall keep such house, room or apartment, for the purposes aforesaid.

And be it further enacted, that any person keeping such house, room or apartment, for the

purposes aforesaid, shall not, by himself or his servants, advance any money for the purposes of play, under penalty, by information, of shillings for every pound so advanced.

And be it further enacted, that no keeper of any tavern, coffee house or hotel, shall furnish accommodation for the purposes aforesaid, unless he obtains a licence for the same, subject to all the regulations aforesaid.

And be it further enacted, that no action at law shall be maintained for any money won at any game, or by any bet or wager whatsoever.

And be it further enacted, that all monies levied under this act shall be applied to the maintenance of the police in the district wherein levied.

Mr. *Bankes*, conceiving that the bill would not tend to suppress the vice of gaming, moved that it be read a second time on that day six months.

Sir *F. Flood* said, that so far from putting down gaming, this bill went to encourage it. This was evident from the title of the bill, for it professed to have for its object " to regulate houses kept for the purposes of play:" and regulation was not suppression. He thought nothing could be more injurious to property, reputation, and life, than the vice of gaming. It had brought many individuals to ruin, had produced great private misery, and deprived the country of many persons who might otherwise have been useful and valuable members of society. Upon these considerations, it ought to be suppressed; but this was a bill which professed to regulate, and not to suppress. He should, therefore, vote for the amendment.

Mr. *Lockhart* said, that a common gaming-house is already at common law a nuisance, and may be indicted as such. This bill was not calculated to effect the purposes for which the hon. member had introduced it.

Mr. *Ogle* did not think that this bill would interfere with the common law of the land. But if the hon. member (Mr. Bankes) thought that the bill would not be useful in its present form, he should wish to withdraw it.

Mr. *Bankes* said, that if the hon. gentleman withdrew his bill, and thought proper to prosecute the subject, he might bring in another bill at a future time, under a different title. The question now before the house was, that this bill be read a second time on this day six months.

The question was repeated from the chair, and carried without a division.

TITHE LAWS AMENDMENT.] Mr. *Curwen* rose, and spoke as follows:—" Mr. Speaker,—Previous to entering on the subject which it is now my duty to submit to the house, I wish to explain and apologize for having embarked in business of such difficulty, and which would have come so much better from many other members. I have been led into the undertaking from the powerful assistance afforded me by one of the ablest and most constitutional lawyers of the day, my much esteemed friend Baron Wood. I trust this will be considered as a full justification for what might otherwise appear presumptuous, and entitle me to the attention of the house. The measure is doubtless one of great importance, as it affects property and influences the moral conduct of a large body of the community.—In order to disarm prejudice, and to give the most extended information as to the objects of the bill, I introduced it in the last session, when it was printed and dispersed all over the country. The avowed intention of the bill was to give to the tithe-owner the same security that is enjoyed in every other species of property. It was to prevent that extended and extending spirit of litigation on the subject of tithes, so injurious to the best interests of the church. By the papers before the house, it appears that 123 tithe causes have been decided in the last seven years, and that an equal or greater number are pending. When it is considered that each of these causes may have continued for these six or seven years, producing such feuds and animosities as to occasion the church to be totally deserted—need we seek for a stronger reason to account for the increase of dissenters from the church? If I had no other argument to urge on the score of individual hardship, this alone is sufficient to call on the legislature to amend the laws. The church, if it regards its sacred functions, is above all others interested in promoting the measure I am about to propose. From the moderation and liberality which generally distinguish the great body of the church, I am satisfied they would disclaim the advantages arising from the present practice and law relative to tithes—they will be ready to disclaim the possessing of facilities for the invasion of the properties of others. God forbid any attempt should be sanctioned for a moment that aimed at invalidating the sacredness of vested rights of any body. I need not disclaim it for myself, much less on the part of that able judge to whom I am so much indebted. The jealousy of the house with regard to all measures which respect private property, is highly honourable to it. It must be ignorance of this feeling that could induce any one to be so rash as to propound a measure where the strictest regard to all parties and rights was not attended to. I contend for nothing which has not the sanction of the highest law authorities, of ancient as well as modern times. I need scarcely observe to the house, that, *primâ facie*, all lands are subject to the payment of tithes. The grounds of exception are moduses, exemptions, prescriptions, compositions, or discharges. Moduses suppose a commencement prior to Richard the First. Forty years' uninterrupted payment pre-supposes a title impeachable in two ways: first, by shewing its commencement to have been subsequent to Richard the First; which may be done by proving it to be rank, from the sum exceeding what was the value at that period. Exemptions, prescriptions, compositions, and discharges, cannot be proved by immemorial possession, but from the production of the original deed or contract by which they were created. Exemp-

tions could be legally granted till the 13th of Elizabeth. Previous to my proceeding to discuss these different branches, it may be expedient to advert to the law as it stood at the commencement of this reign. The property of the crown and the church were not barred by any length of possession. The arbitrary, oppressive proceedings of the crown occasioned the legislature to pass the *nullum tempus* act. This arose out of the memorable contest between Sir James Lowther and the Duke of Portland; from the embezzlement or destruction of a deed enrolled in one of the public offices. The flagrant injustice of that case carried conviction of the necessity of preventing such occurrences in future. Why it did not extend to the church, I am unable to offer any reasonable conjecture. The *nullum tempus* confines the claims of the crown to sixty years; after which period no claims on the part of the subject can be urged. By this act the legislature has fully acknowledged the principle; my wish is to apply it to tithes. The courts of law have decided in latter periods strongly in favour of possession. In strict legal pleadings in the courts of law, it was necessary that the deeds should be lodged in the court, that the opposing party might have access to them. Forty-eight years ago, Lord Kenyon in the case of Read v. Brookman, ruled, that instead of the *profert* it might be alleged, that the deed was destroyed by time or accident, and that time would prove the right. Lord Kenyon observed, "this is founded on necessity, since no human prudence can render deeds existing for ever." I ask of the house to apply this principle to the case of the tithe-owner. It will be incumbent on those who oppose the truth and justice of the learned judge's observation, to shew how the case of tithes differs from others; and in what way these rights can be preserved, if the law is suffered to remain as it be. I feel strongly borne out for the principle I am contending for, by the proceedings of the Court of King's Bench in later times—proceedings never questioned: on the contrary, approved by all sound lawyers, as indispensably requisite for the ends of justice. It is for the general security of all property that the right of possession should be strengthened, and to attribute to it the best beginning. I shall now endeavour to shew what are the defects of the law as it relates to tithes, and what are the remedies I would propose for their amendment. The ancient mode of proceeding by the clergy for the recovery of tithes, was in their own ecclesiastical courts; in case any matter of fact occurred, the Court of King's Bench stayed the proceedings till a jury had decided upon it. Disputes having arisen between the ecclesiastical and law courts on the right of the latter to interfere, the same came to be solemnly argued before King James the First, who decided, with the unanimous approbation of all the judges of the land, that the ancient law of the kingdom should be abided by; Magna Charta having provided, "that no man should be deprived of freedom or free custom but by the judgment of his peers, or by the law of the land." The decision in favor of the trial by jury on all questions of fact, seems to have been acquiesced in by the clergy for upwards of fifty years; when by a fiction of law, unworthy of that sacred body, they contrived by professing themselves to be debtors to the crown, (on account of payment of tenths) to commence their proceedings in the Court of Exchequer. Thus things proceeded till the case of Gardner v. Pole, 1706, when Chief Baron Wood, and other Barons, held 12*d*. per acre for hay, a rank modus. This decision was appealed against and reversed in the House of Lords, who held the modus a good one. In the case of Sanson v. Shaw, in the Common Pleas, 1748, it was contended, that 10*d*. for meadow or pasture was rank. Serjeant Belfield said on that occasion, he was so old as to remember almost the very beginning of the name of rank modus; that Lord C. B. Wood was the first who introduced it; that he was a great patron of the clergy, and carried their rights a great way. Lord C. J. Willes says, "I am afraid truly there have been many cases determined on rankness; the fewer the better: and I am glad they are not in print, for then they might mislead more than they have already:" and he observes, "that the consequence of these determinations is to deprive the landholders of what they have fairly purchased and paid for." Mr. Justice Barnet says, "My brother Belfield has given us the history of the beginning of the doctrine of rank moduses, in Lord Chief Baron Wood's time, and I have had another case given me by a learned judge, which shews the end of it; see the case of Gifford v. Webb, in the Exchequer." Unfortunately this did not prove to be true. The defence set up for courts of equity deciding on matters of fact, is the ignorance and prejudice of juries, who cannot be supposed to be conversant in the value of money in the time of Richard the First. To rebut this I plead Magna Charta, and in support of it I have an authority of modern date, that will weigh with the house, and, above all, with the hon. and learned gentleman the member for Oxford—I mean that of the present Lord Chancellor; who in the case of O'Conner v. Cook, gives the true constitutional answer: "I cannot hold the language that has been held as to sending this to the prejudices of a jury. A jury is the constitutional tribunal of the country, and I am not at liberty to suppose that it will be guided by prejudice." Now, Sir, of the integrity and ability of those who preside in our courts of justice, no one entertains a higher opinion than I do; but with every possible deference I would ask, is it possible for them to establish any one rule of decision that can suit all cases? Does not the quality of land as well as locality, produce a great and material difference? A shilling an acre for meadow might be a rank modus in one case, and quite the reverse in another. Does not this form a

very material fact for a jury to inquire into?—There is in the practice of the courts of equity respecting tithe causes, a decision, the fairness and justice of which I cannot comprehend. In all cases where the rector prays an issue, the court grants it and sends the case, whatever may be its opinion, to be tried by a jury. Though the court was satisfied of the validity of a modus, a jury is to pronounce upon it. Why the defendant should not equally be entitled to have a trial by jury, is perfectly incomprehensible to me, and I own, savours strongly, as I view it, of rank injustice. The next point to which I would call the attention of the house, is to compositions real, which are compositions made between parson, patron, and ordinary, which might legally have been done till the restraining act of the 13th of Eliz. ch. 10; many such no doubt were made. In a lapse of 240 years since these agreements were restricted, many deeds must have been destroyed or lost. At the period of the reformation, 31st of Henry the Eighth, 1539, nearly one-third of the whole property of tithes passed into the hands of the crown, and were sold and disposed of. From this moment a new character was given to tithes. They became to all intents and purposes a temporal possession, and were parcelled out and sold to individuals. Many who were purchasers of their own or others' tithes never had the original deed of conveyance in their possession. Is not the law as it now stands monstrous in ruling that possession is no proof of title, no presumption of an original grant? The deed and the deed only shall be received as proof of any title. This is a monstrous doctrine. What does Lord Ellesmere, Lord-Chancellor, with the principal judges, say? For *tempus est edax rerum;* and records, and letters-patent and other writings are either consumed, or are lost, or are embezzled; and God forbid that ancient grants and deeds should be drawn in question, although that cannot be shewn, which at first was necessary to the perfection of the thing. Lord Hobart, in Slade v. Drape, says, "it is a strange anomaly to be thus differing from all other cases of law, for whereas prescription and antiquity of time justifies all other titles, and supposeth the best beginning the law can give them, in this case it works clean contrary, and this *in favorem ecclesiæ,* lest laymen should despoil the church." Now admitting this to be the right of the church, and necessary for its protection, however contrary to justice and common sense, on what principle or pretext has the lay impropriator any claim to it? His property in tithes is quite of a different nature, it is not fixed and unalienable. The church has not a complete freehold in its property. The lay impropriator has every power attached to any other species of property. There seems therefore no reason whatever for placing tithes so held on the same footing as those in the hands of the church. In the case of Bury v. Evans, 1735, the court will not presume any grant or purchase of tithes, not even in a case of lay impropriator. Many judges have at different times expressed dissatisfaction at this doctrine. The late Lord Chief-Baron of the Exchequer, in a case Lord Petre v. Blencow, 1799, expressed himself thus:—"These determinations are perhaps to be lamented; I should have liked better to have found in regard to tithes, the same principle of decision which regulates the title to any other fee. If non-payment for any length of time forms no presumption of a grant of tithes; then the length of enjoyment, which in all other cases is the best possible title, seems only to weaken the claim of exemption from tithes, as the difficulty of tracing the origin is increased." Lord Loughborough, in the case of Rose v. Collond, in Chancery, 1800, also expressed his dissatisfaction; and the present Lord Chancellor, in the case of Berney v. Harvey, in 1809, says, "I do not think that I ought now to disturb this doctrine, which has prevailed so long, whatever I might have originally thought of it." In the case of Fenshaw v. Han, in the Exchequer, 1743, Baron Clerk expressed himself on this point as follows: "I know no case that deserves more consideration than this; for though the authorities against such a prescription, (meaning a prescription in *non decimando,*) are very great, yet the objections to them grow weaker every day. Before the Reformation all tithes were ecclesiastical, and a layman could have them by discharge only, by the grant of parson, patron, and ordinary. Since that time there are many other ways both of having tithes and being discharged from them. Since tithes have been in the hands of lay impropriators, many persons have purchased discharges for their particular lands; yet if these grants are lost in the common fate of things, those persons must lose the benefit of their purchases, and that must often happen though they be enrolled, or any other way taken to preserve them. Very few records relating to the church are now extant, and it would be very hard that time, which strengthens all other rights, should weaken this." I should hope, Sir, so strong a case has been made out for the interference of the legislature, that it will, in the instances of uninterrupted possession of tithes purchased of the lay impropriator, or even against the church, establish it as a good and sufficient title. Against the lay impropriator there cannot be a shadow of argument to justify the withholding it. To this I can scarcely anticipate an objection. From and after the act of Eliz. 1570, agreements were made for conveyances, exchanges, and compositions, sanctioned by decrees of Chancery. All inclosures of wastes, drainages, &c. were carried into effect by this mode, and held valid till the decision by Lord Northington, 1765, in the case of the Attorney-general and Blow v. Chomley, when they were declared invalid. In the space of 196 years, many such agreements were made and carried into effect between rectors and spi-

ritual persons and land-owners, in exchange of lands for other lands, and pecuniary payments upon inclosures and drainages sanctioned by Chancery. These are now liable to be set aside, and in fact many have been so. I instanced last session the case of Dr. Peplow Ward, rector of Cottenham. I am sorry to find the reverend gentleman, whom I believe to be a highly respectable character, was hurt by the statement. Had I found on inquiry into the particulars of the case, that there had been any thing incorrect, I should have felt it as necessary for myself, as in justice to him, to have retracted it. The privilege of parliament, though it protects the members of this house in the freedom of speech, imposes the most scrupulous attention as to the facts they state, as also to their relevancy. I feel myself, therefore, called upon to re-state the case. In 1596, composition was made by articles of agreement, and confirmed by a decree in Chancery, by which lands had been allotted to the rector and his successors for ever, in lieu of tithes of the before-mentioned land, with a view to the drainage and improvement of it. The defendants, who were 32 in number, filed a cross bill, founded on the composition deed, praying that P. Ward, D.D. might be declared not entitled to the tithes he claimed, and if entitled, he might account to them for the profits of the inclosures and inclosed grounds which he held in lieu of tithes, and that he might be decreed to vacate the possession. The court, bound by former decisions, held the composition void, and decreed an account of tithes to the rector and costs. As the composition deed was not stated in the answer, (and if it had, the court might have left him to his remedy, in which he must have recovered as the law stands at present,) the cross bill was dismissed, because the complainants in it could make no title to the land allotted in lieu of tithes. Can a case of more palpable injustice be adduced? The original compact was mutually beneficial. Upwards of a hundred years had passed without any attempt to impeach it. The contract could not be broken without the greatest injustice to the parties, for they could not shew their title to recover back what had been given to the church in lieu of tithes. It is probable when the suit was instituted, the reverend doctor was not aware that the compensation must rest also on his land, and that he had not the power of restoring it beyond the term of his own life; the land must descend to his successors. A case of a similar nature was at issue between the rector of Notting in Lancashire and persons with whom exchanges of certain portions of glebe had been made highly advantageous to the church. Though above 250 years had elapsed, the probability is, the land would have been recovered, and the compensation held that had been given in lieu of it. A remedy without loss of time should be provided against the possibility of such palpable acts of injustice and wrong. It might indeed be stigmatised by a much stronger and harsher epithet. I should propose in all such cases where agreements were set aside, the compensation should be held for the benefit of the poor till the legal owners could be found. To stop such proceedings is for the credit and character of the church. The numerous contentions for tithes of late years have been a serious injury to the church, and afford its enemies a great handle for obloquy and abuse. The last regulation in the bill I should wish to propose, would be to give power to a jury to apportion lands covered by moduses, when the bounds were from changes lost or destroyed. These are the objects it is my wish to provide for. Whilst provision is made to assimilate the law of tithes to that of every other property, injustice will be prevented, and litigation most materially checked. I disclaim all interference with any rights of the church, or asking any thing more than the legislature has thought just and right to establish in the case of the crown—that possession should work for and not against the holders of tithes. The greatest law authorities in all times, have regretted the decisions of the courts of law, and wished they had been otherwise. It seems, therefore, most expedient and wise, that they should be made consistent to the general rules of law. What is unjust to-day, will be more so to-morrow, and continue daily and yearly progressively to become more and more oppressive. I shall conclude, therefore, with moving, that leave be given to bring in a bill for the amendment of the law in respect to tithes."

Sir *W. Scott* rose, and observed, that during the last session of parliament, some petitions against the tithe laws were presented to the house from the county of Devon. If those petitions had attracted more notice, he was disposed to believe that no grave proceedings would have been instituted upon them. They appeared to be written in the same hand, and were signed by persons of the lowest description in the distant parts of that county. From the uniform tenor of their language, they appeared to have emanated from some Anti-Tithe Board. They declared tithes to be not only injurious to agricultural prosperity, and incompatible with our civil institutions and insular situation, but as preventing the due influence of the principles of the Christian religion. (*Hear.*) There were also two or three petitions from the county of Essex, and some from the county of Somerset, nearly to the same effect. How the house could attempt to legislate on the question of tithes with a view to an insular situation, he could not conceive. There were, it was true, other petitions on the same subject from Ireland. He was not sufficiently acquainted with the local circumstances, to be enabled to give any particular opinion on them. Some petitioners objected that the clergy had too large a share of property. Respecting this motion, he must say, that it was a most delicate and difficult subject, and the house ought to proceed with scrupulous caution in the exami-

nation of a bill which might alter the relations of landed property, and the provision for the church. He did not rise to oppose the introduction of the bill, but he would oppose all haste in such a measure. He particularly and seriously requested the house to exercise great deliberation, before they consented to invade or overturn a system consecrated by centuries, and which had been erected by the ablest, most learned, and virtuous of our lawyers and statesmen. (*Hear.*) The legislative coparcenary once enjoyed by the clergy, jointly with the houses of parliament, had long been at an end. The power of legislating for themselves had gradually been resigned by that body, or else wrested from their hands by parliament, and he trusted that the house would make a just and generous use of their power in determining fairly upon the interests of a body thus thrown upon it for protection. (*Hear.*)

Sir *Samuel Romilly* said, that the bill proposed by his hon. friend, so far from seeking to put an end to tithes, sought to strengthen the system throughout, by adopting more equitable and rational principles. The motion had no relation whatever to the petitions which the right hon. and learned gentleman had adverted to. He might as well have attributed the introduction of the bill to the diffusion of the principles of the Spenceans, or of the Hampden club. The house were told to take very particular care and caution with respect to touching the security of property; but the object of the bill was only to put an end to the inconvenience and anomaly of the present principle of tithe law. In the case of the Crown, an undisputed possession of sixty years put an end to its claims; whilst a tenfold latitude was given to claims on the part of the Church. In fact, to give a title to a *modus*, which barred all inquiry on the part of the clergy or impropriator, it must be shewn to have had its existence prior to the time of Richard I., a period of 600 years. He stated this, in order to remove the impression which he felt was likely to be made by the grave and solemn warning given by the learned judge of the admiralty, to abstain from intermeddling with rights so sacred and generally recognized as those of the property of the clergy. It was too absurd a proposition to be gravely entertained in that house, that any thing in the tithe system militated against the interests of Christian morality, except in the angry feelings which not unfrequently were the consequence of feuds and contentions between pastors and their flocks, upon the subjects of litigation respecting tithe cases. By the present system, the older a man's claim to a right of *modus* or composition, the weaker it was—contrary to the general and well known principle of law in all other cases. Two centuries and a half had expired since the disabling statute of Elizabeth, which followed about thirty years after the dissolution of the monasteries by her father. Lay impropriators still continued capable of alienating, until the decision in the case of the corporation of Berwick disturbed the foundations of the law as it had previously stood; of which decision he could only say, he knew not whether most to reprobate its folly or its dangerous consequences, as its direct tendency was to protect lay impropriators, as if they had been ecclesiastics. There were some parts of the bill, as he understood it, of which he did not altogether approve; but its object generally would tend to prevent injurious effects even in respect to the influence of Christianity, by preventing quarrels and animosities.

Mr. *Lockhart* conceived there could be no reasonable objection to legislate upon this subject, which had so often been the subject of legislation before. Lay impropriators and parishioners were as justly entitled to protection as to their rights, as the clergy themselves. It was the duty of the house to uphold all rights and properties, and the bill went merely to make regulations on a subject of property, to which other species of property was liable. In his opinion, it was a most beneficial measure, as it would tend to diminish that litigation which had always been most injurious to the interests of the church.

Mr. *Peel* defended the learned judge, his right hon. friend, from the imputation of opposing the discussion of this question. All that his right hon. friend contended for, in which he (Mr. Peel) perfectly acquiesced, was, that the house ought not to accede to a proposition, subverting the usage of so many centuries, without due consideration. It would not be difficult to shew, that, however they might in appearance be founded on equality, the application of the same principle of prescription to tithes as to other property would be unjust. In his opinion, the adoption of the measure would be calculated to increase, rather than to diminish litigation, unless the clergy were fully disposed to acquiesce in it.

Mr. *Smyth* said, he would not oppose the introduction of the bill, but he apprehended that it would be attended with injurious consequences. He thought there were some difficulties on the subject, which it might be impossible to overcome: but he would reserve his objections for a future opportunity.

Lord *Castlereagh* was of opinion, that on a subject of so much importance, the legislature ought to proceed with the utmost caution. This was the opinion of his right hon. friend, who had by no means expressed any wish to bar a discussion of the question. The property of the church was as ancient and as well-founded as property of any other description, and any step which seemed to have a tendency to invade it, ought to be taken with the greatest deliberation.

Mr. *Brougham* said, he had listened to the right hon. gentleman opposite with all the attention which the profound respect that he entertained for him claimed, and he must say, that he thought with his hon. and learned friend near him, that although the right hon. gentleman did not oppose the bringing in of the bill, he in-

tended it to go forth to the country that it was a bill trenching on the property of the church, and should be therefore viewed with peculiar suspicion. The state of the law relative to tithes was avowedly defective. Suppose the following case: the parishioners, at some remote period of time, make a composition with the incumbent of the parish, in lieu of tithes; to effect which they agree to give up a certain portion of their land, to hold the rest tithe free, or grant the then parson a sum of money in lieu of tithe. Ages subsequently, the clergyman of the parish finding that of common right he is entitled to tithe, puts the party or parties upon proof of their right, by commencing a suit against the parishioner or parishioners, who find themselves unable to produce that instrument, upon the faith of whose existence they and their ancestors have successfully challenged this exemption for centuries; and which old piece of parchment they must produce legible and entire. Such was the determination of that celebrated and well-known case at Oxford. But the worst of all is, that after the suit is determined against those contending for the composition, and they agree to pay tithe, they naturally enough demand back again the land or the money which was paid for the exemption by their ancestors; when the church turns round upon the demandant, and says, "No, no, you cannot have back your land or money; how can you prove the fact of its having been given for this consideration?" The natural consequence of this maxim, "*nullum tempus occurrit ecclesiæ,*" is, that the parishioner is compelled to pay the tithe, and cannot get back his land or money. (*Hear.*) Under these circumstances, no man would contend that the law required no revision or correction, and he, for one, should vote that leave be given to bring in the bill.

Mr. *Curwen* shortly replied, disclaiming all wish for precipitation, and remonstrating against the comparison made by the right hon. gentleman of the bill to certain petitions, to which it had no resemblance; a comparison, (he said) calculated to create the most unfounded prejudices against the measure.

The question was then put from the chair, and the bill was ordered to be brought in by Mr. Curwen, Sir Samuel Romilly, and Mr. Brougham.

HOUSE OF LORDS.

Friday, Feb. 20.

SECRET COMMITTEE.] About one o'clock Lord *Sidmouth* came down to the house: the counsel, who were at the bar on an appeal case, being ordered to withdraw, his lordship laid on the table, by command of the Prince Regent, a green bag, containing further papers relative to the state of the country. On the motion of the noble viscount, this bag (which was larger than either of the two previously brought down) was ordered to be referred to the secret committee.

EXCHEQUER BILLS BILL.] The thirty millions exchequer bills bill, was read a third time, and passed.

MALT, &c. DUTIES BILL.] This bill was read a third time, and passed.

ORDERS FOR PAPERS.] The *Lord Chancellor*, in reference to the account respecting places in reversion, which had been alluded to yesterday by a noble earl not now in his place (Earl Grosvenor), said, that on searching the journals, the manner in which the former order had been executed, which had produced an account of places in reversion, appeared. Here his lordship read from the journals, an entry, stating, that in March, 1808, an account of all offices had been ordered, and that a return had been made. A subsequent order had been made in May of the same year, which also produced a return. It appeared from these returns that the orders had been served on the Secretary of State for the Home Department, who was at that time Lord Hawkesbury: and that on receiving the order, the Secretary of State had required all inferior departments and offices to make returns. In this way the account appeared to have been made up.

HOUSE OF COMMONS.

Friday, Feb. 20.

CIVIL LIST.] An account was presented (by command) shewing how the sums of 200,000*l.* and 300,000*l.* making together 500,000*l.* voted in the last session of parliament, to enable his Majesty to provide for such expenses of a civil nature as do not form a part of the ordinary charges of the civil list, have been applied, to the 3d of February, 1818.—Ordered to lie on the table, and to be printed.

CORN.] An account was presented, (pursuant to an order of the 17th instant) of the average price of wheat, barley, and oats.—Ordered to lie on the table.—(See the Appendix.)

SALT DUTIES.] Mr. *Canning* presented a petition of the mayor, bailiffs, and burgesses of Liverpool, for the repeal of the duties on salt.—Ordered to lie on the table, and to be printed. It set forth, "that the petitioners have been informed that the consideration of the duties on salt will speedily be brought before the house, and they humbly conceive that the agriculture, manufactories, fisheries, trade, commerce, and prosperity of the United Kingdom would be greatly benefited if these duties were repealed; and praying that the existing duties upon salt may be repealed accordingly."

LEATHER TAX.] Mr. *Lygon* presented a petition of tanners and leather factors of Worcester, against the leather tax. A similar petition was received of tanners and leather dealers of Reading.

Mr. *Brougham* presented a petition of tanners and leather factors of Winchelsea.—Ordered to lie on the table, and to be printed. It set forth, "that the double tax upon leather has proved injurious to the leather trade of this kingdom,

by greatly preventing the manufacturing of continental and South American hides, and by operating in a very considerable degree as a prohibition to the tanning of one-fourth part of English hides, has very much reduced the value of tan yards and other fixed capitals of the tanners, has ruined many engaged in the tanning trade, has advanced the price of the coarser sort of shoes and other leather articles so much, as greatly to lessen their consumption by the labouring classes of society, and has thrown many thousands of artificers out of employment; that the tax was originally carried by a majority of eight members only, and is not productive as a measure of finance; that the revenue from leather, which was never doubled by the double tax, has annually diminished ever since the first year it was imposed, as appears by the official accounts laid before parliament, which shew the revenue in the year ending the 5th of January, 1814, to have amounted to 708,891*l.* 12*s.* 3½*d.* and in the year ending 5th January, 1817, to have amounted to only 565,343*l.* 7*s.* 10*d.* and it is presumed when the official accounts of the produce of the tax, and of the import duties upon raw hides of the last year are laid before parliament, they will shew still further the necessity of repealing the additional duty; that the leather trade has been thus decreasing, while the revenue from the other manufactures has improved and indicated their prosperity, and when, from the facility of procuring South American hides by our more intimate connection with that country, a great increase of our leather manufactures (notwithstanding the consumption of the late war) might reasonably have been expected; the petitioners therefore most humbly pray, that the house will again take the nature and operation of this tax into their serious consideration, which, as a revenue, is insignificant, compared with the many evils it brings upon the country, and that the house will remove a burthen destructive to one of the oldest and most important staple manufactures of the country, as it respects the landed, agricultural, commercial, as well as manufacturing interests of Great Britain."

CHIMNEY SWEEPERS' REGULATION BILL.] A petition was presented of master chimney sweepers, and householders of London and Westminster, against this bill.—Ordered to lie on the table.

A petition was received of inhabitants of Sunderland, in favour of the bill.

On the motion of Mr. *Bennet*, the bill was then read a third time, and passed.

ELECTION LAWS AMENDMENT BILL.] Mr. *Brogden* brought up the report of this bill, when, after some conversation between General Thornton, Mr. Wynn, and Sir William Burroughs, the amendments of the committee were agreed to, on an understanding that the main discussion would take place on the third reading.

Mr. *John Smith* brought up a clause, to provide, that in case of questions arising as to the right of a voter, the polling should not be delayed or obstructed, but that the returning officer should adjourn to another booth, to examine the vote.—The clause was read a first and second time, and ordered to stand part of the bill.

Sir *W. Burroughs* thought it necessary to guard by a specific provision, against any abuse which might arise from the clause enforcing a poll of 400 persons on the second day. An apparent majority, in defiance of the great body of electors, might thus be obtained. The object of the clause which he proposed was, in place of a poll of 400 voters, to adopt votes tendered to that amount.

On the question for bringing up the clause, Mr. *Wynn* said, he thought that the hon. member was not entirely aware of what had been the state of the law on this subject, and the nature of the alterations made in it. It had been possible for the returning officer to put off the decision on votes till after the termination of the poll. This opened a door to wrong practices. There was no necessity for changes in some places, as in London, where 8,000 were polled in seven days, and at Norwich 3,000 had been polled in a day, and in Westminster from 15 to 17,000 had been polled within the proper time. A *bonâ fide* candidate would not be prevented from keeping up a poll. He would not enter into the question as to the practices of voting in Ireland. In England he considered, constitutionally, that the voters came up and tendered their votes. He had heard certainly of a fatal occasion in Wexford, in Ireland, where there was a question about striking off the votes of persons who had come up to vote without the consent of their landlords. (*Hear, hear.*) In England he considered that the voters brought up the candidates.

Lord *Palmerston* saw some force in what fell from the hon. baronet; but the objections started to it were to him satisfactory. The apprehension was that a fraud might be committed by a returning officer on a candidate, by going on to make objections, so as to prevent the due reception of votes. He thought some arrangement might be made, which might tend to obviate objections as to the danger of fictitious votes. Might not the returning officer be empowered to consider the votes objected to each day, and to determine at a given hour on the day succeeding; and if a number of good votes, exceeding 400, were found, that then the poll should continue?

The clause was put and negatived without a division.

Mr. *Lamb* observed, that his objections to the principal provisions of the bill remained in full force, and he trusted that they would receive mature consideration before it finally passed into a law.

The bill was then ordered to be read a third time on Monday the 2d of March, and to be printed as amended.

HOUSE OF LORDS.

Monday, Feb. 23.

EXCHEQUER BILLS BILL—MALT, &c. DUTIES BILL.] The royal assent was given by commission to these bills. The commissioners were, the Lord Chancellor, the Marquis of Winchester, and the Earl of Shaftesbury.

HABEAS CORPUS SUSPENSION ACT.] Lord *Holland* presented a petition of the lord mayor, aldermen and commons of the city of London, praying for an immediate, impartial and rigid inquiry into the conduct of ministers, in the exercise of the powers entrusted to them under the suspension of the habeas corpus act.—Ordered to lie upon the table.

REPORT OF THE SECRET COMMITTEE.] The Duke of *Montrose* brought up the report of the secret committee, appointed to examine into the matter of the several papers, sealed up, presented to the house by command of the Prince Regent.—It was read by the reading clerk, at the table, as follows:—

"By the lords committees appointed a secret committee to examine into the matter of the papers presented to this house, in a sealed bag, by the command of his Royal Highness the Prince Regent, and to report to the house as they shall see cause: And to whom were referred additional papers (sealed up,) also presented to the house by the command of his Royal Highness the Prince Regent:

Ordered to report,

That the committee have proceeded to examine the papers so referred to them.

In execution of this duty they have proceeded, in the first place, to consider such of the said papers as contained information as to the state of those parts of England in which the circumstances detailed in the two reports of the former committees appear to have arisen.

In the last of those reports, presented to the house on the 12th of June last, it was represented that the period of a general rising, of which the intention and object were stated in the reports, appeared to have been fixed for as early a day as possible after the discussion of an expected motion for reform in parliament; that Nottingham appeared to have been intended as the head-quarters, upon which a part of the insurgents were to march in the first instance; and that they expected to be joined there, and on their march towards London, by other bodies, with such arms as they might have already provided, or might procure by force from private houses, or from the different depôts or barracks, of which the attack was proposed. That concurrent information, from many quarters, confirmed the expectation of a general rising about the time above mentioned, but that it was subsequently postponed to the 9th or 10th of June, for which various reasons had been assigned. The report added, that the latest intelligence from those quarters had made it highly probable that the same causes which had to that time thwarted the execution of those desperate designs, viz. the vigilance of the government, the great activity and intelligence of the magistrates, the ready assistance afforded under their orders by the regular troops and yeomanry, the prompt and efficient arrangements of the officers intrusted with that service, the knowledge which had from time to time been obtained of the plans of the disaffected, and the consequent arrest and confinement of the leading agitators, would occasion a still further postponement of their atrocious plans.

It now appears that in the night of the 9th of June last, a rising took place in Derbyshire, headed by a person who went for that purpose from Nottingham, and was therefore called "the Nottingham Captain." The insurgents were not formidable for their numbers, but they were actuated by an atrocious spirit. Several of them had fire-arms; others had pikes previously prepared for the purpose; and as they advanced towards Nottingham they plundered several houses of arms, and in one instance a murder was committed. They compelled some persons to join them, and endeavoured to compel others by threats of violence, and particularly by the terror of the murder which had been committed; and they proposed to reach Nottingham early in the morning of the 10th of June, and to surprise the military in their barracks; hoping thus to become masters of the town, and to be joined by considerable numbers there, and by a party which they expected would be assembled in Nottingham forest, and which actually did assemble at that place, as after stated. The disposition to plunder, the resistanee they met with, and other circumstances, so delayed their march, that they had not arrived near their place of destination at a late hour in the morning; and the country being alarmed, a military force was assembled to oppose them.

The language used by many persons engaged in this enterprise, and particularly by their leaders, leaves no room to doubt that their objects were the overthrow of the established government and laws; extravagant as those objects were, when compared with the inadequate means which they possessed. In the course of their march, many of their body felt alarmed at the atrocious projects in which they had engaged, which had actually led to a cruel and deliberate murder; they found that their confederates had not arrived to their support, as they had been led to expect; and in the villages through which they passed, a strong indisposition being manifested towards their cause and projects, some of them threw away their pikes and retired, before the military force appeared; and on the first show of that force the rest dispersed, their leaders attempting in vain to rally them: many were taken prisoners, and many guns and pikes were seized.

This insurrection, of small importance in it-

self, is a subject of material consideration, as it was manifestly in consequence of measures detailed in the two reports above mentioned, and appears to have been a part of the general rising proposed to take effect on the 9th or 10th of June, as stated in the last of those reports.

At the assizes at Derby, in the month of July following, the grand jury found bills of indictment for high treason against forty-six of the persons charged with having been engaged in this insurrection; and several of those persons having been taken, were arraigned upon the indictment before a special commission issued for that purpose, which sat at Derby in the month of October following. Four of the principal offenders were separately tried and convicted; three of them were executed; and the capital punishment of the fourth was remitted, on condition of transportation. The conviction of these four induced nineteen of the other persons indicted, whose conduct had been deemed in the next degree most criminal, to withdraw their pleas of Not Guilty, and to plead Guilty to the indictment, in hopes of thus avoiding a capital punishment; and the sentence of death on these persons, was afterwards remitted, on different conditions. Against all the other persons indicted, who were in custody, the law officers of the crown declined producing any evidence, and they were accordingly acquitted. The rest of the persons included in the indictment, had fled from justice, and have not yet been taken.

The fact of this actual insurrection first proved to the satisfaction of a most respectable grand jury of the county of Derby, who found the bill of indictment, and afterwards proved in open court, to the satisfaction of the several juries, sworn on the four several trials of the persons convicted; proved also, by the acknowledgment of the same guilt by those who withdrew their pleas of Not Guilty, and pleaded Guilty to the same indictment, and thus submitted themselves to the mercy of the crown, appear to the committee to have established, beyond the possibility of a doubt, the credit due to the information mentioned in the last report, respecting the plans of more extended insurrection, which had previously been concerted, and respecting the postponement of these plans to the 9th or 10th of June.

But this insurrection in Derbyshire was not the only circumstance occurring since the period described in the last of the two reports before mentioned, which demonstrates the correctness of the information on which the committee who made that report proceeded, in representing such a general rising to have been intended, and to have been postponed; and that Nottingham was the head-quarters upon which a part of the insurgents were to march in the first instance; and that they were expected to be joined there by insurgents from different quarters.

Early in the same night on which the Derbyshire insurgents began their operations, the town of Nottingham was in a state of considerable agitation. It appears from the evidence given upon the trials at Derby, that during the march of the Derbyshire insurgents towards Nottingham, one of their leaders, afterwards convicted of high treason, was sent forwards on horseback, to obtain intelligence. On his return to the main body of the Derbyshire insurgents, it was pretended that the state of Nottingham was favourable to their designs; the actual state of Nottingham and its neighbourhood, appears from the evidence given on the trials at Derby. In the night of the 9th of June, some persons, stated to be in number about one hundred, had assembled on the race course in Nottingham forest, where the Derbyshire insurgents, according to their original plan, were to have arrived at an early hour on the morning of the 10th, and expected to be joined by such a party. This party was seen about twelve at night; they were drawn up in a line, two deep, and a part of them were armed with pikes or poles. They remained assembled on the race ground until past two o'clock in the morning, about which time they dispersed. Some appearances of disturbance in the town of Nottingham early in the night of the 9th, induced the magistrates to send for a military force from the barracks; and order being quickly restored, the military returned to their barracks, and were not again called out, until the morning of the 10th, when they were required to assist in dispersing the Derbyshire insurgents, who were then on their march.

Connected with these disturbances in Derbyshire and Nottinghamshire, a disposition to similar conduct was manifested in a part of the West Riding of Yorkshire. On the 6th of June a meeting of delegates was assembled at a place called Thornhill Lees, near Huddersfield; and at this meeting it was understood, that the time to be fixed for a general rising would be announced. The persons assembled at that meeting were surprised by the magistrates, assisted by a military force, and some were taken into custody. This arrest deranged the plans of the disaffected; and the greater part of the districts in that part of Yorkshire, in which a general rising had been proposed, remained quiet. But in the neighbourhood of Huddersfield, in the night of the 8th of June, a considerable body assembled, some with fire-arms, and others with scythes fixed on poles, and proceeded to various outrages, plundering houses for arms, and firing on the head constable of Huddersfield, and upon a person of the yeomanry cavalry, who went out of the town to learn their objects. Indictments were preferred both for the felonies and the burglaries at the assizes at York in the month of July. The facts of the outrages there committed appear to have been established by the finding of the bills by the grand jury; but sufficient evidence was not produced on the trial to bring the crimes home to any individuals.

From the evidence given at the trials at Derby, it appeared that the Derbyshire insurgents had expected a considerable reinforcement from this part of Yorkshire, believing that a general rising would take place at the time to be fixed for that purpose; and it appears likewise, that in Yorkshire, as well as in all the other districts where these designs were carrying on, great reliance has uniformly been placed upon the hope of powerful support and co-operation from London, however erroneous such an expectation may have been, with respect to the extent to which it was supposed to have existed.

The committee have the satisfaction of delivering it as their decided opinion, that not only in the country in general, but in those districts where the designs of the disaffected were most actively and unremittingly pursued, the great body of the people have remained untainted, even during the periods of the greatest internal difficulty and distress.

The arrests and trials which have taken place, and the development of the designs of the leaders of the disaffected, together with the continued activity and vigilance of the magistrates and of the government, must have had the salutary effect of checking the progress of disaffection, where it existed; and the improved state of the country, and the increased employment now afforded to the labouring classes, have contributed to render those who were most open to seduction, less disposed to embrace the desperate measures which the pressure of distress might have led them to hazard.

Some of the persons engaged in these projects, particularly in London, are still active, and appear determined to persevere, though with decreasing numbers and resources. It appears, therefore, to the committee, that the continued vigilance of government, and of the magistrates in the several districts which have been most disturbed, will be necessary.

Having thus taken a view of the state of the country in the disturbed districts, from the period described in the report made to the house towards the close of the last session of parliament, the committee have proceeded to examine such of the papers referred to them, as relate to the arrests of several persons under warrants issued by one of his Majesty's principal secretaries of state, and the detention of several of the persons so arrested under the authority of two acts passed in the last session of parliament, to empower his Majesty to secure and detain such persons as his Majesty shall suspect are conspiring against his person and government.

With respect to those, against whom bills of indictment were found by different grand juries, and those who have been brought to trial or have fled from justice, the committee conceive that it is unnecessary for them to make any particular statement. Warrants were issued by the secretary of state against ten persons, who have not been taken. Forty-four persons appear to have been arrested under warrants of the secretary of state, on suspicion of high treason, who have not been brought to trial; of these, seven were discharged on examination, without any subsequent warrant of detention. Against thirty-seven, warrants of detention, on suspicion of high treason, were issued by the secretary of state; but one, who was finally committed, was soon after released; another was soon discharged on account of illness; and a third died in prison. The grounds upon which those warrants were issued, have been severally examined by the committee; on that examination it has appeared to the committee, that all these arrests and detentions have been fully justified, by the various circumstances under which they have taken place; and in no case does any warrant of detention appear to have been issued, except in consequence of information upon oath.

It appears to the committee, that all the persons who were so arrested and detained, and who were not prosecuted, have been at different times discharged, as the state of the country, and the circumstances attending the several trials which had taken place, were judged to permit.

The committee understand that, up to a certain period, expectations were entertained of being able to bring to trial a large proportion of the persons so arrested and detained; but that these expectations have from time to time been unavoidably relinquished.

On the whole therefore, it has appeared to the committee, that the government, in the execution of the powers vested in it, by the two acts before mentioned, has acted with due discretion and moderation; and as far as appears to the committee, the magistrates in the several disturbed districts have, by their activity and vigilance, contributed materially to the preservation of the public peace."

On the motion of the Duke of *Montrose*, the report was ordered to lie on the table, and to be printed.

Earl *Grosvenor* observed, that this report afforded no new information to the house. It was little more than a transcript of what had been stated by the former committees, and what had passed on the trials at Derby. There was nothing like any proof that the state of the country required such measures as had been adopted on the recommendation of ministers. He was not now disposed to enter into a consideration of the report, but he must express his regret that the habeas corpus act had been suspended on such slender evidence. Their lordships had now a view of all the mighty danger through which they had passed; but to enable the house to judge of the conduct of ministers, it would be necessary that other evidence should be laid on the table.

The Earl of *Lauderdale* thought, as so much of this report referred to those of last session, it would be proper for their lordships to have those reports before them. He therefore moved that the two reports presented to the house by the secret committees of last session be printed. Ordered.

GRIEVANCES UNDER THE SUSPENSION ACT.] The Earl of *Carnarvon* presented a petition of merchants, manufacturers, and others, inhabitants of the towns of Manchester, Salford, and the neighbourhood, in the same terms as the petition presented by Mr. Philips to the House of Commons on the 9th instant. (See page 194.) Ordered to lie on the table.

The noble earl then presented a petition of William Ogden, similar to that presented by Mr. Bennet to the House of Commons on the 13th instant. (See page 382.)

He next presented a petition of James Sellers, late a prisoner in Reading gaol. It stated, that the petitioner had not committed any unconstitutional act, and that he was ready to meet any charge that might be brought against him. That on the 4th of December 1817, he was discharged on his own recognizance, and was now in a most wretched state; the little which he and his wife procured to subsist upon being from the nearly exhausted bounty of a few friends. That he had followed the business of a cutler in Manchester, on his own account, for twelve years last past; but, in consequence of being arrested under the suspension act, he had lost both his tools and his business. He therefore prayed their lordships to take his case into consideration.—Ordered to lie on the table.

SLAVE TRADE.] Lord *Holland* adverted to an address of the house to the throne, praying that the colonial assemblies in the West Indies might be urged to adopt such measures as might be most effectual for preventing any traffic in slaves, and wished to be informed, whether ministers meant to bring the subject under consideration, by presenting the acts of the colonial legislatures relating to this subject? He did not ask this in any hostility to ministers, who, he had no doubt, had done all in their power to urge the colonial assemblies to adopt the requisite measures; nor did he doubt the disposition of the latter. He knew, indeed, that in Jamaica measures to the effect desired had been adopted under the auspices of the noble duke, (the Duke of Manchester) who presided there as governor, and whose conduct in that station was equally honourable to the government here and advantageous to the interests of the island.

Earl *Bathurst* said, that the whole of the colonial acts upon this subject had not been received; and ministers had thought it most advisable not to bring the matter under consideration till they had all come to hand.

BILL OF INDEMNITY.] The Earl of *Liverpool*, in moving that the house do adjourn, stated, that, on Wednesday, a noble friend of his would move for leave to bring in a bill founded on the report just presented to the house, and that the second reading would be moved on Friday.

HOUSE OF COMMONS,

Monday, Feb. 23.

On a message to attend the Lords Commissioners, the House went; and being returned, Mr. Speaker reported the Royal assent to the Exchequer Bills Bill, and the Malt, &c. Duties Bill.

LEATHER TAX.] A petition was presented of tanners, curriers, and others, of Berwick upon Tweed; also, of the city of Chester, against this tax.—Ordered to lie on the table.

Mr. *Curwen* presented a petition of tanners and leather factors of the towns of Cockermouth, Whitehaven, Egremont, Workington, Maryport, and Keswick, against the tax.—Ordered to lie on the table, and to be printed.

It set forth the same allegations and prayer as the petition of the tanners and leather factors of the ancient town of Winchelsea, and its vicinity, which was presented to the house upon Friday last.

Mr. *Bennet* presented a petition of the tanners, curriers, and others, of Shrewsbury, against the tax.—Ordered to lie on the table, and to be printed.

It set forth the same allegations and prayer as the petition of the tanners and leather factors of the ancient town of Winchelsea, and its vicinity, which was presented to the house upon Friday last.

TITHES LAW AMENDMENT BILL.] Mr. *Curwen* brought in his bill "for the Amendment of the Law in respect to Tithes." Read a first time, and ordered to be printed.—It was as follows:

Whereas all pleas and the cognizance of all pleas of prescriptions, customs, and manners of tithing, from time immemorial, have been matters merely triable and determinable by the common law; and in all such cases, the courts of common law have prohibited the ecclesiastical courts from trying and determining such pleas, and have put them in a course of trial by jury; and also real compositions and exemptions and discharges from tithes, being of the same nature, are properly triable and determinable in like manner:

And whereas suits in equity are instituted for account of tithes, in which such prescriptions, customs and manners of tithing, compositions real, and exemptions and discharges, incidentally come in question, and sometimes bills are filed for establishing them:

And whereas by the course and practice of courts of equity, a rector, upon his prayer, is always allowed to have an issue, to try by jury any prescription, custom or manner of tithing, composition real, or exemption or discharge, upon praying the same; when, on the contrary, the person or persons defending under such prescription, custom, manner of tithing, composition real, or exemption or discharge, is not allowed to have such issue, but by the special grace and favour of the court:

And whereas it would be more consistent with the true principles of the constitution, as well as with the rules of impartial justice, if both parties had the same right or privilege of trial by jury in such cases, and more especially as in such cases there are, and ever must be, many local circumstances and considerations necessary to be inquired into, which the judges cannot judi-

cially take notice or have knowledge of, which cannot be satisfactorily investigated by written depositions, and also causes would thereby be much expedited in many cases;

Be it therefore enacted, That from henceforth it shall and may be lawful to and for any one or more plaintiff or plaintiffs, defendant or defendants, in any suit in equity in which any prescription, custom, manner of tithing, composition real, or exemption or discharge, shall come in question, to pray an issue or issues to try the same, and the court is hereby authorized and required to grant the same; provided that such prayer shall be made at the time of hearing such cause, and before the hearing thereof, and an affidavit that such prayer is not made for the purpose of delay, duly sworn, be produced to the court; and provided that in the opinion of the court, such prescription, custom, manner of tithing, composition real, exemption or discharge, if proved in fact, would be good in law, otherwise the court shall and may proceed to a hearing and decree in the cause as heretofore, without directing any issue, unless the court in its discretion shall think fit so to do; and where issues are so prayed and granted, and the plaintiff or plaintiffs therein shall not proceed to try the same within the time allowed by the court for that purpose, then the court may proceed as if no such issues had been prayed and granted.

And whereas divers compositions real have been made by the parson, with the consent and confirmation of the patron and ordinary, before the thirteenth year of the reign of Queen Elizabeth, the deeds or instruments of which cannot be produced, having been destroyed or lost by time and accident, nor can any evidence be produced to shew that such deeds and instruments had been executed, otherwise than as may be presumed from long usage and enjoyment: And whereas it is of dangerous consequence to the subjects, if, by the loss of deeds or instruments which cannot be for ever preserved, they should lose their rights; Be it therefore enacted, that from henceforth it shall and may be lawful for any defendant or defendants in a suit for tithes, either in law or equity, whose defence arises upon a real composition, to plead or allege generally that a composition real was duly made before the thirteenth year of the reign of Queen Elizabeth, the deeds or instruments of which, by time and accident, have been lost or destroyed, setting forth what the composition is; and such defendant or defendants shall not be required to state or produce such deeds or instruments, or give any evidence to shew such deeds or instruments were executed; but it shall be tried and determined in the same manner, and by the same rules of evidence and presumption, as are applicable to immemorial modusses, save as to the circumstances of time by which one differs from the other; and upon bills to establish compositions real, the same course shall be observed.

And whereas divers manors, messuages, lands, tenements and hereditaments, which heretofore belonged to and were parcel of the possessions of the monasteries, abbies, priories, and other religious houses, heretofore dissolved or suppressed, relinquished or given up, in the reign of King Henry the Eighth, and which came to the crown upon such dissolutions, suppressions, relinquishments or givings up, and were by the crown sold and granted away, are, under and by virtue of the statutes in that behalf, entitled to be held by the owners and occupiers thereof, discharged and acquitted of the payment of tithes, as freely and in as large and ample manner as the abbots, priors, and other religious persons or bodies had held, occupied, possessed, used, retained or enjoyed the same, at the days of such their dissolutions, suppressions, relinquishments, or givings up: And whereas by the loss and destruction of deeds and muniments, which have happened in the long lapse of time since the said dissolutions, suppressions, relinquishments, and givings up of such monasteries, abbies, priories, and religious houses, it is in all cases very difficult, and in many impossible to deduce a regular title to such discharges and exemptions from payment of tithes, or to shew that such manors, lands, tenements or hereditaments, claimed to be so discharged and acquitted, were part of the possessions of such monasteries, abbies, priories or religious houses, at the respective times of their dissolutions, suppressions, relinquishments, or givings up, and the difficulty is still likely to increase in further progress of time; in consequence whereof such discharges and exemptions are likely to be lost, and the clergy to acquire tithes, which never at any period belonged to the church, unless a remedy be provided against the same; Be it therefore enacted, that upon every claim or defence, in any court of law or equity, of any such discharge or exemption from payment of tithes, if it be made appear to the court or jury, in proof, that such discharges or exemptions so claimed, have, as far back as living memory can go, been enjoyed, and been reputed to be lawfully enjoyed, and there is no sufficient proof in the judgment of such court or jury, to invalidate the same, it shall be deemed sufficient proof of such discharges or exemptions, although no deeds or muniments be produced to prove the same, or to shew that the manors, lands, tenements, or hereditaments, in respect of which such discharges or exemptions are claimed, were parcel of such possessions at the respective times in that behalf aforesaid.

And whereas divers rectories had been appropriated and belonged to monasteries, abbies, priories, and other religious houses, at the respective times of their dissolution, suppression, relinquishment and giving up, and which at those times came to the crown, and were alienated by the crown, and are now in the hands of laymen deriving title from the crown, called lay impropriators: and whereas by the laws and statutes

of this realm, such lay rectors or impropriate rectors always, since the said impropriate rectories came into lay hands, have had the same power of alienation, disposition and conveyance of such rectories, or any part thereof, or any tithes or emoluments belonging to the same, as over any other lands, tenements or hereditaments: And whereas many persons, owners of lands, tenements or hereditaments, have, in order to free such lands, tenements or hereditaments from the payment of tithes, purchased of such lay rectors, and had granted and conveyed to them, the tithes or discharges from tithes of their own lands, tenements or hereditaments, but by time and accident the deeds, conveyances and assurances by which such tithes or discharges were so granted or conveyed, are destroyed or lost, by which they are disabled from making a title to such tithes, in consequence whereof many owners and occupiers are in great danger, and will be more so in progress of time, of losing the tithes or discharges which they or those under whom they claim have lawfully purchased; For remedy whereof, Be it enacted, that from henceforth where any right or title to tithes or discharges from payment of tithes shall be claimed or set up against any lay impropriator or impropriators, it shall be sufficient to allege in general, that by grant heretofore duly made, which by time and accident is lost or destroyed and cannot be produced, such tithes or discharges were duly granted to some former owner or owners of such lands, tenements or hereditaments; and if it shall be made appear to the court or jury, in proof, that such tithes or discharges have, as far back as living memory goes, been held, retained or enjoyed, and there is no sufficient proof, in the judgment of such court or jury, to invalidate the same, the court or jury shall presume that such tithes or discharges have been theretofore duly granted, by some owner or owners of the impropriate rectory of some owner or owners of the lands, tenements and hereditaments, in respect of which such tithes or discharges are claimed, although no deeds or instruments of such grant or discharge be produced or proved to have been executed.

And whereas, between the thirteenth year of the reign of Queen Elizabeth and the year one thousand seven hundred and sixty-six, divers conveyances, exchanges, compositions and agreements, have been made, for effecting inclosures and drainages and other purposes, whereby lands and tenements, as well as pecuniary payments and other compensations, have been allotted, conveyed, exchanged and assigned, to rectors, vicars and other ecclesiastical bodies and persons, and their successors for ever, in lieu of lands, tithes, common rights, and other rights, divers arrangements and regulations have been made with respect thereto, upon the faith and credit of which, and upon supposition that they were binding, not only against the parties to them, but against the successors of such parsons, vicars, ecclesiastical bodies and persons, divers inclosures and drainages of commons, common fields, waste lands, fens and marshes, and divers exchanges have taken place and been effected, to the great benefit and advantage of the kingdom in general, as well as to the rectors, vicars, and other ecclesiastical bodies and persons entering into such conveyances, exchanges, compositions and agreements, at the time of entering into them, and to their successors for very long times afterwards; but by a decision in the court of chancery, in the year one thousand seven hundred and sixty-five, and other subsequent decisions, such conveyances, exchanges, compositions and agreements, have been held to be invalid, and in consequence thereof, divers rectors, vicars, and ecclesiastical bodies and persons, notwithstanding such conveyances, exchanges, compositions and agreements, so carried into effect, have, by filing bills in equity and otherwise, succeeded in recovering tithes in kind, and lands and tenements, and avoiding such conveyances, exchanges, compositions and agreements, and have also retained and kept lands and tenements allotted, conveyed or exchanged in lieu of tithes, and other lands and tenements, as from length of time, the owners thereof cannot be discovered; which proceedings create great confusion in landed property, and are highly unconscionable and unjust; For remedy whereof, Be it enacted, that all such conveyances, exchanges, compositions and agreements, so as aforesaid made prior to the year one thousand seven hundred and sixty-six, which have been carried into effect and execution, shall be deemed and taken to be valid and binding, according to the true intent and meaning thereof, unless it can be proved to the court or jury before whom such conveyances, exchanges, compositions or agreements are brought into question, that they were originally fraudulently obtained, any law or statute to the contrary notwithstanding.

Provided always, and be it further enacted, that if any such conveyances, exchanges, compositions or agreements shall be set aside on the grounds aforesaid, not only the pecuniary payments and compositions in lieu of tithes shall cease, but any lands, tenements or hereditaments, assigned, conveyed or allotted in lieu thereof, or received in exchange as aforesaid, shall be restored to the true owner or owners thereof, if such owner or owners can be discovered, and shall prefer his, her or their petition in a court of equity, for the restoration of such lands, tenements or hereditaments, within

after such conveyances, exchanges, compositions and agreements shall be so set aside as aforesaid; and until such petition be preferred, and notice thereof duly served, such lands, tenements and hereditaments shall be and become vested in the overseer or overseers of the poor for the time being, of the parish, township or place wherein such lands, tenements and hereditaments are situate, for the use and benefit of the poor of such parish, township or place, and the rents, issues and profits thereof from time to time shall

be applied and disposed of accordingly, by such overseer or overseers; and if no such petition be preferred, and notice thereof duly served within as aforesaid, then such lands, tenements and hereditaments shall be for ever vested in such overseer or overseers for the time being, for the use and benefit of the poor as aforesaid; and no overseer or overseers shall be answerable to any owner or owners, of any mesne rents, issues or profits of such lands or tenements received by him, her or them for the use of the poor, prior to the service of notice of such petition being preferred as aforesaid.

Provided always, and be it further enacted, that it shall and may be lawful to and for the court, upon a summary petition, either by the overseer or overseers of the poor, or any person or persons claiming the said lands, tenements and hereditaments, to order such lands, tenements and hereditaments to be given up to such overseer or overseers, or persons claiming and proving to such court their title to the same respectively, as the case may require; and in case any difficulty should occur in ascertaining the boundaries or situations of such lands, tenements or hereditaments, the court shall issue commissions for ascertaining and setting out the same, or assigning an equivalent in lieu thereof in other lands, tenements and hereditaments, belonging to the rectory, parsonage, vicarage, or other ecclesiastical benefice, or ecclesiastical bodies or persons, to which or whom such before-mentioned lands, tenements or hereditaments had been assigned, allotted, conveyed or exchanged.

Provided always, and be it enacted, that no rector, parson, vicar or ecclesiastical body or person, when such conveyances, exchanges, compositions and agreements shall be set aside as aforesaid, shall recover or be entitled to an account or compensation for tithes in kind, or rents, issues and profits of lands, but from the time of his having given up the lands, tenements, hereditaments and pecuniary payments and compensation, allotted, conveyed, exchanged or assigned in lieu of such tithes or lands.

And whereas it frequently happens, by the different inclosures, alterations and arrangement of land which have taken and must take place, that the precise limits or boundaries of lands covered by pecuniary or other moduses or compositions cannot be precisely ascertained, whereby such moduses and compositions are in danger of being lost; for remedy whereof, be it enacted, that where pecuniary or other moduses or compositions are found to exist, and it shall be doubtful what lands are covered thereby, the court before which they shall come in question, shall not on that account determine such moduses or compositions to be void, but shall issue commissions to ascertain the lands covered thereby, or set out other lands of the same owner sufficient to secure the same; and in all cases where there are pecuniary payments by way of modus or composition, the rector, parson, vicar or other person entitled to the same, shall have remedy for the same, by distress and sale, upon the lands charged with such moduses or compositions or any part thereof, as in cases of rent reserved upon demises or leases of land.

Provided always, and be it enacted, that where issues shall be prayed or directed by the court, for the trial of any moduses, compositions or exemptions, which are informally pleaded or set forth in any bill or answer, the court shall not be obliged to direct issues in the same terms as laid in the bill or answer, but may direct them in legal forms, and according to the true sense, meaning and intention of the party or parties pleading the same, and as will best answer the purposes of justice: and in order to prevent parties from praying frivolous and vexatious issues, the parties praying the same and failing therein, shall be liable to pay costs at law, as to such part or parts as he or they shall fail in, if the judge before whom the same shall be tried, shall certify that they were frivolous and vexatious.

HABEAS CORPUS SUSPENSION ACT.] Mr. Sheriff Desanges appeared at the bar, and presented a petition of the lord mayor, aldermen, and commons of the city of London, for an inquiry into the conduct of ministers, with regard to the execution of this act.—Ordered to lie on the table and to be printed.

It set forth, "that the petitioners, holding in veneration the sacred principles of freedom upon which the British constitution is founded, have witnessed with the deepest concern the frequent and dangerous innovations which, upon unfounded alarms and pretences, have of late years been made thereon, more particularly by the suspension of the habeas corpus act, and other restrictions upon the liberty of the subject, during the last session of parliament; the petitioners remind the house that the habeas corpus act was passed at a period remarkable above all others for plots and alarms, that it conferred no new right, but was intended as a barrier for the liberty of the subject in consequence of the frequent arbitrary and illegal arrests and imprisonments, upon charges of sedition and treason, by the corrupt and tyrannical ministers of those days; they submit to the house, that if this great bulwark of personal security is to be suspended whenever the people labour under heavy grievances, and the misconduct of ministers has impelled them to lay their complaints before parliament, or at the foot of the throne, instead of inquiring into and redressing them, this boasted right is become a dead letter, its whole efficacy is lost, and it had better at once be struck out of the statute book than be suffered to remain only as a sad and mortifying memorial of what Englishmen formerly enjoyed; that the petitioners did, in the last session of parliament, implore the house not to assent to any proposition for depriving the people of that essential part of the constitution, the habeas corpus act, no precedent whatever exist-

ing of such a measure having been resorted to at a period of profound peace; they deprecated the precipitancy with which measures of such vital interest were hurried through parliament; they complained then, and they complain now, that they were founded upon the reports of secret committees, upon which were some of the ministers of the crown, and upon *ex-parte* evidence alone, selected by those ministers, without even further investigation after those reports had been contradicted in some of their most material parts, and had been offered to be disproved at the bar of the house: that, since the passing of the said act, the petitioners have viewed with indignation and horror the vindictive cruelty with which ministers have exercised the powers intrusted to them; numerous individuals have been torn from their wives and families, dragged into distant prisons, where they have been immured, heavily ironed, for months together, and afterwards released without being brought to trial, or even knowing the charges against them, although repeatedly demanding to be brought before the legal tribunals of the country; the petitioners cannot sufficiently express their abhorrence at the employment of infamous and abandoned wretches in the capacity of spies and informers, the hired agents of government, who it appears have been traversing the country, and, wherever distress and misery had engendered discontent and irritation, these inhuman wretches have, by the basest artifices and falsehoods, endeavoured to excite simple and deluded men into acts of outrage and treason, and in the instances where convictions have taken place, the petitioners feel convinced, from what has transpired, that the unhappy and deluded individuals were the victims of these abandoned agents; that, notwithstanding the solemnity with which the magnitude and atrocity of the treasons in Scotland were said to exist, the petitioners can find no record of any conviction for the crimes alleged, although the most disgraceful tampering with a witness appears to have taken place in order to procure such conviction; that in the metropolis, after the greatest prejudice had been excited by ministers against an individual, and after vindictively persisting in putting him on his trial the third time, not content with the previous acquittal of two successive juries, during which trials attempts were made to deprive him of the only means of defence by which he could establish his innocence, ministers experienced equal disgrace and discomfiture; and the petitioners cannot refrain from expressing to the house their conviction that those prosecutions were not undertaken for the protection of religion, but for political objects, and that had the publications been in favour of ministers, or in ridicule of their opponents, they would not have excited the attention of the government, unless, as in other cases, to reward the authors; that, while these acts of severity and oppression have been pursued with unrelenting rigour, although the sufferings of the people have been unexampled, and the numbers of their petitions without precedent, their grievances have neither been redressed nor their complaints inquired into; and the petitioners believe that the groundless alarms excited by ministers were solely for the purpose of stifling complaints and protecting abuses; the petitioners have looked with anxiety to the recent proceedings of the house; the commons house of parliament has been represented by the best authorities as the great inquest of the kingdom, to search into all the oppressions and injustices of the king's ministers; it is long since the petitioners have seen this important and necessary function exercised, but they entertained the most sanguine hopes that the house, after the unexampled difficulties and privations the people had endured, aggravated as they have been by the arbitrary and oppressive acts of the ministers, would at length have instituted the most serious and rigid inquiry into the multiplied oppressions and injustices of the king's ministers; the petitioners cannot conceal from the house that they look with no confidence to any report that the committees of secrecy now sitting may make, the said committees appearing to be composed for the greater part of placemen, and those very ministers whose conduct is the subject of investigation; that a committee thus formed is at variance with every established principle of civil or criminal jurisprudence, and cannot satisfy the justice and expectation of the country; the petitioners therefore humbly pray the house to institute an immediate, impartial, and rigid inquiry into the conduct of ministers, under the late suspension of the habeas corpus act, and that the whole proceedings connected therewith may be referred to such committee as shall be composed of such members only of the house as hold neither places or pensions under the crown: and they further pray, that the house will not render the vaunted responsibility of ministers a mere name, by passing a bill of indemnity, and preclude those who have been the victims of oppression and persecution from the means of appeal to the laws of the country."

Grievances under the Suspension Act.] Mr. *Bennet* presented the following petition of George Bradbury, which was ordered to lie on the table and to be printed. "That the petitioner was always a distinguished loyal man, and he never learnt that petitioning the house was contrary to strict loyalty; the petitioner begs of the house to remark, that, for the exercising this lawful privilege, a warrant was granted against him by lord Sidmouth, and he was persecuted from his home and business for six weeks, and then arrested, heavily ironed, and conveyed to London like a murderer; the petitioner knew it could be proved that the character of reform had attempted to be changed into rebellion by police plots: on the petitioner's first examination before lord Sidmouth, he desired his lordship to send his warrants for two

men of the names of Lomax and Waddington from Lancashire, and he pointed out fifteen evidences in the country who could prove their wicked attempts, and desired his lordship to send for these to prove Lomax and Waddington's guilt, that they might be constrained to inform who employed them; his lordship excused himself by saying he knew the characters of Lomax and Waddington, these men had been employed to plot the burning of Manchester, and had got a number of men arrested on that charge to hang them: the petitioner begs to assure the house, that after his discharge in May, he was applied to by Oliver and his agents to assist in leading three thousand men armed from Manchester to Chatsworth, in Derbyshire, the seat of the duke of Devonshire, to assist in a rebellion of the counties of Derby, Nottingham, and York; the petitioner rejected these attempts with disdain, and he warned the reformers to have nothing to do with these wicked men, and he desired the magistrates to stop them; the petitioner begs of the house to remark, that he afterwards offered himself as witness for the men who were hanged at Derby, to prove that Oliver had attempted to get Manchester to join them, but the petitioner could not be admitted; and he begs to assure the house, that he has suffered loss of character, ruin of business, and much personal injury; and he begs the house to shew reform unnecessary, by loading with reprobation, rather than indemnifying, those who have created so much misery, which will prove the house to study the interests of the people, its constituents."

LONDON PRISONS.] On the motion of Sir *W. Curtis*, a statement was ordered "of the monies paid by the chamberlain of the city of London, on account of the several gaols of the said city, distinguishing each gaol, for two years, ending at Christmas 1817."—The statement was afterwards presented, and ordered to be printed. (See the Appendix.)

SURGERY REGULATION BILL.] The second reading of this bill being deferred till Monday, the 9th of March, Mr. *Boswell* moved for an account "of the amount of fees now payable by each individual on his being admitted a member of the royal college of surgeons of London, specifying the period when the said amount was fixed by the college; and also what alterations (if any) have been made in the amount of the said fees, since the institution of the college.

"A similar account from the royal college of surgeons of Edinburgh.

"A similar account from the royal college of surgeons of Dublin."—Ordered.

POOR LAWS.] Sir *C. Mordaunt* presented a petition of the guardians and overseers of the poor in Birmingham.—Referred to the committee on the poor laws, and ordered to be printed. It set forth "that the petitioners are impressed with the alarming increase of poor rates in the said town, the burthen of which is become exceedingly oppressive; and is aggravated by the very unequal and partial manner in which, under the existing laws, the rate is collected; that during the last session of parliament the petitioners made an unsuccessful application to obtain an act for rating the owners of small tenements in the town of Birmingham to the poor rates, in default of payment by the occupiers, and that this application was made on the following amongst other grounds: there are 18,082 houses in Birmingham, of these only 3,893 contribute to the maintenance of the poor, leaving 14,189 houses that do not contribute to the poor rates; the assessed annual rental of the whole parish is 210,170*l.*, the assessed annual rental of property paying poor rates is 114,665*l.*, the assessed annual rental paying no poor rates i 95,505*l.*; that since the failure of the above application the petitioners have made great exertions, which were aided by those of the magistrates, to compel the occupiers of small houses to pay poor rates, but the difficulties have proved insurmountable; the numerous tenements and houses thus escaping contribution being of small value, rented for short periods, and the occupiers who alone can be rated under the existing law either quitting their residence before the rate can be collected, or being too poor to admit of the rate being levied; the petitioners would represent to the house, that this unequal distribution of the parish burthen, which the legislature intended should fall upon every house in proportion to its annual rent, partially taxes one portion of the community, thereby exonerating another portion from a due share of the burthen; that it thus materially increases the amount of rate charged upon the payers of levies, and in its operation is most injurious to the trade, prosperity, and vital interests of the town of Birmingham; that the petitioners are convinced by careful investigation, that no benefit is derived by the poor occupiers from this exemption from paying rates, as the owners of these small houses secure a rent which is increased in the proportion of the amount of the rate which is due but impossible to collect, and the deficiencies arising from this cause are of course levied upon and paid by the occupiers of larger houses; that the pressure of the poor rates upon the town of Birmingham has been considerably increased since Easter last, owing to many of the payers of levies removing into adjoining parishes to avoid the excessive burthen, and to the consequent inability of others to pay the increased rates; and without an alteration of the law, so as to enable the petitioners to collect the rate from the owners of small houses, instead of the poor occupiers, they see no prospect of relief from this increasing grievance; and praying the house to enact that the owners of small houses be rated to the poor rates, in default of payment by the occupiers, confining the operation of such law to manufacturing and commercial districts or otherwise, as in their wisdom may seem most

expedient; and they further pray to be heard at the bar of the house either by themselves or counsel."

BRITISH MUSEUM.] Mr. *Bankes* presented a petition of the trustees of the British Museum, for leave to present a petition for further aid. The Prince Regent's recommendation being signified, leave was given, and the petition presented accordingly.—It prayed, that the house would enable the trustees to purchase the valuable library of the late learned and reverend Dr. Charles Burney, at the public charge, for the purpose of adding it to the Collection now existing in the Museum.

The *Chancellor of the Exchequer* said, he was strongly disposed to promote the object of the petition; but, as the matter required consideration, he thought that a select committee should be appointed, to inquire into the value of the library.

The petition was accordingly referred to a committee, to examine the matter thereof, and to report the same, with their observations thereupon, to the house.—The members named on the committee were,—

Mr. Bankes	Mr. Frederick Douglas
Mr. Chancellor of the Exchequer	Mr. F. Lewis
	Mr. Canning
Mr. Long	Mr. D. Gilbert
Sir William Scott	Sir James Macintosh
Mr. Lushington	Lord Binning
Mr. Brougham	Mr. Vesey Fitzgerald
Mr. Fazakerley	Mr. Charles Grant, jun.

FINANCE COMMITTEE.] Mr. *Davies Gilbert* presented a report of the select committee appointed to inquire into the income and expenditure of the country.—It related to the army estimates, and was ordered to lie on the table, and to be printed.

PARLIAMENTARY REFORM.] Mr. *Bennet* presented a petition of inhabitants of Nottingham. —Ordered to lie on the table, and to be printed. It set forth "that the petitioners have long seen with deep regret the lavish expenditure of the public money on useless placemen, pensioners, and sinecurists, and also on a large standing army in time of profound peace, while the mechanic, artisan, and labourer, are pining for want, their wages not being adequate to the high price of every necessary of life; the petitioners have beheld with poignant sorrow the suspension of their dearest rights, and the consequent evils arising therefrom, namely, the incarceration of several innocent individuals, who, after being inhumanly treated for several months, are sent home to their half-starved families with the loss of trade, employment, and character, and from being confined in damp cells some of them have lost the most valuable blessing in life, namely, health; the petitioners could name a long list of grievances, but will not exhaust the patience of the house by the recital of them, being firmly persuaded that nothing short of a reform in the house, embracing an extension of the elective franchise to all householders, and annual parliaments, is calculated to remove the evils complained of; they therefore earnestly request the house will in its wisdom take such steps as are most likely to obtain the much-desired objects."

Sir *F. Burdett* presented two petitions of inhabitants of Warrington, praying for reform of parliament.—A petition on the same subject was then presented of inhabitants of Christ Church, Middlesex; also two petitions of inhabitants of Bethnal Green; also seven petitions of inhabitants of Middlesex; also three petitions of inhabitants of Westminster; also of inhabitants of Saint Margaret and Saint John.—Ordered to lie on the table.

COTTON FACTORIES BILL.] Sir *R. Peel*, in moving the order of the day for the second reading of this bill, observed, that its principle was exactly the same as that of the bill which he introduced in 1815, and he hoped, for the sake of the unhappy children for whose protection it was intended, that he should succeed in his object. It had been said, that the bill interfered with free labour, but he was himself an advocate for free labour, and he could not tell how little children, who had neither a will nor a voice of their own, could be deemed free labourers. These children were under either parents or masters, who, of course, directed them in their conduct. He was happy to find that the parents had petitioned that house to take the children under its protection. The bill embraced such a large and beneficent object, and included the interests of so many poor people, that the plan could not possibly be carried into effect without an act of parliament. He hoped that the house, in the present instance, would allow the same course to be taken that had been followed three years ago. The bill might undergo a second reading, the blanks might be filled up, and plenty of time might be allowed, in order that it should be known all over the country, and no further proceedings might be adopted till after the holydays. (*Hear.*) He did not wish any man to be taken by surprise, but he hoped the house would allow no further time to be wasted than could be avoided, before the determination of a measure of such importance. The bill of 1815 had proposed, that children under ten years should not be admitted to the manufactories. He now proposed, that nine years should be the time, and that the powers of the act should end when children attained the age of sixteen; for, till that time, they could not be said to be free agents, or capable of judging for themselves. With these statements before them, he hoped the house would understand the real intention, and suffer the bill to pass the second reading, that those who were interested might be acquainted with its provisions. The time per day that the bill allowed was, eleven hours for labour, and an hour and a half for food. And on that part of the subject he should remark, that it was intended, if possible, to prevent a misfortune which had recently occurred. He alluded to the melancholy accident of fourteen children

having been burnt in a cotton factory during the night. There had been a bad practice of causing the children to work when their masters were in bed (*hear, hear*), and he was ashamed to own, that he had himself been concerned where that proceeding had been suffered; but he hoped that the house would interfere, and prevent it for the future. It was his wish to have no night-work at all in the factories, and he had introduced a clause to that effect.—The hon. baronet concluded by moving, that the bill be now read a second time.

Lord *Lascelles* said, he did not rise to oppose the motion of the hon. baronet, because he had stated that the bill might lie over, and thus the whole country would be aware of what was going forward. In one part of the bill he agreed with the hon. baronet—in that part which limited the age of the children employed in the manufactories. If there were any abuse with regard to the age, it certainly called for the attention of the house. There was one thing which ought to be observed. In former times, a great part of the manufactories had been conducted upon streams of water; but, lately, the introduction of steam had removed many of them into remote parts of the country. Several manufactories, however, were still upon streams. Now, the bill was calculated to give a great superiority and advantage to those factories that were carried on by steam. They could, in fact, do as they liked; they could work eleven, or twelve, or whatever number of hours they chose. But it was not so with those upon streams. There were many of those that could not work, except when the water suited them (*hear, hear*), and if they were limited to the hours prescribed by the bill, they would be rendered useless, which was a very strong fact for the consideration of the house. The real grounds of the bill did not arise from the proceedings of the committee of 1816, but from other evidence. On this point he must say, that, whatever evidence was brought up in the pockets of persons from the country, when that evidence fell upon the characters of people not present, it was hard that they could not be heard in their own defence. That method of taking evidence was a kind of underhand mode of proceeding. (*Hear, hear.*) He by no means alluded to any part of the conduct of the hon. baronet; he was speaking of the impropriety of legislating on evidence of that nature. As the hon. baronet, however, had professed his intention of giving ample time for the consideration of the bill, he would not oppose it in the present stage.

Mr. *Philips*, after having commented on the proceedings which had been resorted to in order to get signatures to the petition which had lately been presented by the hon. baronet from the persons employed in the cotton factories, entered into some of the particulars of the evidence taken by the committee, which went to prove that persons were employed at an earlier age, and for longer hours, in weaving, than in the cotton factories. On what principle, he asked, could the house interfere with free labour in cotton factories, and not at the same time regulate the age at which children could be employed in weaving, and the number of hours which they should work? To prove the unhealthy nature of the employment in cotton factories, the matron of the fever ward of the Manchester infirmary had been examined, who stated, that the number of persons employed in such factories, and brought to the ward, was much greater than that of any other description of workmen. He was convinced when this evidence was delivered, that the statement was incorrect, and, having since referred to the books of the infirmary, he had found that the account was much overcharged. In July, 1817, the whole number of persons in the Manchester infirmary amounted to 370; of that number 55 only were from the cotton factories. Now, the number of persons in Manchester, engaged in the cotton factories, amounted to 24,000, while the population was between 90 and 100,000. There was, therefore, the most complete evidence of the superior health of the persons engaged in the cotton factories to that of the other inhabitants.—The hon. member then referred to a report from the poorhouse of Preston, from 1815 to 1816, to shew how little burthensome this class of manufactures was to the country. The whole number of persons in the workhouse exceeded 600; and of these, there was not one who had ever been employed in a cotton factory. With respect to the factory with which he was concerned, it had a sick fund of its own; but when the working people saw disease and misery around them, they, of their own accord, and without the least excitement from others, contributed 24*l.* from their fund to the Manchester infirmary, and 24*l.* to a fund for the poor of that town. In regard to the healthiness of the employment, he would state the opinions of two medical gentlemen at Manchester, of the first eminence, Dr. Home and Dr. Henry. The hon. gentleman then read a letter from Dr. Henry. In that letter Dr. Henry stated, that if any disease was more frequent than another in cotton factories, it was pulmonary consumption; persons between the ages of 15 and 45 employed in such factories, were more subject to consumption than persons in many other employments; but on the other hand, chronic rheumatism, a most severe disease, was much less common among persons engaged in cotton factories, than among dyers, bleachers, and weavers. He, Dr. Henry, thought, that the temperature of some of the rooms was higher than was consistent with health; but if the temperature could be reduced to 65 or 60, there was no reason why a well regulated factory should not be as healthy as an ordinary apartment. Dr. Home declared, that he had not the slightest doubt of the superior health of the persons engaged in cotton factories, compared with persons in other manufactories.—If the house regulated labour in cotton factories, did they think that other manufacturers would be quiet? In well conducted facto-

ries few or no children were taken under nine—an employer would not wish to have them at an earlier age. He wished gentlemen to pause before they interfered with such an important manufacture. They ought to know, that the yarn spun in this country was much more than sufficient for our domestic use. On this subject there was the greatest jealousy abroad; and in the last session petitions were presented for a duty on the exportation of cotton yarn. On the continent, the hours of working were fully as long and unlimited as in this country. The language of the continental manufacturers was, if your legislature will only limit the hours of labour, or lay a duty on the exportation of yarn, it is all we ask. If your legislature would limit your hours, while ours are left unlimited, and impose an export duty on yarn, a greater effect would be produced by these measures in our favour, than by all the measures which our own governments could take.—The hon. baronet was less acquainted now with Lancashire than he had been. This measure had produced a great sensation in that quarter, and he (Mr. Philips) warned the house to consider the consequences which might arise from entertaining it. Would not the spirit of Luddism extend throughout the whole country? That spirit was less active now, but was not extinct. For his own part, after all the consideration which he had been able to bestow on the subject, he was decidedly of opinion, that a proposal more injurious in all its consequences, both domestic and foreign, could not possibly have been made. Formerly, a very considerable portion of the work in these factories was conducted by children alone; but the case was now altered. The number of children engaged in working had been much reduced; and, with respect to night-work, Mr. Arkwright, whose authority could not fail to have great weight with the house, had declared, that it was very rarely practised. For these reasons, he felt it his duty to object to the second reading of this bill.

Mr. *Davenport* said, that he was a member of the committee who were appointed to inquire into this subject in the year 1816; and he thought, that the legislature ought not to interfere without the most serious deliberation. He did not wish to give any opinion on the question in its present state; but he trusted that the house would not proceed with any indiscreet haste. If the bill was founded on the report of the committee, it might be desirable to hear the opinions of the different members who had attended most closely to the investigation of this matter; if it was founded on the petition which had been recently presented, it might be proper to inquire into the truth of its allegations, with a view to ascertain whether the petitioners might not have asked for the adoption of a measure which would be more injurious than beneficial to their interests. (*Hear.*)

Mr. *Peel* thought, that the best course of proceeding would be, to suffer the bill to be read a second time, and then to go to a committee for the purpose of having the blanks filled up, and to leave the further discussion till after the recess. This would obviate the objection made by his hon. friend who had just sat down as to any indiscreet haste. The effect of the regulation must depend on the minimum of the age of the children that were employed in those factories, and the number of hours during which they were to work. In his view of the subject, it was very difficult to pronounce an opinion on the merits of the bill, till the blanks had been filled up. He hoped, however, that no opposition would be made to the second reading, upon the promise of the author of the bill, that, after the blanks were filled up, no further proceedings should be taken at present. As to the propriety of entertaining the subject, he must observe, that not only on account of the age of the persons employed, but also on account of the nature of the cotton factories, this could hardly be called free labour. A child must either withhold himself from all employment, or submit to the task of working during a certain number of hours. It was not for the house to determine what number of mills were well-conducted, but to legislate in such a manner as should regulate the course of proceeding in all such concerns. The noble lord (Lascelles) had said, that he did not think this bill proceeded on the report of the committee, but on some evidence that had been subsequently obtained from the country. If this were the fact, there was no difficulty in stating what the nature of that evidence was: he (Mr. Peel) then held it in his hand, and any gentleman might, if he wished, have a copy of it. It proceeded from persons of great respectability and experience, and who were capable of forming an accurate judgment of the consequences of labour on the health and constitution of children. The first of them, Mr. Simmons, senior surgeon of the Manchester dispensary, gave his opinion on the aggregate of cases which had been presented to him, and was convinced, that the hours of labour in the cotton factories were too great for human endurance—that he shuddered to think of their evil effects upon children, and he could not believe that the practice would have been continued, if the consequences had been known. The vicar of St. John's, Manchester, and another gentleman, who inspected the Sunday school which many of these children frequented, had also stated, that from their observations, the long hours of labour and confinement were certainly prejudicial to the health of the children. The hon. member (Mr. Philips) did not seem to attach much importance to the petition which had been presented from the parents of these children; but he (Mr. Peel) could not help thinking that this arose from the circumstance of the hon. member not being influenced by the same feelings which the petitioners entertained. They had expressed a wish that the legislature should interfere for the protection of their children; and stated, that they were obliged to allow them to work for an unlimited time, or submit to the misfortune of not having them

employed at all. It was obvious, then, that the parents themselves had no discretion or control in the business, and that the legislature alone could regulate the management of these factories. *(Hear, hear.)*

Mr. *Finlay* was decidedly of opinion that there was no occasion for the bill. It was brought forward on evidence which had never been seen, and which those who opposed the measure had no opportunity of rebutting. He had every reason to believe, however, that a great many of the facts would turn out to be incorrect. If the house suffered the bill to pass, they would do a great injury to the good works, which required no regulation at all, without being able to compel the bad works to adhere to those regulations upon which all the benefits of the bill must depend. He maintained, that the limitation of the hours of labour would be so prejudicial to the cotton manufactories, as to remove to foreign countries a very considerable portion of this branch of trade. He was no advocate for employing children of a very young age; but it had been his misfortune, for so he must consider it, to be a member of a committee who were appointed to visit the gaols of this city, and he saw in them children of ten and eleven years of age, who had been condemned for offences; whereas, if they had been employed in manufactories, they would have learnt the benefits of industry, would have been saved from the punishment of the law, and, at the same time, would have contributed to the support of their parents and families. He was persuaded that great prejudices existed on this subject. In the linen and woollen manufactories, the hours of employment were generally longer than in the cotton factories. The latter had been much improved since 1802, and the children employed in them were better clothed, lodged, and fed. He had no objection, however, to limit the employment of children to those who were above nine or even ten years of age.—The hon. member then read a statement made by an hon. member in a committee on a former occasion, tending to shew that legislative interference, in the manner proposed by the bill under consideration, would be rather prejudicial than otherwise; and in this opinion he fully concurred.

Mr. *Curwen* said, he approved of the object of the bill; but he would reserve his opinions, as he should afterwards have an opportunity of giving them more fully.

Sir *F. Burdett* observed, that the house did not want the opinions of physicians to tell them that the employment of persons of a tender age, for an unlimited number of hours, must be very prejudicial to their health. It had been found that those employed in night-work were more healthy in appearance than those employed in the day-time; because the former were indulged with certain intervals of recreation, while the long, severe, and uninterrupted application of the latter operated in the most prejudicial manner against their general health and happiness. He was gratified that some legislative interference was to take place on this subject.

The bill was then read a second time, and committed; considered in a committee, and reported. The report was ordered to be further considered on Monday the 6th of April, and the bill, as amended, to be printed. It was as follows:—

Whereas an act was made in the forty-second year of the reign of his present Majesty, intituled, "An act for the preservation of the health and morals of apprentices and others, employed in cotton and other mills, and cotton and other factories:"

And whereas the said act has been found insufficient to answer the purposes thereby intended, and it is expedient that the same should be altered, extended, and amended;

Be it therefore enacted, that from and after the first day of September 1818, the said recited act and this act shall extend and be construed to extend to all cotton mills, manufactories or buildings, in which cotton yarn is made, and in which twenty or more persons shall be employed.

And be it further enacted, that no male or female shall be employed in any such mill, manufactory or building, until he or she shall have attained the age of nine years, to be ascertained by the register of baptism, or other satisfactory evidence.

And be it further enacted, that no person, being under the age of sixteen years, shall be employed in any such mill, manufactory or building, in which cotton yarn is made, for more than twelve hours and a half in any one day, including half an hour to be allowed for breakfast, and one hour for dinner; and to prevent working in the night, the aforesaid twelve hours and a half shall be sometime between the hours of five of the clock in the morning, and nine of the clock in the evening.

And be it further enacted, that every master or mistress of every such cotton mill, manufactory or building, shall, on or before the first day of September 1819, and on or before the first day of September in every following year, transmit to the clerk of the peace for the county, stewartry, riding, division or place, in which any such mill, manufactory or building, shall be situated, a return of the several particulars contained in the schedule hereunto annexed; all which returns the respective clerks of the peace are hereby directed and required to lay before the justices of the peace for the county, stewartry, riding, division or place, at their ensuing quarter sessions; and if any such master or mistress shall neglect to make any such return within the period aforesaid, or shall wilfully make any false or untrue return, every such master or mistress shall, for every such offence, forfeit and pay any sum not exceeding twenty pounds, nor less than ten pounds.

And be it further enacted, that so much of the said act as directs that the justices of the peace for every county, stewartry, riding, division or place, shall appoint two persons, one of

whom shall be a justice of the peace, and the other shall be a clergyman of the established church of England or Scotland, to be visitors of cotton mills or factories, shall be and the same is hereby repealed.

And be it further enacted, that the justices of the peace for every county, stewartry, riding, division or place, in which any such cotton mill, manufactory or building shall be situated, shall, at any of the quarter sessions of the peace to be holden after the first day of September for such county, stewartry, riding, division or place, upon receiving complaint of offences against this act, appoint the clerk of the peace, or his deputy, in England or Ireland, or his deputies in Scotland, or one or more persons duly qualified, and not interested in or in any way connected with any such cotton mills, manufactories or buildings, to visit and examine such cotton mills, manufactories or buildings, against which the complaint is made; and in case the subject-matter of such complaints shall, by the report of the said visitors, be verified, the said justices are hereby authorized to appoint such visitor or visitors, who shall then have full power and authority from time to time throughout the year then ensuing, to enter into and inspect any such mill, manufactory or building, and the persons employed therein, at any time of the day, or during the working thereof, as they shall think fit; and such visitor or visitors shall report at least once, in writing, to the quarter sessions of the peace, the state and condition of such cotton mill, manufactory or building, and the persons employed in them, and whether the same are or are not conducted and regulated according to the directions of the said recited act and this act; and such report shall be entered by the clerk of the peace of every such county, stewartry, riding, division or place, among the records of the session, in a book to be kept for that purpose: provided always, that it shall and may be lawful to and for the justices of the peace at such sessions, to order and direct a full and adequate compensation to be made to the said visitors, for their trouble and expenses, out of the rates of the county, stewartry, riding, division or place.

And be it further enacted, that if any person or persons shall oppose or molest any of the said visitors, in the execution of the powers entrusted to them by this act, every such person or persons shall, for every such offence, forfeit and pay any sum not exceeding twenty pounds, nor less than ten pounds.

And be it further enacted, that the master or mistress of every such cotton mill, manufactory or building, shall cause printed or written copies of the schedule hereunto annexed, to be hung up and affixed in one or more conspicuous places in such mill, manufactory or buildings, and shall cause the same to be constantly kept and renewed, so that they may at all times be legible and accessible to all persons visiting or employed therein.

And be it further enacted, that every master or mistress of any such cotton mill, manufactory or building, who shall wilfully act contrary to, or offend against any of the provisions of the said act, or this act, shall, for every such offence, forfeit and pay any sum not exceeding twenty pounds, nor less than ten pounds, at the discretion of the justices before whom such offender shall be convicted; one half whereof shall be paid to the informer, and the other half to the overseers of the poor in England and Ireland, and to the ministers and elders in Scotland, of the parish or place where such offence shall be committed, to be by them applied in aid of the poor rate in England and Ireland, and for the benefit of the poor in Scotland, of such parish or place: provided always, that all informations for offences against the said act, or this act, shall be laid within three calendar months after the offence committed, and not afterwards: provided also, that all penalties inflicted by this act shall be levied recovered and applied in manner directed by the said recited act.

And be it further enacted, that so much of the said act as directs the time during which apprentices shall be employed in mills, manufactories or buildings, shall be and the same is hereby repealed, with respect to all persons who shall be apprenticed to the owner of any cotton mill or factory after the first day of September one thousand eight hundred and eighteen.

Schedule to which this act refers.

I, *A. B.* do hereby certify, that I have inquired or caused inquiry to be made into the respective ages of the children employed by me in my mill, (manufactory *or* building,) and that no boy or girl has been so employed in any cotton mill or manufactory occupied by me during the preceding year, who was not, according to the best of my knowledge and belief, grounded on such inquiry, above nine years of age: nor has any person, being under the age of sixteen years, being employed more than eleven hours in any one day, exclusive of an hour and a half which were duly allowed for meals: I further certify, that the mill (*or* mills) in my possession, has been ventilated and white-washed, in conformity to an act made in the forty-second year of the reign of his present Majesty, intituled, "an act for the preservation of the health and morals of apprentices, and others employed in cotton and other mills, and cotton and other factories."

HOUSE OF LORDS,

Tuesday, Feb. 24.

CHIMNEY SWEEPERS.] The Chimney Sweepers' Regulation Bill was brought up from the commons by Mr. *Bennet* and other members, read a first time, and ordered to be printed.

Lord *Holland* presented a petition of inhabitants of Bath, in favour of the bill, and praying that the same might pass into a law.

HOUSE OF COMMONS,

Tuesday, Feb. 24.

STEAM-BOATS.] Mr. *Harvey* moved for leave to bring in the bill which he presented last year, "for securing the safety of passengers in vessels worked by means of steam." (See Vol. I. p. 1781.) Leave being given, the bill was brought in and read a first time.

PEWS IN CHURCHES.] Lord *Milton* moved for an account "of all faculties for the enclosure and erection of pews in parochial and other churches and chapels, which have been granted in the ecclesiastical courts in the several dioceses of England and Wales since the year 1790."—Ordered.

FEES FOR PARDONS.] Mr. *F. Douglas* moved for "an account of all fees, taxes, and other dues, paid upon a pardon granted under the great seal; together with the names of the persons to whom, and the fund into which, such fees, taxes, and dues, are payable."—Ordered.

CUTLERS.] Lord *Milton* brought up the report on the petition of the Sheffield and Hallamshire cutlers.—Ordered to lie on the table.

ROPE MAKERS.] Mr. *Curwen* presented the following petition of rope-makers of Woolwich. "That the petitioners, feeling themselves most seriously aggrieved at the small superannuation of fifteen pounds per annum, and, if strongly recommended by their officers, they may obtain twenty pounds, after a servitude, perhaps, some of thirty years, and others considerably longer, after having devoted all their youthful days in his Majesty's service, most humbly beg leave to solicit the house to take their case into their most serious consideration; the petitioners, as the superannuation now stands, on being discharged after so long a period of service, worn out and exhausted therein, would be unable from advanced years to earn any thing for their support in addition to such superannuation, and would, in all probability, from being incapable to provide themselves with bread alone, be obliged to end their days as paupers in the parish-house (which above all things they would wish to avoid), and in such case the parish officers would make a claim of their superannuation money in aid, as they pretend, for their maintenance and support; the petitioners therefore most humbly solicit the house to take their distressed case into their most gracious consideration, and by granting them an addition to the present allowance of superannuation enable them in their old age to support themselves without being obliged to apply to the parish for assistance; and the petitioners must humbly beg leave to state to the house, that, with a view to obtain so desirable an object as that of increasing their support in old age (should the house be pleased to grant them such an increase), in order to make some small provision towards defraying such addition to their superannuation, they are desirous of contributing two pence per week out of their earnings, for the purpose of forming a fund in aid of such increase of their superannuation."

Ordered to lie on the table, and to be printed.

LEATHER TAX.] General *Gascoigne* presented a petition of tanners of Liverpool. It set forth "that the petitioners again beg leave to call the attention of the house to the late additional tax upon leather, which they still continue to view as a most impolitic measure, being ruinous to themselves, and injurious to the agricultural and labouring classes of society; that the number of bankruptcies and assignments of those engaged in the trade has of late years been unprecedentedly great, but that the petitioners are nevertheless compelled to continue the business in which they have either been brought up or engaged for a series of years, as the conversion of their premises and capital to other pursuits would necessarily be attended with certain loss; that they were led to hope for some relief, from the general feeling manifested by the house, that their case was one of peculiar hardship, and from the recollection that the additional duty was carried by a very small majority; that the petitioners have had the mortification to see their trade declining, whilst most other branches of manufacture in the kingdom have been in a progressive state of improvement and extension; the petitioners therefore most earnestly, but respectfully, pray, that they will without delay take the nature and operation of this additional duty into consideration, and that they will, by an immediate repeal of the said additional tax, remove a burden which is so injurious to one of the oldest and most important staple manufactures of the kingdom."

On the motion that the petition do lie on the table, Mr. *Benson* adverted to the numerous petitions for the repeal of this tax which had been presented to the house, urged their consideration on the chancellor of the exchequer, and trusted, that when the right hon. gentleman brought forward his budget, he would make provision for the repeal of an impost, the existence of which was incompatible with that of the manufacture itself.—The petition was then ordered to be printed.

GRIEVANCES UNDER THE SUSPENSION ACT.] Mr. *Bennet* presented the following petition of Benjamin Whiteley, of Holmfirth, (York) "That the petitioner is by trade a drawer of cloth in Holmfirth, was going to Horbury on Friday the 6th of June last, and was surrounded by armed men on the road near Thornhill Lees, and taken to the house of correction at Wakefield, where he remained three weeks in a damp cell, and had liked to have died of hunger, not being able to eat the food they presented him, and from the damps of the cell, no person being allowed to come to or see him; in the mean time his friends attended from time to time with bail for his appearance, if any thing could be laid to his charge, but they were put off from time to time, until on the 27th day of June he was liberat-

ed on his paying five shillings; on the 4th day of July, Thomas Blythe and another person entered the house of the petitioner, and searched every drawer, closet, and cranny, and then told him he must go to London on a charge of high treason; expostulation was in vain, he was hurried to Cold Bath Fields prison, where he remained four days, and was then carried before Lord Sidmouth, who told him he must go to prison, and be close confined; he requested to know his crime, and accuser, for he was not conscious of having done a wrong thing; he answered, he might say what he pleased, but he must go to prison, and be close confined; he was then taken like a felon to Salisbury, where for nine days he suffered under every circumstance of distress from situation and ill usage, his health declined very fast, and he did not expect to live from night to morning; he was on the tenth day removed to Worcester, where he remained twenty weeks without being allowed to see a single friend, his wife, having travelled all that way, was denied, and obliged to return without even that gratification; at last, on the 5th of December he signed a recognizance, that although he knew himself not guilty of any crime he might not perish in a loathsome prison; the loss he has sustained in his business, health, and circumstances, cannot be repaired, nevertheless, any relief which may be granted will be seasonable, and received with thankfulness."—Ordered to lie on the table, and to be printed.

Mr. *Bennet* then presented a petition of Richard Lee, of Holmfirth. The hon. member said, that he could not vouch for all the particulars; but he had taken pains to examine into them. The petitioner appeared to him to be a quiet, peaceable kind of man. He stated, that he was confined in York Castle for 20 weeks and two days, in irons, and that, for five days, he was confined in the same room, and slept in the same bed, with a man who was afterwards executed for murder: that he was, with another person, put into a room in which a man named Riley had killed himself. The room was stained with the blood of the suicide, and they were obliged to clean it. Gentlemen acquainted with the county of York might take the trouble of writing to inquire into the truth of this statement. He could not but observe, that, in the last session, when it was proposed to prevent the use of irons in the operation of the act, it was objected to on the ground that no such severity was to be exercised.—The petition was ordered to lie on the table, and to be printed. It set forth, "That the petitioner is by trade a clothier, and hath never committed any crimes against the laws of his country, being in every case a true subject of his Majesty King George; that, on the 13th day of June 1817, a number of men entered the petitioner's house, with one Matthew Bradley at their head, while the petitioner was at his work; and the said M. Bradley said, in a very insulting manner, to the petitioner, 'you must go along with us;' the petitioner replied, 'very well, but you will let me wash and clean myself first;' when the petitioner had so done, the said Matthew Bradley drew a pistol out of his pocket, and said he would blow the petitioner's brains out; they then took the petitioner to an inn near his own house, where he begged to speak to his wife respecting his affairs; but, when she came for that purpose, the said Bradley said, the petitioner must go immediately to Huddersfield, as they were ready and would not wait, and that she, meaning the petitioner's wife, might follow the petitioner to Huddersfield if they had any thing to say together; to which town they dragged the petitioner, guarded by a number of horse soldiers, and lodged him in a stinking dungeon without a bed or fire, although the petitioner was wet through; that when the petitioner's wife came afterwards to see the petitioner next day at Huddersfield, at great charge and hazard, in her situation, being then unwell with a complaint in her breast, which was afterwards cut for a cancer, she was not allowed to see the petitioner at all; that on the next morning, in this uncomfortable state of mind and body, ill at ease on account of his family, he was brought some refreshment, but he could not eat; and about noon he was taken before a magistrate, Mr. B. H. Allen, who said that the petitioner was charged with high treason, and must be hanged; whereupon the petitioner said, 'you make my case very black, it's time to get prepared, I think:' he replied, 'yes, it is;' about the hour of seven o'clock in the evening, the petitioner said, 'Is it not dinner time?' to this Mr. Thomas Atkinson, who was present, said, 'you shall have your dinner in my room, and sleep in it also;' the petitioner replied, that would be very acceptable, as he had no sleep the last night; but the said Atkinson then said, 'you must make a man of yourself, and tell me all you know;' to which the petitioner replied, as the truth was, 'I know nothing;' that the said B. H. Allen then called the said Atkinson aside, and said, as the petitioner could hear, 'we must towser Lee again:' so, about eight o'clock, the petitioner was remanded to the dungeon again, and about ten o'clock they came and began searching him, while he was fast asleep, owing to his fatigue and want of rest; but being awoke by the search, the petitioner asked, 'what are you about?' but no answer was given to him, and they returned to him a three-shilling piece they had taken from his pocket just as he awoke, and kept him in this offensive dungeon five successive nights, and would not permit his wife to speak to him during that time, nor was he allowed to see her for three weeks afterwards; that the petitioner was afterwards put into an empty room, where he remained six days without any bed or bedding, save only a handful of straw to lie upon, but no covering of any sort whatsoever but his own clothes that he had on; that on the 16th of July he was removed to York Castle like a felon and ironed, in which state he was kept during the whole of his confinement, being twenty weeks

and two days, five days of which time he was obliged to live in the same place, and sleep in the same room and bed with a man charged and afterwards executed for murder, with no other allowance than that of the prison, namely, bread, and sixpence per week for nine weeks; that one Thomas Riely, confined in the same jail with the petitioner, on a similar charge of a suspicion of high treason, no doubt in a fit of derangement of mind, brought on by his confinement, cut his throat in the said prison, and, on the day following, the petitioner and another prisoner whom the petitioner understood to be a convicted felon, were removed into the very same cell in which the said Riely cut his throat, while the blood of the said Riely was still lying all over the floor in a hard and congealed state, and the petitioner and the said other prisoner were compelled to clean the same out with only a mop and broom, which, not being sufficient to remove the said blood, the petitioner was obliged to scrape and take it up with his hands; that by this treatment the petitioner's affairs and health are very much injured, and to remedy things as far as he was able, he signed on the 5th of December a paper called a recognizance, although unconscious of any offence; wherefore, the petitioner's circumstances being in a ruined state, and his health declining, he is led to pray for such relief as to the wisdom of the house shall seem meet; and that the house will cause inquiry to be made into the conduct of those by whom the petitioner has been so cruelly treated, and will not pass any bill of indemnity to screen them from answering at law for such unjust treatment of the petitioner."

WINDOW TAX (IRELAND).] Sir *John Newport* presented a petition of inhabitants of the city of Waterford, against the window-taxes, which were felt as a most grievous calamity.—Ordered to lie on the table.

He presented a similar petition of inhabitants of the city of Limerick.—Ordered to lie on the table.

CONVEYANCERS.] The following petition of John Martyn Bligh, of Stone, near Bodmin, was presented, ordered to lie on the table, and to be printed.—"That it has come to the knowledge of the petitioner that certain attornies and solicitors are endeavouring, by petitions to the house, to procure an alteration in the laws respecting conveyancers; and he cannot but observe that, under the plausible pretext of preventing ignorant and incompetent persons from engaging in the practice of conveyancing, their real object is, by legislative enactments, to expel from such practice all country conveyancers, who, being members of the four inns of court, have established themselves under the act of the 44th of his present Majesty, chapter 98, for the purpose of ingrossing (if possible) the management of all the landed property of the realm, and increasing their own emoluments; that the petitioner respectfully submits to the house, that previous to the passing of the above-mentioned act all persons were at liberty to practise conveyancing, and that act only limited and confined the practice to a certain denomination of persons therein mentioned, and among them to persons members of the four inns of court, taking out a conveyancer's certificate annually: that as attornies and solicitors must have entered into articles with a full knowledge that the business of conveyancing was not confined to such persons as served under them, and as those persons only who have served regular clerkships, and are admitted attornies of one of the courts, can practise as attornies in soliciting, prosecuting, and defending suits at law and in equity, the petitioner humbly submits that they ought not to be now permitted to object against the practice of conveyancing being continued by men who have been long established therein, and who have always conducted themselves to the satisfaction of their employers, and acquired a good reputation; that the laws imposing the duties now payable on the articles and admission of attornies and solicitors not having had a retrospective operation, such duties have been paid by those persons only who have been articled and admitted since the enactment of those laws, and notwithstanding they may have been productive of beneficial effects, instances are by no means rare, even now, of ignorant and corrupt practitioners, while others have from time to time been justly visited with the severest censure of the courts at Westminster: that attornies and solicitors have no right to assume, that, because conveyancing requires abstruse and legal learning, that it can be acquired only in an attorney's office, and that they alone are qualified to practise it, since they are not necessarily conveyancers, and many of them have not a competent knowledge of that branch of the law, whereas it may fairly be presumed that conveyancers in general are competent and respectable, from the patronage they continue to receive from the many highly-respectable persons who employ them; that the promoters of the measures which the petitioner is under the necessity, for self-preservation, to complain of, are actuated only by interested motives, which he humbly submits must be sufficiently apparent from their acts, and that their avarice is contemptible, when it is considered that the whole body of attornies and solicitors amount to above four thousand in number, whilst all the county conveyancers do not, as far as can be ascertained, by very many exceed one hundred; that the stamp duties payable on the admission of a member of an inn of court are the same as are required to be paid on the admission of an attorney or solicitor, and the expense of the annual certificate for an attorney, solicitor, and conveyancer, is the same: that, since it is notorious that many attornies are engaged in various branches of trade, many employed in different clerkships, and various business and callings, and since most, if not all of them, are anxious to obtain the agency of landed property, the peti-

tioner humbly submits that they ought not to make it a ground of objection to conveyancers, that many of them connect some other business or calling with the practice of conveyancing, though it may reasonably be desired that no future conveyancer, or attorney or solicitor, be permitted to engage in any trade, business, or calling that may be degrading to the profession; that the petitioner begs most humbly to represent to the house, that, with the business of a conveyancer, he unites that of a land agent, that, when necessary, he values such land as is intrusted to his care and management, and occasionally other lands, and is in that capacity styled a land surveyor, and, in order that he may legally receive the rewards due to him for such services, he takes out a licence as an appraiser, but of which licence he makes no other use whatsoever; and the petitioner humbly submits that he ought not, on account of his having been, or continuing to be, employed in those respectable avocations, to be prevented from continuing in the practice of conveyancing, especially as they are so properly connected with such practice in the country; that, though there may have been perhaps a few instances of improper persons admitted members of inns of court, and become conveyancers, the petitioner submits that the whole body ought not therefore to be disqualified, particularly after having expended much money in payment of all the duties imposed by the legislature, and been recognized and sanctioned by several acts of parliament, under the faith of which the greatest part of them have devoted much time and expense to the study of that branch of the law, and relinquished prospects of other pursuits in life; that the petitioner respectfully submits to the house, that it is evident that it always was the intention of the legislature to permit all members of inns of court, on taking only a certificate for the purpose, to practise as conveyancers, as appears by their being particularly mentioned in the said acts of parliament, and that the contrary is by no means proved by the assertion that members of such inns are presumed, upon their first admission, to be in a state of pupilage, since the same acts also authorize proctors and notaries to practise as conveyancers, without requiring any other qualification from them: that the petitioner humbly submits to the house, that the public will not in any respect be benefited by conveyancers being deprived of their present honourable means of subsistence; the petitioner having been from an early period of life bred up and instructed in the business of a conveyancer, and having practised as such since his admission to be a member of the honourable society of Gray's Inn, for upwards of eleven years, and having been employed by noblemen and others of great respectability, and no instance having occurred of any deed or instrument drawn or prepared by him having been found defective or legally questioned, and he being now above thirty-seven years of age, and having a wife and five young children to support, humbly prays the house to afford him a protection of what he conceives to be his just rights; and that, if in their wisdom the house shall deem it expedient to enact any new regulations respecting the practice of conveyancing, the same may, like the regulations which have from time to time been enacted respecting attornies and solicitors, have only a prospective operation."

The following petition of Attornies residing in and near the metropolis, was also presented, ordered to lie on the table, and to be printed.

"That by the laws now in force no person can be admitted to practise as an attorney and solicitor unless he has duly served a clerkship of five years, and has paid stamp duties on his articles of clerkship and on his admission, amounting together to upwards of 145*l.*; that these laws have been highly beneficial to the public by increasing the respectability of attornies and solicitors, and diminishing the evils occasioned by the errors and misconduct of ignorant and needy practitioners; that conveyancing is a principal and the most reputable and advantageous branch of the business of an attorney and solicitor, it requires more extensive and abstruse learning than any other branch of the law, and the practice of it by ignorant persons invalidates or renders insecure and imperfect the titles to landed property, and is highly injurious to the public by creating a multiplicity of suits, and involving their property in litigation or insecurity; that the stamp act of the 44th year of his present majesty, authorizes any person being a member of one of the four inns of court, to draw and prepare conveyances, without requiring him to keep any number of terms, or producing any testimonials of his having had a professional education to qualify him for such an undertaking; that the stamp duties and expenses of obtaining admission to an inn of court, qualifying a person to practise as a conveyancer, amount only to 28*l.* or thereabouts, and tradesmen and persons who have no connection with the profession of the law, and who frequently come from distant parts of the country, are permitted to become members of an inn of court, without any inquiry into their characters, education or competency to become practising conveyancers; that in consequence of the low stamp duties paid by conveyancers, together with the easy means of obtaining admission as members of an inn of court, many ignorant and incompetent persons, such as linen-drapers, shopkeepers, sheriffs' officers, annuity brokers, bankers' clerks, auctioneers, schoolmasters, and inferior tradesmen of almost every description, together with discarded writers from attornies' offices, have been enabled to get admitted members of an inn of court, and are now actually practising in various parts of the kingdom as certificated conveyancers, to the great disgrace of the profession and ultimate injury to the public; that the petitioners respectfully submit, it never could be the intention of the legislature to authorize persons of the

above description, merely by being admitted members of an inn of court, to practise as conveyancers, because every member of an inn of court is presumed upon his first admission to be in the commencement of a course of legal education, in order to qualify himself for future practice; that the petitioners beg leave to submit, that the evils they complain of should be remedied by legislative provisions, and that persons ought not to be permitted to practise as conveyancers without receiving a competent legal education, and that upon their admission as members of an inn of court, and upon their certificates or admissions to practice, stamp duties should be imposed similar to those which are paid upon the articles of clerkship, and the admission of attornies and solicitors; the petitioners therefore most humbly pray, that the house will be pleased to take the subject complained of into consideration, and that they will grant such relief in the premises as to them shall seem meet."

City Revenue.] Mr. *Holme Sumner* rose to submit a motion to the house, for the purpose of obtaining from the city of London an account of their revenue for five years ending the 31st of December, 1817. The application which the city of London had lately made to be allowed to raise money on the credit of the orphans' fund, or in other words, to be allowed to tax the neighbouring counties, to defray the additional sum of 34,000*l.* required to complete their new prison, an object of the city of London alone, justified him in calling on the corporation to lay an account of their affairs before the house. The measure for which the city members now came forward was of a very extraordinary nature. By the 52d of the king, the city of London was authorized to borrow 95,000*l.* on the credit of the orphans' fund, for the erection of a new prison. No one doubted, at the time this sum was granted, that it was not perfectly adequate to its purpose; but the city of London, either from having made choice of a situation for building too limited in space, or from the prodigality with which they had gone to work, had spent this money without accomplishing their object, and they now came forward to demand 34,000*l.* in addition to the former grant. The house ought not to give their consent to this application, until the city shewed the manner in which the former sum had been expended. He regretted that the house had not called for the accounts of the city when the original demand was made for a grant; but he could not suppose that they would be so neglectful of their duty on the present occasion. The corporation, it appeared, had questioned the right of that house to call for a statement of their accounts; and, from what had occurred in the common council a few days ago, it seemed that some of the members had expressed a determination not to produce them. This must have arisen from a conviction on their part, that the funds of the city had been very improperly applied; and, indeed, they had been charged in their own court, by one of their most intelligent members (Mr. Waithman), with wasteful and improvident expenditure. From the information which he (Mr. Sumner) had procured, he was enabled to state to the house, in what manner the corporation had disposed of their money. The expense of an entertainment given by them to the liberators of Europe was said to be 24,000*l.* On examination, he believed it would be found to be nearly 40,000*l.* He understood that, during the last 37 years, the corporation had expended, in improving and widening the public streets 45,000*l.*; in gold boxes and swords to naval and military officers—*(Hear, from Sir W. Curtis.)* If the hon. baronet could shew that they possessed a surplus, then he was ready to allow that these were proper objects of their munificence. But if they expended their money on these objects, and then came forward to ask for public aid for objects which they were bound to provide for out of their own funds, such an expenditure was most blameable. He was proceeding to say, that the corporation had expended, in making presents of swords, snuff-boxes, and the freedom of the city in gold boxes, to Colonel Wardle and other public characters, *(a laugh)* and in erecting monuments to the King, Lord Chatham, and Mr. Pitt, 27,000*l.*; in bounties to seamen, voluntary contributions, &c. 25,000*l.*; in charitable donations, 30,000*l.* (*Hear, hear.*) The whole of the sums expended on these different objects, amounted to no less than 127,000*l.* Now, the sum required for this gaol was 130,000*l.*; and thus, if the corporation had been just before they were generous, the sums which they had so misapplied might have been sufficient to complete their prison. Every particle of this 127,000*l.* so spent, was a misapplication. Unfortunately, however, this was not the first misapplication. (The hon. gentleman then went into an account of the transactions which led to the grant of the duty, commonly called the orphans' fund.) He held in his hands a brief statement of the accounts of the city, annually distributed among the members of the corporation. In that statement, he observed, that the lord mayor and aldermen of the city of London, were debtors to the amount of 53,000*l.* to a fund of which they were the trustees, and which was granted to them for a specific object. The Bridgehouse estate was vested in them for the building and repairing of London Bridge. Of the funds of this estate 33,000*l.* and 25,000*l* 3 *per cent.* stock, now worth 20,000*l.* in all 53,000*l.* had been appropriated by the lord mayor and aldermen to other objects. So that, if one or two arches of London bridge should happen to be swept away, a thing very far from being improbable, they must come again to the orphans' fund. In speaking of this transaction, he scarcely knew what terms to apply to it: to call it a misapplication of the fund was too lenient an expres-

sion; it was, in fact, and he could call it nothing else than, an embezzlement of that fund. But this was not the only instance in which they had misapplied the funds of that estate. By an ancient charter, the city of London had jurisdiction in part of the county of Surrey—the borough of Southwark, which had lain dormant for many years, and was not revived till the other day. But, for what purpose had it been revived? Merely for the purpose of creating a place for a decayed alderman. *(A laugh.)* Would they say, that, in the place where they had established this jurisdiction, there was any want of a fair and impartial administration of justice? The gentleman who was appointed to fill this office was, Sir John Eamer, and they had taken from the Bridgehouse estate 1400*l.* a year to defray the expenses of this establishment. He (Mr. Sumner) would not pass any judgment on this transaction; for he could not pass any so strong as one of their own members, who had declared, that it was one of the most scandalous things that ever occurred. So far from having assisted the administration of the law, it had occasioned considerable difficulties. At present, there were two quarter-sessions, and two grand juries; and the suitors were so much embarrassed, that they could not tell to which court they ought to go. With respect to the new prison, it was impossible that any thing could be more inadequate to its purpose, or worse planned; indeed, it could not be condemned in stronger terms than had been employed by some members of the court of the city of London. Because they had fooled away the 95,000*l.* already granted to them, were they further to be trusted with 34,000*l.* to be taken out of the pockets of those who were already chargeable with heavy county rates for their own objects? One of the pleas of the corporation was, that they were bound to maintain gaols for the county of Middlesex, as well as for the city of London. But they generally told only so much of the case as suited themselves. They did not tell the house, that, to this liability, various privileges and immunities were attached, which they had always maintained with the utmost jealousy. They elected their own sheriffs, and would not allow any of the magistrates of Middlesex to examine their prisons. By nominating to the office of sheriff persons who, they knew, would not serve, they contrived to raise from the fines a considerable revenue. In one year lately, they had raised in this way 9,200*l.* For the last four years, they had raised 20,000*l.* on an average 5,000*l.* a-year. It was proper that the house should know in what manner this money had been disposed of. With regard to the principle, that parliament had a right to demand the production of their accounts, he did not think that any objection could be raised against it; but it was the duty of the house to see that the funds had been properly applied, before they listened to any application for a new grant. He should, therefore, conclude by moving, "That there be laid before this house, a statement or account of the revenues of the city of London, as the same have been received into the chamber of the said city, for five years ending the 31st of December 1817; distinguishing them under the several heads, viz. Rents and Quit Rents, Market Tolls, Offices and Bequests, Rents received of Brokers, Freedoms sold, Freedoms, Enrolments, &c. Casual Receipts, Sheriffs' Fines, Sales and Alienation of Offices, Fines for Leases, Insurance of Officers' Lives, Interest on Government Securities, and Sale of Securities."

Sir *W. Curtis* rose, and spoke as follows:—"Sir, I have listened with great attention, and, I must add, with considerable pain, to the speech of the hon. member who has just sat down. Sir, the hon. member, in the course of that speech, has thought proper to charge the city of London with having been guilty of gross embezzlement: but he must excuse me, if I say, that this is a gross and unwarrantable expression. The city of London has done no such thing, as I am fully prepared to prove. The hon. member insists on the right of inspecting their accounts; and they are willing to give an account—that is, whenever it shall be right in their opinion. (*A laugh.*) Sir, we have maintained the gaols of London, not for ourselves alone, but for the country at large, and for the county of Middlesex in an immense degree. If, then, we are supporting prisons for other people—if we are providing for prisoners after they have been convicted—if felons and criminals are sent to us from all parts—and if, under such circumstances, our funds are found inadequate, are we not entitled to call upon this house to give us some assistance? With respect to the bill which has been introduced, we call on you now to fulfil and complete what you thought proper to sanction before. The hon. member, however, desires you not to attend to our reasonable request; and no sooner does he enter into the history of our case, than his blood begins to boil. *(A laugh.)* Sir, that hon. member has certainly a most dreadful antipathy to the city of London; but, before I sit down, I hope to convince you, that no blame can attach to the corporate body. We will furnish the house with an account of the 95,000*l.* which was formerly granted; and when I say this, permit me to add, that the city have never been backward in shewing their accounts. The expense of erecting the new prison for debtors has been greater than was foreseen; but gentlemen don't seem to know the value of ground in the city of London. Why, Sir, you can't get an inch of ground without putting three or four guineas on it. *(A laugh.)* We have chosen the best situation we could find; for, let me tell you, people don't like to see gaols near them: for God's sake, they cry, don't build the gaol near us. Well, then, at last we found a spot of ground, we availed ourselves of the breaking up of a large brewhouse, and began our building. As to prodigal expenditure, there is no prodigality about it. This, Sir, is the poor man's prison. Rich men may go to the King's Bench,

and drink their Burgundy and Champagne; they first rob their neighbours, and then get white-washed. This is too common a practice now-a-days. But, the hon. gentleman has been telling a long story of the lord mayor and aldermen, and he says, that they have embezzled some of the city funds. Now, I will tell him, that I have been thirty-three years in the corporation, and I never had one shilling in my life from them; and, therefore, I don't know what he means by embezzlement. The Bridge-house estate has lent us money, for which we have given our bonds and securities. Is there any embezzlement in this? If the house thinks there is any thing improper in this transaction, we will bring the accounts before them. *(Hear, hear.)* Well, Sir, then the hon. gentleman says, that we have given away large sums in swords and snuff-boxes. Suppose it to be so. Is it not a happy and glorious thing, to see those heroes who have fought and bled for their country rewarded? Are the city of London to be blamed and taunted, because they have made presents to those gallant fellows? Sir, I am astonished at the hon. gentleman; it is worthy of the city that they have acted in this manner. The corporation have done their duty, and they don't come here to beg; they call on the house to complete what they have already sanctioned. If it were necessary for me to enter into detail on this subject, I must go back to what happened in the reign of King Charles, the result of which was, the grant of the duty on coal. I don't mean to go so far back; but if I live another year, I will endeavour to have the name of the orphans' fund changed; for, at present, whenever this name is used, it is thought that we are running away with all the orphans' money. We request you to make us this grant, and we will never come to you any more. *(A laugh.)* As to the city prisons, the house has lately appointed a committee to inspect them. But it seems, that we must have no gaols now for punishment —we must have something in them to cheer up the heart of man. *(Loud laughter.)* I don't know what the hon. gentleman opposite (Mr. Bennet) wants. Does he mean that men, who have forfeited their liberty, should have coffee and chocolate of a morning, *(a laugh)* and luxuries of that sort? Does he wish to have the floors covered with Turkey carpets? It has been said, that these men are fed with sour bread. It is no such thing. There is no bad bread in the prisons; it is as good as any family in the kingdom can wish to eat. I only ask that hon. gentleman, whether he has tasted the bread? Let the committee ask that good woman, Mrs. Fry, whom they all love so much. *(A laugh.)* I say, let them ask her; she is a good woman, and deserves to be loved *. The prisoners have one pound of bread per day, and four half pounds of meat per week. The other day I stated that they had four pounds, but I was mistaken. (See page 458.) Well, then, are not four half pounds a good allowance for them? It is quite enough for men of that description—if they had more, it would make them bloated, and fill them full of gross humours. *(Loud laughter.)* Sir, I say, let the corporation have what they are asking for, and they will produce an account of the monies received."—The hon. baronet concluded with moving an amendment, to leave out from the word "house," to the end of the question, in order to add the words, "an account of the produce of the several duties and payments composing the Orphans' Fund, for the last six years, and the annual charges on the same, together with the debts which remain outstanding and chargeable on the said fund; and also, an account of the application of the 95,000*l.* authorized to be raised and charged on the said fund for the erection of a new Prison for Debtors in London."

Mr. Serjeant *Onslow* observed, that the hon. baronet had attempted to divert the attention of the house from the real merits of the question, by his humorous mode of adverting to some of the statements which had been made. He had not, however, urged one argument in answer to the reasoning of the hon. member for Surrey. The duty on coals was a very heavy tax upon the poor: and, before the city could claim such a tax for the purpose of building a prison, they ought to shew how they had expended their revenue. It was an abuse of terms to call the squandering of their money on dinners, drinking, and presents, generosity, while, for useful objects, they were obliged to demand the imposition of heavy taxes on others. The treatment of the prisoners in the new prison, respecting which so much had been said

* Mrs. Fry, (the wife of Joseph Fry, Esq. of St. Mildred's Court, banker), is a member of the Society of Friends. About three years ago, from some representations which were made to her of the wretched and demoralized state of the female prisoners in Newgate, she was induced to visit that gaol, and, having been since assisted by a committee of ladies, chiefly of her own religious persuasion, she has succeeded in effecting a moral reformation, which must produce a very material change in the discipline of prisons, and may even pave the way for a great alteration in the penal code of the country. The grand jury of the city of London marked their approbation of this excellent woman's meritorious services, in their report to the court at the Old Bailey, on visiting Newgate, the 21st of February, 1818, in the following words:—"The grand jury cannot conclude this report without expressing, in an especial manner, the peculiar gratification they experience in observing the important services rendered by Mrs. Fry and her friends, and the habits of religion, order, industry, and cleanliness, which her humane, benevolent, and praiseworthy exertions have introduced among the female prisoners. If the principles which govern her regulations were adopted towards the males as well as females, it would be the means of converting a prison into a school of reform, and, instead of sending criminals back into the world (as is now too generally the case) hardened in vice and depravity, they would be restored to it repentant, and, probably, become useful members of society."

by the hon. baronet, was altogether irrelevant to the question. Not one word had been said on that subject by the hon. gentleman who brought forward the motion. As the hon. baronet had completely failed in his attempt to answer the hon. mover, he had a right to infer, that his statement was unanswerable. The honour of the city was implicated in this affair. He really did not see on what ground they could refuse information to the house, and he should, therefore, vote for the motion.

Mr. Alderman *Wood* contended, that the city of London had not embezzled any part of the Bridge-house estate—in no one instance had they made gifts of any part of that property. With respect to the entertainment given to the liberators of Europe, he admitted, that a very considerable sum had been expended. Two dinners were given by the city to those illustrious personages: one of them, to the Duke of Wellington, cost 5000*l.*; and though he had opposed the war, he had moved for that very dinner. The hon. gentleman who brought forward the motion, and the hon. and learned gentleman, did not seem to be aware, when they spoke of misapplication of the proceeds of the Bridge-house estate, that the county to which they belonged had borrowed money from that estate, for the purpose of making a sewer in St. George's Fields, an object of the greatest utility, for the completion of which, however, they could not otherwise obtain funds. Another item of expense on that estate was, the erection of a justice-hall in Southwark, which was built at the earnest request of the people of the borough, who complained, that small offences were not prosecuted, on account of the distance of the sessions at Guildford. The expense of this was not 1200*l.* It was to be recollected, that the bridge at Blackfriars was built out of the fund which had been said to have been applied solely to the benefit of the city of London. The advantages derived by the county of Surrey from the building of that bridge, had increased its rental by more than 500,000*l.* The city of London, too, paid 11,500*l.* yearly towards the Orphans' Fund. The city now asked for additional aid from this fund; and, though they were not alarmed at a scrutiny, he did not think that such a request warranted the house in calling for their accounts. The prison to which this money was to be applied was principally for Middlesex debtors. There were now 400 prisoners in it who did not belong to the city of London; and 3000*l.* a-year additional expense was incurred by removing them from Newgate. It had been said, that, in return for their supporting the gaols of the county of Middlesex, the city received fines from those who declined the office of sheriff; but it was to be remembered, that these fines were paid by citizens only—no other persons in the county of Middlesex were liable to serve that office, which occasioned an expense of 2400*l.* to any one who undertook it.

Mr. *Barclay* said, the worthy alderman had stated, that the corporation had expended large sums, from which the county of Surrey had derived great benefits. The worthy alderman would have it understood, that the corporation had built Blackfriars-bridge for the convenience of that county, without considering that it was the great outlet for the city, and the direct passage to Dover. As to the money which had been borrowed for the sewer in St. George's-fields, it was on good security, and would be repaid. Many other sums, issued from the same fund, would, he feared, never be returned. If the city were to apply *in formâ pauperis* for money to maintain their own prisons, when London bridge was to be rebuilt; the house might expect a similar application. The city now said, they had received money already from the orphans' fund for the same purpose. It was the duty of the house to see, that this was not unnecessarily increased. If it should appear, when the accounts were presented, that the city had fairly expended their money—that they had been just to their creditors as well as generous—it would be proper to relieve them; but if the money had been squandered, they had no right to ask for an additional grant.

Sir *James Shaw* said, that when the corporation of London purchased from the crown the right of appointing the sheriffs for Middlesex, they did not become liable to support its gaols. In other counties, the King had the nomination of sheriffs, but this did not subject his Majesty to maintain the gaols. Why, then, should the sole burthen of maintaining the gaols of Middlesex be thrown on the city*? He hoped, that the house, from every consideration of generosity and justice, would suffer the bill to pass, without calling for the accounts.

Mr. *B. Shaw* conceived that the question was not, whether it was correct that the city of London should maintain the gaols for the county of Middlesex. They were sufficiently acquainted with that corporation to know, that they would not have taken the burthen upon them, if they had not received some adequate remuneration. He did not think it fair, that they should receive money out of a fund to which all the home counties around had to contribute. The county of Surrey supported its gaols without calling on the city of London, and the city of London ought to support its own gaols, without assistance from Surrey.

Mr. Alderman *Atkins* entered into an explanation of the orphans' fund. It was originally 750,000*l.* Blackfriars-bridge was built out of that fund. But the city had contributed ten times 750,000*l.* to the objects of the fund since it was instituted. The money required at present was, for the purpose of giving effect to the recommendation of the house for the im-

* It appears by the accounts of the county of Middlesex, which are annually published in the London Gazette, pursuant to act of parliament, that the expenditure of that county for its gaols in the last year, exceeded 31,000*l.*

provement of gaols. If the corporation had met their wishes, they had a right to assistance from them. He appealed to the hon. gentleman (Mr. Bennet) whose humanity had been so active on this subject, whether it had not been indispensably necessary to enlarge and improve the gaol in question?

Mr. *Calvert* said, he did not see why the county of Middlesex should not be rated to the support of those prisons to which their criminals were committed, but it would be highly unjust to impose a tax on Surrey, which maintained its own prisoners, for the building or repairing of gaols in London.

Mr. *Bennet* said, that since allusion had been made to him, he must declare, that the new prison in Whitecross-street was one of the worst contrived, and most disgracefully conducted, he had ever seen. The men in that prison were separated—the London debtors and the Middlesex debtors; but the women were all mixed together. As to the pledge which was said to have been given, that the expense of enlarging and improving that prison should be made good by parliament, it was neither more nor less than this: when the committee on gaols visited that prison, they saw a wall which obstructed the circulation of air, and the committee said, that if the wall were pulled down, and it were made to appear, that the money had been expended properly, they would support an application to parliament for that sum. But it did not follow from this, that he should not support the present motion for an inquiry into the manner in which the city had expended their funds. (*Hear.*) To the questions which had been asked respecting the disposal of their money, answer had been given by an eulogium on their prisons. His hon. friend near him (Mr. Alderman Wood) had stated, that the expense of serving the office of sheriff was 2400*l*. That did not seem to prove any thing as to the question before the house: neither was it material to the question, whether more bread or less was given to the prisoners. But as the hon. baronet (Sir W. Curtis) confessed that he had been mistaken in his statement on a former day, which was on nothing less than the whole point at issue, the house might think it possible, that he had been mistaken in some of his statements on the present occasion. With respect to the condition of Newgate, a gentleman who had recently visited it was of opinion, that his (Mr. Bennet's) account of it had not been over coloured. His object was to impress on the house, that these prisons should be made schools of reform, and not schools of crime; that they should be habitations of health and improvement, not the nurseries of disease, depravity, and every species of misery. (*Hear, hear.*) He trusted in God that the day would soon come when those dreadful evils would be remedied.

Mr. *Grenfell* said, he was in no way acquainted with the financial system of the city; but he wished to be informed, whether the effect of the loan now required would be to prolong the duty on coals?

Sir *W. Curtis* replied, that the duty stood at present till 1837. He believed that the demand of the city would not prolong it for one half-year. It appeared, by the accounts for which he had moved on a former day, that the average expense of the city, in the last two years, for Newgate, the House of Correction, the New Prison, and the Sessions House, was 19,511*l*.

Mr. *S. Thornton* understood the question to be, whether the city could complete the New Prison without the aid of parliament. As he saw no means of answering this question but by viewing the income and expenditure of the city, he should support the motion.

Mr. *H. Sumner* replied. He observed, that this tax was limited to 1837, but was to expire so much sooner as the sums charged on it should be paid. The grant now demanded would, therefore, prolong the duration of the tax. He allowed that a rate on Middlesex for the maintenance of the city prisons, might be justifiable, but he saw no reason for charging the other neighbouring counties, which supported gaols of their own. The hon. baronet (Sir W. Curtis) should prove that the corporation of London had clean hands before they came to parliament for aid. Elder brethren of theirs had come to parliament with a similar object, whose hands were not clean. They had given a bribe of 1000*l*. to Mr. Speaker Trevor. In consequence, the Speaker was obliged to put the question of his own expulsion, and he walked out of that house. (*Hear, hear.*)

The question was then put "that the words proposed to be left out stand part of the question." The house divided,

Ayes 24
Noes 11

The main question was then put and agreed to, and the account ordered accordingly. Also, accounts, "how the said revenues have been disbursed for the like period, and distinguished under the several heads of rents and quit rents, mansion house, orphans' fund, extraordinary works, necessary charges, foreign charges, courts of conservancy, gifts and rewards, law charges, fees, pensions and liveries, bequests, insurance paid, interest and annuities, purchase of securities, royal entertainments, and prison expenses."

"Of the balances of the several accounts of cash kept in the chamber of London, on the 31st of December in each year, for the same period."

"Of the money received and paid by the chamberlain of London in pursuance of an act of the 54th year of the King, for improving the navigation of the river Thames, from the passing of the said act to the 29th September, 1817."

"Of the arrears of rents and interests due to, and of debts due by the city of London, up to Christmas last."

"Of the produce of certain estates called the

Bridge-house estates, and how the same have been disposed of, for the five years ending December 31, 1817, setting forth under what grants or other instrument the same came into the possession of the city of London, and to what uses the said estates were vested."

"Of the monies received and paid by the chamberlain of London, in pursuance of an act of the 52d year of the King, for building a debtors' gaol in Whitecross-street; distinguishing the terms on which the money was raised for the said work, the names of the persons to whom bonds were issued, the expenses that have been incurred either in purchase of lands and premises, or in alteration of buildings that were constructed, and in the enlargement thereof in consequence of deviation from the plans originally submitted to this house; distinguishing also the particulars of the solicitor's or other bills, whereby it may be seen in what manner the sum of 3000*l.* charged for parliamentary expenses, and a further sum of upwards of 3000*l.* for drawing and stamps on bonds, have been incurred."

FORGERIES ON THE BANK.] Sir *James Macintosh* rose to make a motion respecting Forgeries on the Bank of England. There was a part of his intended motion, as to the expenses of Bank prosecutions, which he should postpone till a future day, as the Chancellor of the Exchequer was not now in his place. His object was, to bring under the view of the house the evil of the great increase of crimes, arising out of the restriction of Bank payments. For this purpose, he should move for an account of the number of trials, convictions, and executions, for forgeries on the Bank of England, for 14 years previously to 1797, and for all the time since that period. These numbers, since the year 1783, were already in the hands of the house, but he was anxious to have the several periods fairly arranged, and submitted to their consideration. That the convictions and executions were fewer in earlier years, would be admitted without argument. But he could prove to the house a rapidity of increase which must surprise them. In 1812, when the question of continuing the Bank restriction was discussed, it was argued, that prosecutions were much more numerous since the restriction had been imposed. It was easily foreseen that the multiplication of small notes would afford facility, and suggest temptations, to forgery. But if any man had said that forgeries would, in consequence, be multiplied a hundred fold, he would have got no credit for his statement. Yet the fact would be found to prove, that for 14 years preceding 1797, there were only four convictions for forgery on the Bank of England; from that period to 1811, there were 448; so that the number was greatly increased, by the suspension of cash payments, and the profuse issue of Bank-notes. At this time, then, when it was to be deliberated whether the restriction should be longer continued, it was a question of great, of the very greatest importance, to ascertain at what expense of human blood the system was supported. This would be pretty nearly ascertained by the accounts he should move for, as some proportion must have existed between the number of convictions and the number of accusations. The sole object of legislation was to relieve, and to amend mankind. This object they professed to have in view in all their deliberations; yet, he feared, they were grossly inconsistent with themselves. While, by the state-lottery, and the suspension of cash payments, they encouraged and promoted desperate adventures, incurable depravity, and the most fatal crimes, no exertion of benevolence could turn the balance of account in their favour.—He therefore moved, that an address be presented for an account "of the number of persons prosecuted for forging notes of the Bank of England, and for uttering or possessing such notes, knowing them to be forged, from the 1st of January 1816, to the 25th of February 1818: distinguishing the years, the number of such offences respectively, and the number who have suffered death, or other punishment."—Also, an account "of the number of persons convicted of forging notes of the Bank of England, and for knowingly uttering or possessing such forged notes, who suffered death, for the 14 years which preceded the suspension of cash payments by the Bank in February 1797, distinguishing the years: together with the like account, from the said suspension to the 25th of February 1818."—There was another part of the subject on which information was necessary. It might be supposed that, according to the increase of forgeries on the Bank, there was an abatement of forgeries on the coin of the realm. In order, therefore, to ascertain the real increase or abatement of crime, he also moved, that an address be presented, for an account "of the number of persons prosecuted by the officers of his Majesty's mint for counterfeiting the current gold or silver coin of the realm, or for uttering the same, for 14 years preceding the suspension of cash payments by the Bank of England, distinguishing the years, the numbers convicted, and those who have suffered death or other punishment; together with the like account from February 1797 to the 25th of February 1818".

Mr. *Bennet* suggested, that the motion should be for the numbers *committed*, or prosecuted, during the several periods.

Sir *James Macintosh* acceded, and the word 'committed' was inserted accordingly.

Mr. *Grenfell* said, he should not enter into the merits of the motion, but content himself with expressing his thanks to the hon. mover for his very humane and well-timed exertions. He would only suggest, whether he might not see the propriety of moving, on a future day, for the proportion of small notes on which prosecutions had been instituted. It evidently was important to know what proportion of crimes and punishments arose from 1*l.* or 2*l.* notes.

Almost all who were convicted of these forgeries were low persons, who could not have an opportunity of committing the same crime as to notes of a higher amount.

Mr. *Lockhart* hoped, that the conduct of the hon. mover would not excite improper commiseration for criminals of this description. No temptation ought to be considered an adequate excuse for great crimes. The great profits of the Bank ought to have disposed them to encourage artists and chymists to try their ingenuity in contriving paper and colours, which could be neither mistaken nor imitated. It was a maxim allowed by all, that the greater the difficulty of preventing any crime, the severer should be its punishment.

Sir *James Macintosh* said, he should not now enter into any discussion on chymical colours: but he would say, that he was as unwilling, at least, as the hon. gentleman, to prevent injurious and improper commiseration, and as anxious to bring forward nothing that might defeat, or weaken, the just terrors of the law. The question he wished to submit for consideration was, whether the legislature had not, at the time of the suspension of cash payments, brought home temptations of guilt to every bosom. It would then be very important, in the view of continuing the restrictions, to consider whether the most desperate persons, who had forfeited their fortunes and their characters, should be left to this temptation. That no circumstances of temptation were adequate excuse for great and dangerous crimes, was a position which he did not now need to be taught; but that those who supplied the temptation shared in the guilt, was a position which he would not renounce.

After a few words from Mr. *Wharton* and General *Thornton*, in support of the motions, they were severally agreed to.

COPY-RIGHT.] On the motion of Sir *E. Brydges*, an account was ordered "of the number of folio, quarto, octavo, and duodecimo volumes or pamphlets received from Stationers' Hall by the British Museum under the late copy-right act during the last year, from 1st January to 31st December 1817, distinguishing the numbers of each size."

CONSTABLES OF WESTMINSTER.] Mr. *Calcraft* presented the report of the committee on the petition of the high constable of Westminster, and the petty constables under him. The report stated, that the committee did not think, from the evidence adduced, that the petitioners were entitled to any further remuneration for their attendance on parliament.—Ordered to lie on the table, and to be printed.

ABSENTEES.] General *Thornton*, seeing the chairman of the finance committee in his place, took occasion to ask him, whether the revenue withdrawn from this country by British subjects resident in foreign parts, had yet come under the consideration of that committee?

Mr. *D. Giddy* replied in the negative, adding, that he was not aware of any intention to bring that subject under their consideration.

HOUSE OF LORDS.

Wednesday, Feb. 25.

FINANCE COMMITTEE.] Mr. *D. Gilbert*, and others, brought up a message from the Commons, requesting that Lord Viscount Melville might attend the finance committee, to be examined as a witness. The messengers having withdrawn, Lord Melville, who was present, intimated his assent. The Lord Chancellor then ordered the members of the House of Commons to be called in again, and informed them, that the noble lord would attend.

CHIMNEY-SWEEPERS.] Earl *Fitzwilliam* presented a petition of certain inhabitants of London and Westminster against the chimney-sweepers' regulation bill.—Ordered to lie on the table till the second reading of the bill.

On the motion of Lord *Auckland*, the report of the committee of the house of commons respecting chimney-sweepers (sent up in consequence of a message moved by his lordship), was ordered to be printed.

SCOTCH BURGHS.] The Earl of *Lauderdale* presented a petition of the burgesses of Wigtoun, complaining of the present set or constitution of that burgh. His lordship stated, that, in presenting the petition, he did not pledge himself to any opinion upon the subject to which it referred.

The petition was ordered to lie on the table.

GRIEVANCES UNDER THE SUSPENSION ACT.] Earl *Grosvenor* said, he had a petition to present of Thomas Evans, late a prisoner in Horsemonger-lane gaol, one of the persons who had very properly resisted the measures taken to induce them to enter into recognizances. The petition, which was read by the clerk, and laid on the table, was similar to that presented to the commons from the same individual. (See page 377.)

INDEMNITY BILL.] The Duke of *Montrose* said, it was his duty to present to their lordships a Bill, commonly called an Indemnity Bill. It was not necessary for him to say any thing in its support in this stage. He should merely propose, that it be now read a first time. On Friday, when he intended to move the second reading, he should submit to their lordships' consideration some observations on the nature and object of the measure.

The Earl of *Lauderdale* said, he should not have troubled their lordships with any remarks on the noble duke's proposition at the present moment, if he did not conceive that it involved a question of great constitutional difficulty and importance. This consideration induced him to oppose the measure even on the first reading. From the title of the bill, as he had heard it stated by the noble duke, it appeared to be a bill for indemnifying his Majesty's ministers for every act they had done under the suspension of the habeas corpus. The bill, however, for aught their lordships knew, might extend still further. Now, what was the

situation in which their lordships were placed? They knew, by the journals of the other house of parliament, that papers had been also sent to that house, and referred to a committee. That committee had not yet reported, and their report might be such as to render any proceeding of the kind now proposed very improper to be adopted by their lordships. It surely was not known to their lordships, that the report of the commons would acquit ministers. It might prove of a very different nature. Suppose it afforded matter on which that house should think fit to impeach ministers, their lordships would then have to sit as judges on a question which they had previously determined. He reminded the house, that, on a former occasion, they had decided, in accordance with the opinion of a noble and learned lord, that they would not entertain a certain measure, because it might come before them in their judicial capacity. On the same ground, this bill was not fit to be entertained; for, if any regulating principle of their proceedings were more to be regarded than another, it was this—that the house ought never to give an extrajudicial opinion. This, then, was a question of great importance to the constitution, and, on that ground, he trusted that their lordships would be induced to delay all further proceedings, until they learned what measures might be adopted by the house of commons. If they approved of the principle of the bill proposed by the noble duke, and read it a second time on Friday next, they might be placed in the situation of assembling as judges, after they had prejudged the question on which they would be called to decide.

The Earl of *Liverpool* saw no possible ground for delay in the objection stated by the noble lord. Were it good for any thing, it would be equally good against a measure which their lordships had already sanctioned, namely, the appointment of a committee to inquire into the conduct of ministers on the papers which had been submitted to their consideration. This, it was true, was done without any knowledge on the part of their lordships as to what that committee would decide: but the objection that the house ought not to proceed to a legislative measure on the opinion of the committee, was equally strong against referring the papers to that committee, in order that they might give an opinion to the house. The committee had examined those papers with the utmost attention, and had come to an opinion, which was now on their lordships' table. In pursuance of that opinion, his noble friend considered himself bound to introduce the bill which he had presented. Whether that bill was warranted by the report, was the question to be argued on the second reading. The noble lord had put the case, that the committee of the House of Commons might come to a different conclusion from that of their lordships' committee. That was doubtless ... but the supposition afforded no reason ... the progress of the present measure; since, if what the noble earl had supposed should take place, the consequence would be, that the commons would throw out the indemnity bill when it came before them. Besides, the case was by no means a new one, and there was, in particular, on the journals of the parliament of Ireland, a recent precedent for the course now taken. The bill to indemnify his Majesty's servants for their proceedings during the disturbances in Ireland originated in the House of Lords, and it never was suggested there, that it ought to be delayed, until it should be seen what decision the House of Commons came to. It was most unreasonable to argue that their lordships ought to delay a measure which appeared to be the necessary result of the report of their committee, until the other house of parliament came to a decision. Their lordships were not bound to regulate their proceedings by that decision, of which, indeed, they could regularly know nothing, except through the medium of the votes of the House of Commons. Upon the whole, then, the noble earl had not stated any thing that should induce the house to stay the legislative measure now proposed to them. Whatever objections that measure might be liable to, would come regularly under discussion, on the second reading of the bill, on Friday next.

Lord *Holland* said, he expected that the noble duke would have stated more at length what was the nature of the bill he had presented. He, however, did not mean to occupy their lordships' time with any observations on that point. He now rose merely to notice the answer which had been given to the objection of his noble friend, who had been, it appeared, in some measure, misunderstood. His noble friend had not argued that the house could not entertain this bill. His objection merely amounted to this—that, in a constitutional point of view, it was not proper, nor prudent, to proceed with such a measure when the other house of parliament had still to decide on the question of the conduct of ministers, and when there was before that house a considerable number of petitions, complaining of highly improper and unconstitutional acts. To the argument of the impropriety of proceeding with the measure under such circumstances, the noble secretary of state had given no satisfactory answer. He had referred to one precedent, which appeared to be that which occurred in 1798, in the house of lords of Ireland: but that was the precedent of a measure which had been condemned by the first lawyers in Ireland, and in this country, and which was the disgrace of the parliament that passed it. The reference to such a precedent as that, afforded further reason for a vigilant observance of this bill, lest some of the enormous provisions of the Irish act should be included in it. Without even waiting for the report of the committee of the commons, it was possible, that a member of that house might become possessed of facts, which would enable him to lay on the table

articles of impeachment against some of his Majesty's ministers. If such a proceeding were to take place, their lordships would be reading a second time a bill for indemnifying those who were about to be accused at their bar. The noble secretary of state had reminded their lordships, that the commons might reject the bill of indemnity. Certainly they might; but then it was to be recollected, that, besides that rejection, they might also come to the bar with a solemn accusation against those whom their lordships had just declared innocent. If their lordships wished, that their acquittal should be honourable to those in whose favour it might be pronounced, they would adopt the course recommended by his noble friend. Could the people of England think an acquittal honourable and impartial, when it would appear to them that the question had been already prejudged? To delay the progress of this bill was no denial of their lordships' power to originate and pass it. All that was proposed by his noble friend was, that they should suspend further proceedings on it, until after the report of the committee of the House of Commons should be made, and that there should be no reason to suppose that any articles of impeachment would be brought up from that house.

The Duke of *Montrose* said, that the bill was of the same nature as the bills of indemnity proposed in similar cases, and he saw no reason for delaying its progress on the possibility of some other proceeding being instituted in the commons. It was impossible to tell how long they might have to wait for the decision of the other house; and, upon the same principle, the whole session might be allowed to pass away before the bill was read. He could not, on such grounds, consent to the house depriving itself of the opportunity of proceeding with a measure which they had an unquestionable right to institute, and the propriety of which appeared to him equally undoubted.

Lord *Holland* moved, that instead of the word "now" for the first reading, the words "this day se'nnight" be inserted.

The question was put, that the word "now" stand part of the question, which was carried in the affirmative.

The bill was then read a first time, ordered to be printed, and to be read a second time on Friday.

HOUSE OF COMMONS.

Wednesday, Feb. 25.

WATCHMAKERS.] The following petition of watchmakers in Aberdeen was presented, ordered to lie on the table, and to be printed. "That the petitioners are under the necessity of complaining to the house of a grievance which they suffer in being subjected to the payment of the plate licence duty of 4*l.* 12*s.* per annum, and the only article of plate connected with their trade is the case of the watch, and this article pays a duty to government on being manufactured in London before it comes into their possession, while silversmiths and dealers in silver plate pay only the same licence; the consequence is, that silversmiths now deal in watches, and, as they pay only the same licence duty for all kinds of silver plate as the petitioners do for watch cases, they are enabled to sell watches at a cheaper rate, and have by that means engrossed the trade; the country is now nearly filled with watches, and the principal demand for some time past in Scotland has been from labourers and farm servants, but owing to the pressure of the times, and particularly to the circumstance of the wages of this description of persons being now reduced to about one third part of what they were formerly, the demand has very much decreased, and it is a fact that not one of the petitioners can now gain so much from the sale of watches in the course of a year as would pay the annual licence of 4*l.* 12*s.*; that this tax is unequal, and peculiarly oppressive on the petitioners and watchmakers in general, must also appear from the circumstance that each of them is obliged to pay an annual licence duty equal to what can be exacted from the most extensive silversmith and dealer in plate in the city of London, and should this tax be persisted in, the petitioners must inevitably give up the selling, and confine themselves to the repairing of watches; as this tax bears so hard on watchmakers, and particularly on the petitioners, and as it yields a mere trifle to government, they trust that the house, on taking the grievance into consideration, will see sufficient cause for repealing the act granting the plate licence duty in so far as it affects watchmakers; may it therefore please the house to take the matter into consideration, and repeal the act allowing the plate licence duty in so far as it affects the petitioners and watchmakers in the kingdom."

Mr. *P. Moore* then moved, that a select committee be appointed "to consider of the laws relating to watchmakers, and to report their observations and opinion thereupon, and the minutes of the evidence taken before them to the house."—The motion was agreed to, and Mr. P. Moore, Mr. Butterworth, Sir W. Curtis, and several other gentlemen were named on the committee. The report presented to the house on the 11th of July 1817, was ordered to be referred to them.

PRIVATELY STEALING.] Sir *S. Romilly*, after having moved that the act of the 10th and 11th of William III. c. 23, intituled, "An act for the better apprehending, prosecuting, and punishing of felons that commit Burglary, Housebreaking, or Robbery in Shops, Warehouses, Coach-houses, or Stables, or that steal Horses," should be entered as read, stated, that he rose for the purpose of moving for leave to bring in a bill to repeal so much thereof as takes away the benefit of clergy from persons privately stealing goods in any Shop, Warehouse, Coach-house or Stable. It would not be necessary for him to trouble the house at any length, because their opinion on this subject had already been strongly expressed. The bill for which

he was about to move, had passed the House of Commons four times; twice in the last parliament, and twice in the present. On the last occasion, the bill passed without any opposition whatever; he might therefore say, unanimously; yet it was in each instance rejected by the other house. In proposing an alteration of the law, it would be proper to take a view of what the state of it really was, according to the mode in which it was at present administered. This might best appear from the returns of the number of criminals apprehended, tried, convicted, and executed. In the course of 12 years, from 1805 to 1817 inclusive, 655 persons had been indicted for the crime of stealing privately in a shop property to the value of 5s. Of these, 177 were acquitted; 113 were capitally convicted, and not one was executed. In the remaining 365 cases, the jury, either finding that the property was not of the value of 5s., or that it was not stolen privately, acquitted the prisoners of the capital part of the charge, but found them guilty of simple larceny. It was evident, therefore, either that these 365 persons had been improperly charged with a capital offence; or that the juries, influenced by feelings of humanity, had, in so many instances, violated their oaths. It was true, there were high authorities in justification of this kind of pious perjury, as Mr. Justice Blackstone was pleased to call it. That learned judge had stated, that the mercy of juries would often make them strain a point, and bring in larceny to be under the value laid in the indictment, when it was really of much greater value. In such cases, (he adds) considering the great intermediate alteration in the price or denomination of money, the punishment of death is undoubtedly a very rigorous law, and made Sir Henry Spelman, (above a century since, when money was at twice its present rate) complain, that while every thing else was risen in its nominal value, and become dearer, the life of man had continually grown cheaper. (*Hear, hear.*) This practice, however, of acquitting criminals, with a view to save them from the severity of the law, had a most immoral tendency, and he (Sir Samuel Romilly) contended, that it was the duty of the legislature to remove all temptations to it. By the mode in which the law had been recently administered, the crime of shop-lifting had gone on increasing in a regular progression. The extraordinary severity of the law often prevented persons, whose property was stolen, from prosecuting; but, if the punishment of death were taken away, that unwillingness to prosecute would be removed, and, consequently, prosecutions would multiply, and the sentence of the law be carried into force. In considering this subject, it was important to direct the attention of the house to other branches of the criminal law, in which it would be seen, that, under the operation of severe enactments, the crimes intended to be checked had greatly increased. He alluded to the offence of stealing to the amount of forty shillings in a dwelling-house, and still more to those of fraudulent bankruptcy and forgery. With respect to the former, those who were acquainted with the bankrupt laws must know what a number of fraudulent cases had occurred, particularly during the last forty years. By the 5th of George II., c. 30., any bankrupt who refuses or neglects to surrender to his commission, or who conceals or embezzles his effects to the value of 20*l.*, is guilty of felony without benefit of clergy. This was a crime for which it had been long understood, that no mercy was to be expected from the crown. It had been thought, that the interests of trade required, that this law should be most rigorously enforced, and there was only one instance of a person (of the name of Bullock) convicted of it being pardoned, and that under very peculiar circumstances. But the consequence of this had been, that though the crime was very common, convictions of offenders were extremely rare. During a period of 85 years, he believed there had been only four instances of conviction for fraudulent bankruptcy. While the punishment was so dreadful, men were unwilling to prosecute. Creditors were often defrauded, but they came to a determination to leave their debtor to enjoy complete impunity, rather than take the alternative of proceedings which might lead to the shedding of blood. (*Hear.*) But he was satisfied, that if the punishment were less severe, the number of those who committed such frauds would be considerably diminished. The offence of Forgery had also greatly increased—perhaps by the long existence of so much paper currency, not merely of the Bank of England, but of other bodies, and the general augmentation of the number of paper securities. By a multitude of statutes, the greater part of which had been passed during the present reign, this crime was declared to be felony without benefit of clergy; and, in almost every case, the law had been carried into execution. The severity of the law had not, however, caused a diminution of the crime. On the contrary, the crime had greatly multiplied, and he was persuaded, that its frequent punishment by death, excited a strong feeling of compassion on the part of the public towards the sufferers. Indeed, some recent examples of this punishment had made a deep impression on the public. That day se'nnight two women had been executed for forgery, and that very morning two boys, one 16 and the other 17 years of age, would have been executed for the same crime, had it not been for the exertions of a worthy magistrate and an hon. friend of his, (Mr. Alderman Wood, and Mr. Bennet) who had detected a conspiracy for the purpose of their seduction, and who had successfully pressed a recommendation for a suspension of their punishment. Was it possible that such spectacles as these could have any other effect than to produce, not obedience to the law, but compassion for those who transgressed it? If the sanction of the law was insufficient to prevent the crime, it was calculated to produce the worst

effects. There was not only the loss of lives, but the deterioration of moral feeling, which such exhibitions were calculated to occasion. It was the duty of the legislature to inculcate respect, and not disregard, for human life. This sentiment had been much better expressed by Mr. Burke, in speaking of the punishment of a great many persons for political crimes. "Such executions," said Mr. Burke, "only increase the ferocity of men, and teach them to regard their own lives and the lives of others as of little value; whereas, the great policy of government is, to teach the people to think both of great importance in the eyes of God and the state; and never to be sacrificed, or even hazarded, to gratify their passions, or for any thing but the duties prescribed by the rules of morality, and under the direction of public law and public authority." Before he sat down he begged leave to say a few words on a public spectacle, which had been within a few days made at Newgate, of a wretched man who, being accused of murder, had destroyed himself. It was stated in the newspapers of the day, that the mangled and bloody corpse had been exhibited in an elevated situation, with a small gallows erected over it, to which was appended the instrument of destruction. Such a horrid exhibition, he was persuaded, was calculated to produce the most mischievous consequences on the men, women, and children, by whom it was beheld. There was no authority for it. All that it was justifiable to do with the body of a man on whom a coroner's jury had pronounced a verdict of self-murder, was, to bury it without the rites of the church. But it was a grave matter of complaint, that a sheriff, or any other person, should take upon himself to pronounce an individual under such circumstances guilty of another crime, for which he had not been tried (however evident his guilt might appear), and to cause his exhibition in so hideous a form, and in a way so disgraceful to the character of the country, and so injurious to the morals of the people.—The house would well remember the strong and impressive manner in which a late right hon. gentleman of distinguished talents (Mr. Sheridan) had reprobated a similar scene that was allowed to take place a few years ago. (The case of Williams, the supposed murderer of the family of the Marrs.) Such disgraceful exhibitions deserved to be noticed, and he trusted that they would not occur again.—The hon. and learned gentleman concluded, by moving for leave to bring in the bill, repeating his conviction, that the substitution of a milder punishment than that of death, would tend more effectually to prevent the crime of larceny in Shops, Warehouses, Coach-houses and Stables *.

* By the 8th of Elizabeth, c. 4. the offence of privately stealing from a man's person, as by picking his pocket, or the like, (to the value of 12*d.*) was punishable by death. Ten years ago, Sir Samuel Romilly brought in a bill to abolish this offence, and substituted in its place a new offence, one of a much wider description, and which was intended to comprehend a much greater number of cases, namely, that of stealing from the person, whether privately or not. The reason for thus altering the description of the offence was, that the privacy of the stealing requisite to bring the act within the statute, though it did not in truth constitute the heinousness of the crime, had the effect of greatly confining the operation of the law. If the person robbed perceived the theft while it was committed, the Judges held, that it was not done privately; and, in many instances, the very effrontery with which the crime was committed, protected the delinquent from the more severe punishment which the law had appointed. The difficulty of bringing a case within the statute was such, that, though the crime of picking pockets was frequent, prosecutions, or at least convictions upon the statute, even if there had been no reluctance in prosecutors, or juries, to do their duty, never could be very numerous. To remedy these defects in the law, the statute of 48 Geo. III. c. 129, was brought in by Sir Samuel Romilly, and was altered to its present form at the suggestion of Sir Thomas Plumer. It enacts, that persons feloniously stealing from the person, whether privily or not, but without force or putting in fear, and all present aiding or abetting, shall be punished, at the discretion of the court, with transportation for seven years or for life, or imprisoned, or confined to hard labour for a period not exceeding three years.—Sir John Silvester, the recorder of London, in his examination before the select committee appointed by the House of Commons to inquire into the state of the police of the metropolis, (June 19, 1816) stated, that "one cause of the increase of felonies is owing to the capital part being taken off from the privately stealing from the person;" and he added, in proof of this assertion, "that there are now many more prosecutions for that offence than formerly."—Sir Samuel Romilly, however, in his examination before the committee, (June 25, 1816) observed, that "he did not believe that the repeal of the act of Elizabeth had caused any increase of the crime; on the contrary, he believed, that as far as it had had any operation, it had prevented the commission of the crime.—The mode in which it had been attempted to prove that the crime had been increased, was, by shewing that there had been a greater number of prosecutions for the offence since, than there was before the capital punishment was abolished. An increase, however, of prosecutions does not of itself prove an increase of crimes. It appeared somewhat a strange mode of proving that any measure had failed of success, to shew that it had produced the very effects which were expected from it. If of 100 offences committed before the repeal, only 10 were the subject of prosecution, an increase of the crime would not be proved by shewing that the prosecutions had increased from 10 to 90.—The consequence of this alteration of the law has been, not only to remove the unwillingness of prosecutors to indict, but to bring within the aggravated crime described in the new statute, a very great number of offences, which even the most willing prosecutors never could have charged as a capital crime, or any otherwise than a simple larceny. Nothing, therefore, can be more calculated to deceive, than to compare the number of persons indicted since the act of 1808, for stealing from the person, with those indicted before the passing of that act, for stealing *privately* from the person. They are quite different offences."

Mr. *John Smith* said, he did not wish to state any thing that might take off the effect of what had fallen from the hon. and learned gentleman. Circumstances enabled him to confirm what he had said on some points, especially as to only four convictions under the bankrupt laws. The instances of concealments fraudulently made in bankruptcy were, indeed, innumerable. As to the crime of forgery, it had increased during the last four or five years; and several persons were now waiting to take their trial for that offence. He believed that neither the house, nor the country at large, were aware of the numerous offences of this kind that were compromised and hushed up. Bankers were perpetually liable to the effects of this crime. They had, indeed, formed an association, and appointed a solicitor for the prosecution of offenders; but they were very often moved by pity, and acted contrary to the principles of their society.

Sir *John Newport* thought, that no stronger proof was necessary, to shew the solidity of his hon. and learned friend's views, than the statement of such numbers of offences being hushed up. He hoped that his hon. and learned friend would persevere in bringing such matters to a conclusion; and he trusted, that noble and learned persons would be induced to pause, before they rejected such important measures.

Leave was then given to bring in the bill.

PERSONS ARRESTED FOR TREASON.] Sir *William Burroughs* moved an address, "For a return of all persons arrested, committed, or detained on treasonable charges in the year 1817; distinguishing such as were committed on charges of high treason from those committed for suspicion of high treason or for treasonable practices; and also distinguishing such as were committed by warrants issued by his majesty's secretaries of state from those committed by justices of peace; together with the names, additions, or descriptions of the said persons, their occupations, ages, and places of abode respectively, at the times of their being arrested, as far as the same are known; and a return of the different prisons to which they were first committed and afterwards removed, and of the authority or orders by which such of the said persons as were not brought to trial were released from confinement: together with the respective dates of their arrest and release; distinguishing such as were required to enter, and did actually enter, into recognizances before justices of peace for their appearance after being released, and such whose recognizances were afterwards vacated, and the dates of their being so vacated, at the desire or on the motion of his majesty's attorney-general."—Ordered.

CLERK OF THE PARLIAMENTS.] Mr. *Macdonald* asked, why a new writ had not been moved for Southampton, in the room of George Henry Rose, esq. who had accepted the office of clerk of the parliaments, and who had actually appointed a deputy to execute the office?

Lord *Castlereagh* replied, that the fact of Mr. Rose's having accepted that office was not before the house.

Sir *M. W. Ridley* rose, and moved a new writ.

After a few words from Mr. Tierney, and Mr. Curwen, Lord Castlereagh moved, that the discussion on this point should be adjourned till Friday. At present, there was no document before the house on the subject.

Sir *J. Newport* observed, that when a member accepted the Chiltern hundreds, no document was required. Here it was notorious, that the individual in question had accepted the office, and had appointed a deputy.

The *Chancellor of the Exchequer* observed, that this was only surmise. Would the hon. member who moved for the writ, take on himself to say, on his own knowledge, that Mr. Rose had performed any act in the execution of the office of clerk of the parliaments?

Sir *M. W. Ridley* acknowledged that he was not prepared to take on himself this responsibility; but he had been informed, on good authority, that Mr. Rose had appointed a deputy. Mr. Rose's name was in the patent for the reversion of the office in question.

Lord *Milton* recollected, that when the present Lord Lindsey was member for Staffordshire, a new writ was moved for General Bertie, who had become Earl of Lindsey. A doubt, however, arising, whether he would actually succeed to the title, the writ was superseded, and no injury was done to the representation. But, in the present case, the house was actually deprived of the representative for Southampton, who must be presumed to have accepted the office of clerk of the parliaments, as his name was inserted in the patent for the reversion to that office.

Mr. *Abercromby* said, that, under the circumstances which had been stated, he would recommend his hon. friend to allow the matter to stand over till Friday next, in order that it might be ascertained, in the mean time, whether Mr. Rose had accepted the office. (*Hear, hear.*)

The question was put from the chair; and it was carried, that the debate should be adjourned till Friday.

Mr. *Macdonald* then moved, that the speaker do issue his warrant to the clerk of the crown for a new writ for a member to serve in this present parliament, for the borough of Christchurch, in the room of the late George Rose, Esq. Ordered.

PARDON OF CONSPIRATORS.] A Member said, that seeing a right hon. gentleman (Mr. Bathurst) in his place, he wished to inquire, whether there was any truth in the information which he had lately received on visiting Newgate, namely, that Brock, Power and Pelham, three men capitally convicted, about a year and a half ago, of being accessories before the fact to coining, had been discharged on a free pardon (*hear, hear*)? If this was the case, he wished next to ask the right hon. gentleman, whether he had any objection to the production of the opinion of the judges on which a free pardon was granted to

those men? The house would recollect, that, about eighteen months ago, three poor Irishmen were convicted of coining, and that it afterwards turned out, that these poor men were employed by Brock, Pelham and Power, who set them to work, for the purpose of procuring their conviction. Brock, Pelham and Power were then tried, and convicted of being accessory to coining before the fact. But he understood, that a doubt had arisen in the mind of some of the judges, on the trial of a police officer (Vaughan) for a similar offence, whether, as the law stood, a person could be convicted of being accessory before the fact to coining; and the point was accordingly reserved for the opinion of the twelve judges. His only object now, was to obtain satisfactory information with respect to the ground on which those blood-hounds had been let loose on the public to commit similar crimes (*hear, hear, hear.*)

Mr. *Bathurst* said, the hon. gentleman had stated the result in this case quite correctly. It had been found by the twelve judges, that, as the law now stood, it was impossible to convict those persons of the offence for which they were tried. The law officers of the crown, how greatly soever they might wish such criminals to suffer the execution of the law, had found that they could not be brought to punishment. He was glad that this matter had now been agitated, as it was desirable that the public should know the ground on which those persons had been liberated. At the same time, he begged to state, that the law-officers had been desired to take into consideration the necessity of introducing an act for the amendment of the law in that particular. With respect to the opinion of the judges, on which those men had received their pardon, it did not exist in such a shape as to be laid before the house. This was all the explanation which he was enabled to give to the statement of the hon. member.

Sir *Francis Burdett* conceived, that in a matter of such consequence as the pardon of these wretches, it was highly proper that the opinion on which it was granted should be produced to the house. He apprehended, that, without an opinion of the judges distinctly pronounced, the ministers of the crown had no right to advise a free pardon. He trusted, therefore, that the pardon in some shape or other, and the opinion of the judges, would be laid before the house.

The *Attorney-General* begged to state the particulars of this case. A police-officer of the name of Vaughan, who was prosecuted for the crime of being accessory to coining before the fact, having been found guilty, the point whether, as the law stood, a person could be so convicted, was reserved for the opinion of the twelve judges, and, in the meantime, certain other persons, who stood in a similar situation, were prosecuted, and found guilty. The case of the first of these persons, and not that of Brock, Pelham, and Power, came to be argued before the twelve judges in the exchequer chamber, and the judges thought, that the facts charged did not amount to the crime imputed to him. Though the case of Brock, Pelham, and Power, had not been argued before the judges, it was exactly of a similar nature with the other, and it was deemed advisable, that a pardon should be extended to them. The person whose case had been argued before the twelve judges had also been convicted on a charge of a different nature, of a conspiracy to procure the commission of certain crimes; but Brock, Power, and Pelham had only been convicted of the crime which he had already mentioned. He had since applied his mind to the subject, but he found some difficulty in framing an act to reach such cases. The prosecution against Brock, Power, and Pelham, had been carried on by the city of London with great assiduity; and, with respect to the law officers of the crown, he could assure the house, that there never existed a more serious and anxious desire of bringing persons to justice. (*Hear, hear, hear, hear.*) But, when the law came to be discussed, and most ably and gravely it was discussed, some very nice points arose, and the learned judges were of opinion, that judgment could not be executed. The offence was enormous, and could not fail of being held in the greatest abhorrence. The persons, he admitted, deserved to suffer the most condign punishment, but the law was defective; and, under such circumstances, they were pardoned.

Lord *Stanley* was proceeding to offer some observations, when

Lord *Castlereagh* rose to order. There was no motion, he said, before the house; and no benefit could arise from prolonging the conversation.

Mr. *Brougham* said, he was not satisfied with the explanation which had been given respecting this extraordinary case. It had been stated, that Brock, Power, and Pelham, had received a free pardon; but he wished to know, whether they were not to be indicted for a conspiracy to seduce the poor Irishmen to commit a capital offence?

Mr. *Bathurst* said, it was not in his power to give any further explanation on the case of these persons.

Lord *Milton* wished to know, in what manner this case had come before the twelve judges. He conceived this to be a most important point, and it ought to be distinctly stated.

The *Attorney-General* observed, that on the trial of Vaughan, an objection had been taken on a point of law, and this point, the learned judge who presided on the trial, reserved for the opinion of the twelve judges. The opinion of the twelve judges, after hearing counsel on this point, was what he had already stated.

Lord *Milton* asked, whether he was to understand that the point had been reserved in the case of these three persons? (*No, from the ministerial bench.*) Then he was to understand, that the point had been reserved on the trial of another person, and that the case of these persons was

so similar to that in which the twelve judges had given their opinion, that his Majesty's ministers, without any point being reserved in their case, had advised a free pardon to be given to them. It struck his mind that they had acted rather precipitately in this case.

The *Attorney-General* said, it was considered that the first decision decided also the second case. Under these circumstances, it became the duty of those who were concerned for the crown to take care that the sentence of the law, in the case of Brock, Pelham, and Power, should not be carried into execution, however they might abhor the crimes of which those persons had been convicted.

Sir *F. Burdett* was about to offer his opinions on this case, when

The *Chancellor of the Exchequer* rose to order.

Sir *F. Burdett* said, the right hon. gentleman would not gain any thing by this mode of proceeding; for, in a very few words, he could make a motion which would detain the house more than two hours. He wished to know why those persons had not been indicted for a conspiracy to take away men's lives for money?

Mr. *Bathurst*, in reply, stated, that he had given all the information in his power.

USURY LAWS.] Mr. Serjeant *Onslow* gave notice, that on the 8th of April next, he should submit a motion to the house, respecting the laws which prohibit the taking of interest for money, or limit the rate thereof.

CORONERS' REWARDS BILL.] Mr. *Mellish* moved the second reading of this bill.

Mr. *Dickinson*, Mr. *Curwen*, and Mr. *Shaw Lefevre*, contended, that an increase of allowance to coroners was unnecessary, and highly objectionable.

Mr. *Mellish* argued, that the allowance to coroners was at present very inadequate.

Mr. *P. Moore* perfectly concurred with the hon. gentlemen who had preceded him; and, to prevent any further discussion, he moved, that the bill be read a second time on this day six months.

General *Thornton* rose to second this motion. Two years ago, he found that inquests had been holden without any occasion for them, and that the county of Middlesex had been subjected to very unnecessary charges. If this bill were suffered to pass, the same sort of practice would be carried into other parts of the country.

The question was then called for, and strangers were ordered to withdraw.

On a division the numbers were—

For the second reading . . .	13
Against it	30
Majority	17

The bill was thus lost.

EXCHEQUER BILLS.] An account was presented "of all interest paid on exchequer bills in three years, ending the 5th of January 1817, distinguishing each year, with the average thereof."—Ordered to lie on the table, and to be printed. (See the Appendix.)

REPORT OF THE SECRET COMMITTEE.] Mr. *Macdonald* rose, and begged to ask a question of the right hon. gentleman opposite (Mr. Bathurst) whether the report of the secret committee would be presented this evening?

Mr. *Bathurst*, in reply, said, that a point had arisen late in the day, which had prevented the committee from coming to a conclusion. He thought it probable, however, that the report would be presented at the next sitting of the house.

HER MAJESTY'S BIRTH DAY.] On the motion of the *Chancellor of the Exchequer*, it was ordered, that the house should adjourn over to-morrow, it being the day appointed for the celebration of her Majesty's birth.

HOUSE OF LORDS.

Friday, Feb. 27.

GRIEVANCES UNDER THE SUSPENSION ACT.] Earl *Grosvenor* presented a petition of Samuel Bagguley, of Manchester, complaining of his treatment under the act for suspending the habeas corpus. It was to the same purport as that presented to the commons on the 16th instant. (See page 411.)

INDEMNITY BILL.] Lord *Holland* presented a petition, purporting to be from the lord mayor, aldermen, and livery of London, in common hall assembled, praying that the bill of indemnity might not pass into a law. His lordship said, the petition was signed by the lord mayor, two aldermen, and twelve common-councilmen, which, he understood, was the number requisite to constitute a common hall of the city of London.

The *Lord Chancellor* observed, that the petition could only be received as the petition of those who had signed it.

The petition was read, and ordered to lie on the table, merely as coming from the lord mayor, the two aldermen, and the twelve common-councilmen who had signed it.

The Duke of *Montrose* then said, that in rising to move the second reading of the bill of indemnity, it appeared to him necessary, as a justification of the measure, to refer to the circumstances which had caused it to be brought forward. In doing this, he should have to trouble their lordships by recalling to their recollection what had been the situation of the country during the last session, and for some time previous to its commencement. He might, perhaps, by some, be thought to deviate from the object under consideration, by the period to which he was disposed to trace back the circumstances which had rendered the measures adopted in the last session necessary: but he could not refrain from referring to the alarming symptoms of disorder which had prevailed in some parts of the country for several years past. Their lordships were well aware of the atrocious transactions which

took place in the disturbed districts of Leicester and Nottingham, where the destruction of frames and houses, and the perpetration of murder, were carried on by a regular system, to the astonishment and terror of the country. Many of the persons, who had suffered for these crimes, had confessed, that an organized plan had existed for destroying frames and other property, and that even a price was put upon men's lives. It had been acknowledged, that there was a plan for shooting the judge (Mr. Justice Graham) upon the circuit, and that money had actually been raised for carrying that plan into effect. While these alarming symptoms prevailed, clubs of various names and descriptions, and union societies, had been formed in different parts of the country, under the pretence of seeking a reform in parliament. These clubs communicated with each other, and with associations of the same kind in London. They even appointed delegates to assemble in the metropolis. The institution of these clubs was followed by public meetings held in different quarters of the country, at which the most inflammatory and seditious language was used. Having reminded their lordships of the situation of the country under this dreadful system, he now came to that recent period which had been unfortunately marked by the loss of trade, and the decline of manufactures. There was then no regular employment for that useful class of men, the agricultural labourers. Many of the country banks had stopped, the farmers had no sale for their produce, and, consequently, were no longer able to pay their rents. At that most extraordinary and distressing period, meetings of the nature of those to which he had already adverted took place in the metropolis, and various parts of the country. Their lordships would recollect the two which had been held in Spa-fields. The second of these had led to robbery and assassination, if not to high treason. That alarming disturbance was soon followed by the atrocious insult and attack on the person of his royal highness the Prince Regent, which took place while he was in the act of proceeding to exercise his royal functions in that house. After that transaction, their lordships and the other house of parliament thought fit, in consequence of the general state of the country, to appoint a secret committee, to inquire into and report on the evidence laid before them. The opinion of those committees had been solemnly recorded and sanctioned, and, upon their report, a bill was introduced and passed for suspending some part of the act of habeas corpus, namely, in its application to the apprehending of persons charged with designs against his Majesty's person and government. That bill was opposed, and underwent much discussion. It was asserted, that the existing laws possessed sufficient strength and energy to protect the constitution; and it was asked, why resort to the measure then proposed, when the disturbances complained of could be suppressed without it? His answer was, that those who proposed the suspension of the habeas corpus were not afraid of the constitution. They did not apprehend that the constitution would be overthrown. They had no fear that their lordships would be interrupted in the exercise of their functions, or that the succession of the throne in the house of Hanover would be altered. All the fear which the supporters of the bill had, was for what might befal the unfortunate persons, to guard against whose misconduct its provisions were framed. It was for the sake of those infatuated men, for the sake of humanity alone, that the suspension of the habeas corpus act had been proposed. And here he would ask their lordships, as a noble lord had emphatically asked when the bill was in progress in that house, whether they did not think it better to prevent crimes than to punish them? His noble friends were perfectly sensible, that, in the ordinary state of the law, they could have put down every disturbance which had taken place. They could have easily employed force enough for that purpose; but, then, it must have been employed at the expense of thousands of lives. Their lordships, therefore, passed the act for suspending the habeas corpus on the ground of humanity, as well as for securing the peace and tranquillity of the country. With a view to those objects, it had appeared to them indispensably necessary; and, in passing it, they must have looked forward to the introduction of the present bill, which was the natural consequence of their agreeing to suspend the habeas corpus act. The present bill was merely a corollary deduced from that which had preceded it. Their lordships had hoped, that the first act for suspending the habeas corpus, which had been passed during the last session of parliament, would have been sufficient to restore tranquillity to the country; but, in this, they were disappointed, and it had been found necessary to renew it. Public meetings, of a seditious and inflammatory tendency, continued to be held; and one, in particular, of a very alarming description, took place at Manchester. At that meeting, it was proposed to petition the Prince Regent; but the petitions were not to be conveyed to the foot of the throne in the usual manner: they were to be carried up to the metropolis by large bodies of persons, who evidently intended to seek their object, not by prayer, but by alarm, or force. What would have been the consequence, had those men been permitted to proceed on their march from Manchester? They would, in all probability, have committed numerous robberies and murders on their way; and it was impossible to foresee what mischief might have been the result of their project, had they been suffered to come near the metropolis. He did not wish to rest the introduction of the present bill on precedent; the ground on which he proposed it was, necessity. Their lordships could not avoid passing it: for, as the circumstances to which he referred justified what had already been done, this measure must necessarily follow. Their

lordships were called upon to pass the bill in justice to his Majesty's ministers, and the magistrates who had acted upon the suspension of the habeas corpus in the disturbed districts, and to whom, in his opinion, the thanks of parliament, and of the country, were due. If their lordships did not pass this bill, they would never again have the opportunity of preventing insurrection. They might, indeed, put it down, when it broke it; but that suppression could only be accomplished by a military force, and by means, perhaps, of an enormous waste of human blood. From the papers which had been laid before the committee, he was certain that the magistrates had performed the duties which were imposed upon them with the greatest prudence and humanity. (*Hear, hear.*) He doubted whether all the persons who ought to have been apprehended had been taken into custody, and detained. (*Hear, hear, hear.*) Some of their lordships might be surprised at this observation; but, if they had examined the papers as he had done, they would be of the same opinion. He should not trouble their lordships with any further observations, conceiving that the circumstances which he had recapitulated sufficiently proved, that the proposed measure was one which they were bound to sanction.

The Marquis of *Lansdowne* said, he did not rise for the purpose of attempting to persuade their lordships to reject this bill, but to call their attention to its character and extent, which were eminently deserving of consideration. Affecting as it did the rights and properties of the people, it inflicted, in conjunction with the bills of last session, a serious wound on the constitution. He was, therefore, of opinion with the noble duke, that it was impossible to separate the consideration of the present bill from those which had passed last session. But, notwithstanding what had been said, he could not believe that the noble duke intended to maintain that the passing of the present bill was a necessary consequence of the suspension of the habeas corpus act. The noble duke, surely, could not think of supporting that proposition. Were it possible to conceive that the present bill could be regarded as a necessary consequence of those which had been passed in the course of last session, it would then be no profitable employment of their lordships' time to consider what had been done under those acts, which, however, the noble duke had thought a fit subject of discussion. But, if it really were intended that the present bill should be a consequence of the measures of last session, would it not have been more candid and manly to have said so when those measures were introduced? No such declaration had, however, been made. On the contrary, their lordships, at that time, heard nothing from ministers but repeated boasts of their responsibility. According to the noble duke, however, nothing was more distant from their minds, than that they should be responsible.

The Duke of *Montrose* rose hastily, upon which there was a call of *Order, from the opposition.* The noble duke said, he meant to explain, and that the present appeared the most proper time for what he had to say. The words he had used did not go to the extent to which the noble marquis had interpreted them. Their lordships had passed a bill, in the hope of avoiding the necessity of proceeding further. If their lordships had not approved of the conduct of ministers, they would not have invested them with the same powers by a renewal of that bill. Though the present measure was, according to his view, a necessary consequence of those passed in the last session, it was not strictly so, unless the house approved of the conduct of ministers.

The Marquis of *Lansdowne* said, he believed that the expression of the noble duke was, that the bill was a corollary of those which had preceded it. Certainly, it was not what he should call a corollary, nor did he understand how the noble duke could so call it, if it was to depend upon the conduct of ministers.

The Duke of *Montrose* begged that he might not be represented to have said what he did not mean to say. He did not use the word corollary in the sense imputed by the noble marquis: all he meant to state was, that if the ministers had acted upon the measure of the last session, and acted properly, that an act of indemnity ought to be a necessary consequence.

The Marquis of *Lansdowne* resumed, observing, that with respect to the definition of the term corollary, he did not exactly agree with the noble duke: he attached a different meaning to it. He was ready to admit, that, if the measures of last session had not been acted upon, there would have been no need of this bill, as a consequence, or corollary, of any sort from the former. It would, however, still be necessary for their lordships to inquire into the state of the country, both before and after those acts were passed, in order to ascertain how far it was proper to press the bill before them. The grounds on which the former bills had been passed were stated in the reports. It was asserted, that a spirit of sedition and insurrection prevailed throughout the country, and that there existed plans in the metropolis, in the midland counties, and in Scotland, for resisting the laws, and overturning the constitution, by violence. Now he maintained, that unless this intended violence was not only proved, but proved to have existed to such an extent that the ordinary laws of the country were incapable of overcoming it, all the pretences which had been alleged for suspending the habeas corpus act were unsound and fallacious. With respect to the state of the metropolis, the report recently laid before their lordships said little, though from what was said in it, as well as from what had been said in former reports, some inference bearing on the present measure might be drawn. He was willing to give his concurrence to that part of the report which stated, that there were still some disaffected persons engaged in

projects in London. He was not only bound to make this admission, because the statement had his concurrence, but because it formed a part of the grounds of his objection to the measures which had been adopted, as well as to that now proposed. Their lordships must perceive, that if there really existed in London such a disposition, those who cherished it must, indeed, be very few in number. It had produced no effect; and, notwithstanding the powers given to the noble secretary of state, and his vigilance in detecting treason, he had found no persons whom he thought so dangerous as to render their arrest necessary, except the two Evanses, the Spencean philosophers. All the other leaders of the disaffected in London had been allowed to prosecute their dangerous projects without any interruption. The case to which the late measures had been applied, was one of leaders without followers; and not that to which alone a measure of suspension could be properly applied, a case of followers without leaders. How a suspension of the habeas corpus act could deprive leaders of a body of followers, he would leave their lordships to conjecture. If there had been leaders, they would have been able to effect something. Every advantage they could desire had been offered to their designs. During a year of unparalleled distress, they had repeated opportunities of working on the passions of the people of London. But, after all, they had been able to effect nothing; every day saw them with diminished hope, and diminished forces: and when it was most important for them to call their ranks together, they could never, at any one point, muster more than 50 or 100 individuals out of a population of 800,000 people. He mentioned this as most decisive of the weakness of those persons to whom so much power to produce mischief had been imputed. He mentioned it as most decisive of the state of feeling in the population at large; because, if any experiment could be tried on the temper of society, (he was far from wishing that any such experiment should be tried), none could have afforded a more decisive result than this, where mischievous men had been at work through a whole year of great public distress, and, at the end of it, were found to have failed in producing any effect from all their machinations. But it was perfectly true that there had been, and might still be, persons actively employed in diffusing violent and erroneous opinions; and it was singular, that the persons most actively employed, as mentioned in the two reports of last session, were incapable throughout of proportioning the means to the end; they never once appeared to consider with what insufficient means they thought to compass their projects. In all the circumstances, in all the bearings of these proceedings, it would have been much more effectual, if parliament had conferred the extraordinary powers on the governor of Bedlam, rather than consign the objects of their fears to his Majesty's prisons; and so much easier would it have been to convict them of madness than of treason, that it would never have been necessary for Dr. Monro to call on the house for a bill of indemnity. (*Hear, hear.*) This, then, was the case of the disturbances that had taken place in London.—He should now come to the case of the midland counties, as set forth in the reports of the last year, and of the present session. In the midland counties, as elsewhere, (notwithstanding the state of London was such as he had just shewn), it was generally believed, that a large body of people were ready to co-operate with any who should join them. How that belief obtained ground he would not now discuss. That it had been produced, in Yorkshire especially, by that delegate from London, better known by the name of Oliver (*hear, hear*), was undoubtedly true; but, to what extent other parts of the kingdom had been misled by inflammatory speeches, and the writings of persons resembling madmen, (for madmen they did resemble), what portion of the expectation was derived from the latter, and what from Oliver, he could not pretend to say. He certainly was bound to state that Oliver exceeded his instructions; and he wished their lordships to observe this, because the evidence which shewed the improper instigation of Oliver, was of the same nature as that on which several persons informed against by Oliver had been arrested, and if there was any objection to the one, the same objection must apply to the other also. In both cases, the evidence was that of parties concerned in the transaction. But, after all, what was the extent of the disturbances that occurred in those counties? Their lordships would read, in the report of the committee, a detail of what took place near Derby, and of the insurrection that broke out in Yorkshire; they would find how small was the number of the rioters, and with what extreme facility they were put down; indeed, the object had rather been to overtake than to put down sedition: they would find what was the disposition of the inhabitants of the neighbouring counties, and of the surrounding villages, in the very centre of all the disturbances that had taken place. Instead of any large body of men being ready to join the insurgents, the people in the villages were utterly averse to it: some of them were compelled by force to join the insurgents, but the rest positively refused, and remained at home. Such was the extent of that insurrection; and, whatever its amount might be, no diminution of it was effected by the suspension of the habeas corpus. In Derbyshire, the suspension had afforded no check whatever to the disaffection that existed. The disturbance there took place under the reliance which the discontented of that district had on their leader; it took place on the nomination of Brandreth, called the Nottingham captain, who was appointed to command the expedition. Here, then, was the whole extent of the operation of the suspension acts in that county.—He knew it would be said, that if it had not been for the operation of that mea-

sure, the same disturbances would have taken place in other counties. But he would ask, in estimating the extent of such a possible insurrection, even in places where the disaffected possessed the strongest hold—he would ask if, even in those places, it could not have been put down with equal facility; if there would not have been found in each of the adjoining counties one magistrate, one captain, one serjeant, and eighteen men, for no more of each had been employed (*hear, hear,*) to quell the whole force of the disaffected in Derbyshire? But the noble duke had insisted, that the object of government was to prevent insurrection, rather than to put it down. Had the noble duke considered the consequences of arming a government with arbitrary powers, under the pretence of preventing crimes? Had he reflected on the abuse of imprisonment, the false information, the insecurity of persons and of property, which always ensued? It was of the very essence of a free government, that offences should be met only by the laws, and that the offenders should be brought to trial in the regular administration of justice. He had stated, on supposition, that if similar insurrections had taken place in all the counties, they would have been put down in a similar manner. But what did really happen? It appeared, that some persons attached to the left wing of the grand insurrectionary army in Derbyshire, had committed burglaries in Yorkshire—they had broken open houses at Huddersfield, and stolen arms. These formidable rebels (*a laugh*) were apprehended without any difficulty; they were arrested without any exercise of the powers conferred by the suspension of the habeas corpus, and were afterwards tried at York; but, in consequence of the prevarication of an old woman, the only witness, they were all acquitted. But, according to the former reports, it was not from Yorkshire alone that the deluded persons at Derby expected to receive support; they expected it from Scotland also, and their expectations had certainly not been frustrated by any exercise there of the extraordinary powers conferred on ministers. When those reports came out, it was stated, that all the manufacturing districts of Scotland, Glasgow, Edinburgh, and a variety of other towns, were equally implicated in the conspiracy to overturn the laws and government of the country. Ministers intended, that the suspension acts should extend to Scotland, but their lordships were aware, that, in consequence of the wording of those acts, such doubt existed on the subject, that it was not thought proper to apply them to that part of the kingdom. And what was the consequence? In Derbyshire, where they expected great clouds to come from the north, no movement took place, till the suspension act had passed. In Scotland, which was left to the course of its own law, there was no movement at all! What were we to infer from this? In Scotland, where the remedy could not be applied, the cure had been most complete. Insurrections had taken place in Derbyshire, where the extraordinary powers might have been supplied; and none in Scotland, where they had not been used. He had now stated the situation of the metropolis, of the midland counties, and of Scotland. The result was, that in the metropolis, without any exercise (except as to the Evanses) of the extraordinary powers vested in ministers, any danger that might originally have existed had been gradually diminishing. In the midland counties, an insurrection took place, and treason was aroused to its full developement, but was attended with no evil, even to those in its immediate vicinity. In Scotland, where the suspension had never been acted on, the country presented a scene of unbroken tranquillity. He said, tranquillity, because the trials that had taken place in Scotland had afforded no proof whatever that the tranquillity of that part of the empire had been even menaced. He must consider it as an extraordinary proof of tranquillity, that, after all the instances which had been adduced of a disaffected spirit prevailing there: after all the representations of his Majesty's ministers, and the various allegations in the different reports; after all that had been stated of Glasgow, Edinburgh, and the manufacturing districts, his Majesty's law officers, with all their ingenuity, could bring only four persons to trial. The first was an old clergyman, (the Reverend Neil Douglas) who was charged with having used seditious expressions in the pulpit, which, of course, were not difficult of proof, because they were used before a public assembly; and yet the verdict was "not proven." Two other individuals were tried for having used seditious expressions at a public meeting; all of which, in the sentence of the court, amounted only to "indecorous, absurd, and improper expressions." The only remaining person tried in Scotland was Andrew M'Kinlay, who, (after conduct on the part of the crown prosecutor to which he should not now advert, but which, he thought, loudly demanded a separate inquiry,) (*hear, hear, hear,*) was returned to his family, the jury having pronounced a verdict of "not proven" to the charges brought against him. These were the only cases which the ingenuity of the law-officers of the crown in Scotland could rake together; and it was evident from these, that not the slightest symptom appeared in that country of any insurrectionary movement. Having now stated what was the situation of the country at the time of the suspension of the habeas corpus, he begged to remind their lordships, that he had set out with undertaking to dwell only on that statement which went to shew that there had existed any real danger to the government of the country; because it was unnecessary, in any case but that of actual violence, to have recourse to a suspension of the habeas corpus. He had on a former occasion stated, that if the house, instead of inquiring for designs of violence, and searching out for treason arrayed, had only inquired, whether erroneous and mischievous opinions existed, and to what extent, they would

have found, that whole classes of people were affected by foolish and erroneous doctrines; but he hoped that he should not be told, that such opinions were to be repressed by the measures of an arbitrary government. On the contrary, it was clear, that those absurd and erroneous notions were principally caused by the pursuit of such arbitrary measures, and by the withholding of public justice from the jurisdiction it ought to exercise over offences. Such proceedings formed the noxious aliment on which those opinions were nourished, and it was by adhering to such proceedings, that the surest handle was afforded to those who were disposed to inflame and mislead the public mind. (*Hear, hear.*) He was firmly convinced, that if the assailants had been more in number, and greater in power, than the most alarmed had ever imagined, the true citadel in which to resist and defy all their attacks was, the citadel of our law. (*Hear, hear.*) This tower of strength, built by our ancestors for the protection of the monarch, of the nobles, and of the people, had been handed down to us, sanctioned by time and the accumulated wisdom of ages, and, as long as England existed, would be venerated by all that was great and good in it. (*Hear, hear.*) Let their lordships adhere to the law, and they would be safe. Let the danger be what it would in appearance from any seeming spirit of discontent, if they confined themselves to the public forms of justice, if they exerted themselves to defend the regular and impartial administration of the laws, they might rely upon the support of the people, and would preserve the constitution unimpaired, amidst the gratulations of the great majority of the nation, notwithstanding every shock by which it might be assailed. (*Hear, hear, hear.*) It was in vain to conceal, that considerable discontent existed amongst a numerous class of individuals; but it was a most important object for their lordships' consideration, whether the appearance of arbitrary measures, whether the appearance of injustice towards individuals, did not materially contribute to increase that discontent; whether, also, that increase was not aided by the want of that publicity, with regard to charges against individuals, which was justly considered as a most essential part of the liberties of the country. Let them revert to the known and established laws of the country, under which all persons accused had the advantage of a free and open trial, and much of that discontent which now prevailed would probably be done away. (*Hear, hear.*)—This led him to the particular measure now under the consideration of the house; a measure which, in character at least, was an additional invasion upon the laws of the country. (*Hear, hear.*) He said, additional, because the suspension of the habeas corpus, however violent and improper, was a temporary measure, while this would have a permanent effect, to the end of the lives of those who had suffered under the former measure, and would be appealed to as a precedent in future. He had said before, that he thought it impossible for any noble lord to contend, that a suspension of the habeas corpus should necessarily be followed by a bill of indemnity; but if reason were not sufficient for such an assumption, he was also borne out by historical precedent. The habeas corpus act had been often suspended; but, in 1722, Sir Robert Walpole, a minister who ought to be mentioned with respect, would not call for any bill of indemnity. After other suspensions, different bills had been proposed and adopted, but none to the extent of the present, except in 1801, or that of Ireland in 1798; which he did not mention, because he hoped the transactions of that dreadful period would never be called a precedent for any proceeding whatever. If, then, it appeared to their lordships, that under one suspension similar to that of last year, no indemnity whatever had followed; if they considered not only what provisions the present bill contained, but what persons were chiefly affected by it, he trusted they would pause before they proceeded. Their lordships were in possession of the report made by the committee. When that committee was appointed, he had suggested that it should be armed with power to make a complete investigation, and to send for papers, persons, and records. It had afterwards been proposed to refer the various petitions from parties aggrieved to the consideration of the committee. Whether that had been acceded to, or it had been understood that the committee should have power to send for papers, persons, and records, was of no material importance; but he considered it worthy of their lordships' attention to have made a full and impartial inquiry, or still to make it, before they passed a bill which affected the interests of so many who claimed redress, which professed to exclude them from that redress, and set aside the whole intent and effect of equal laws. If their lordships hoped to satisfy the public, they could not proceed to pass such a measure without completing the inquiry. If such inquiries were inseparable from indemnity bills in general, they were more especially necessary in the present instance. He did not say that he should oppose an indemnity in all cases of suspension; but he entreated their lordships to look at the provisions of the bill before them. It provided an indemnity, not only for those who were authorized to commit and detain under the suspension act, but for all persons who, since the 1st of January last, had detained any parties whom they might suspect, however unwarrantably, of being disaffected towards his Majesty's government. (*Hear, hear.*) It included, not only secretaries of state, privy councillors, and magistrates, but also all officers, spies, (*hear, hear*) informers, every one, in short, who might in any manner have contributed to the detention of persons suspected, however unjustly, of treason. Would their lordships at once invade and annihilate the legal rights and claims of a description of persons so large as those who had been affected by

the late extraordinary measures, without affording them an opportunity of making their complaints heard, and holding out a hope of some redress to those who, under every precaution, might have fallen victims to misrepresentation or mistake? Let their lordships consider to what an extent such an indemnity would operate. They knew not, indeed, nor could they know without inquiry, how many persons, who had been outraged or injured, would be thus precluded from obtaining redress by the laws of their country, who would be thus shut out from every channel through which they could obtain the slightest remedy for the grievances they had sustained. Measures which went to set aside the laws of the country, might, in the way of precedent, operate upon persons yet unborn; and it behoved them to take the most sedulous care that gross injustice was not committed, in order that it might not be drawn into precedent, to operate, perhaps, still greater injustice at a future period. The committee had done their duty, but the duty committed to them was only that of inspecting papers submitted to them by the Prince Regent. *(Hear, hear.)* He would ask their lordships, whether it was not due to the interests of those who were affected, and to the honour of the house and the country, to interpose such a delay as might afford time to the parties interested, to be heard at the bar of the house; to abstain from further proceedings in this measure, if their complaints were worthy of attention; and if not, to dismiss them without retaining a cause for complaint. He begged to remind their lordships, that, pending a bill of indemnity in the time of William and Mary, all petitions from parties who had been imprisoned were referred to a committee to inquire into their merits, and he could produce the names of all the petitioners. Why that course should not now be adopted, he had yet to learn. He knew it might be stated, and with some chance of approbation from many noble lords, that the individuals affected were worthless. Certainly, with respect to those he had heard of, he could not, even before the committee sat, think very highly, and the result of that sitting had not prejudiced him in their favour; but the distinguishing feature of government by law, was, that every individual, however bad his character might appear, was to be presumed innocent, until the contrary should be proved. And, in truth, there was no individual more interesting than he who, smarting under obloquy, appealed to the tribunals of the country, to justify his character. Such a person, however low his station in the community, however worthless his reputation might be thought, was an object of greater interest than any one of their lordships basking in the sunshine of fortune; and let it be recollected, that, in this measure, was concerned the fate, not only of many such individuals, but also the hopes and happiness of many who were yet unborn. (*Hear, hear, hear.*) It was the duty of the legislature to prevent men from being deprived, under any hasty analogy, of the benefit of laws and privileges which they inherited by birthright. He was not now disputing the propriety of entertaining the bill at all, (it might or might not be a necessary appendage to the last act of the legislature, to which it referred): he only asked their lordships not to deprive men of their rights, not to extinguish every hope of redress, by adopting this measure, without some inquiry more full and extensive than that which they had hitherto been satisfied with. He entreated them to adjourn the question for one fortnight; it could expose them to no inconvenience, as the *ex post facto* law they were proceeding to pass would cover all the interval, and it would afford time to deliberate on the claims of parties who had been aggrieved. He therefore moved, that, instead of the word "now" for the second reading, the words "this day fortnight" be inserted.

The Earl of *Liverpool* said, that as far as the speech of the noble marquis related to the particular provisions of the bill, as this was not the proper time for discussing them, he should postpone what he had to submit in reply upon that part of the subject till the house should have gone into a committee. He should then be prepared to shew, that the provisions of the present bill did not go beyond those of other acts passed under similar circumstances. These, however, were matters of detail which could not be satisfactorily examined, except when the house should be enabled to consider whether any and what amendments were necessary. The question of this night was, whether the principle of the suspension act, founded as it was upon the report of a secret committee of that house, sanctioned by the subsequent report of another committee, and succeeded by the report now upon the table, rendered it proper to pass an indemnity bill of the general nature of that proposed by his noble friend. And here he must remark, that the noble marquis had, he was sure, unintentionally, mistaken and misrepresented the argument of his noble friend, who had never meant to contend, or to say, that an act of indemnity was a sort of corollary, or a necessary consequence of an act for suspending the law of habeas corpus. His noble friend's meaning was, that, after the inquiry that had taken place, and the report which was presented, a bill of indemnity seemed to follow as a corollary to such investigation and report *(hear)*. How, then, did the question stand? It could not be denied, that, for some time previous to the suspension of the Habeas Corpus act, a feeling of great alarm, whether well or ill founded, pervaded numerous classes of society. Many sensible persons entertained a persuasion that great danger existed. Parliament thought it necessary to inquire into the fact, and the result of that inquiry was, a similar persuasion on their part. The danger appeared to them so formidable as to require that ministers should be armed with power

to take up persons suspected of high treason, and detain them in custody in a manner not authorized by the ordinary law of the land. Parliament had deemed it necessary to adopt the same course in other cases, no matter whether few or many, when the constitution was threatened with danger. In those cases they appointed committees, and acted upon their reports. The same course was pursued on the present occasion. Their lordships appointed two committees, at several periods, during the last session. The first committee recommended, that extraordinary powers should be invested in his majesty's government, and the second committee recommended a further extension of those powers, under the circumstances then existing. At the commencement of the present session, on the first day of meeting, his majesty's government came down to the house, and stated, that those powers were no longer necessary; that the causes which existed during the last session happily existed no longer, and they proposed the immediate repeal of the measures under which they had acted for the protection of the country, and which would have been in force more than a month longer, had they been permitted to run to the limit prescribed by the enactments. *(Hear.)* If any one in that state of things had moved for a bill of indemnity, it would have been as a corollary to such proceedings, and not to the mere act of suspension. But that was not the course which ministers pursued. They were anxious to lay every information with respect to their conduct before committees of the two houses of Parliament, in order that they might know, how they had exercised the powers entrusted to them, generally and particularly, and judge from them how far they were entitled to such an act as they now applied for. They did not ask for it as a necessary consequence of the suspension of the habeas corpus act, but on the ground of the belief expressed by the committee, that the powers intrusted by parliament to their discretion had not been abused. That was the ground upon which they now stood before parliament and the country. The noble marquis had observed, that it was impossible to detach the consideration of the present bill from that of the habeas corpus suspension act. To a certain extent, he was willing to admit the truth of this proposition; but, in some respects, the two questions differed materially from each other. It was possible that an individual might admit the existence of the danger, but deny that the measures adopted in consequence were a proper or defensible remedy. Yet, according to his judgment, such an individual would be bound to vote for a bill of indemnity, because the question was not now upon the expediency of granting those powers, but upon the fact, whether or not those powers had been abused by the persons to whom they were entrusted (*hear*). If parliament was of opinion that such powers were necessary at the time, it would not be fair to say to the executive government, "I will try you, not by the opinion of parliament, but by an opinion of my own (*hear, hear*). I will not take their judgment upon the subject of expediency, but I will form a judgment for myself, and, according to my impression upon this previous consideration, I will determine to grant, or to withhold the bill." This would not be a fair proceeding, even if the suspension of the habeas corpus act was not clearly made out to be a necessary and justifiable expedient. But he should not avail himself of such an argument. He was prepared to maintain, that its necessity was distinctly proved by the transactions of the last session, and by every thing that had since happened.—The noble Marquis had traced the internal state of the country, from London through the different districts, and had offered a few observations with regard to Scotland. He had said, that the number of persons arrested in London was extremely small. That circumstance he did not mean to dispute; but did it follow from thence, that many were not concerned in exciting disaffection? He would not say that the danger was greater in London than in any other part; but he would beg their lordships to recollect what was the state of the metropolis in the months of November and December 1816, and January 1817, when the meetings were held in Spa-fields. The noble marquis was not, he believed, in England at that time, and was not, therefore, personally a witness to the danger that threatened this town; but he (Lord Liverpool) was not exaggerating the description of it, when he stated, that apprehension was visible in every face, till the alarm was sounded in parliament. It was possible that ministers had reason to be fully persuaded, that the disaffected were governed by able and active leaders, without possessing the means of bringing them to justice. But the noble marquis knew that some of them were placed on their trial; and was it nothing that the peace of the country had been secured, that apprehensions generally entertained had been allayed, that confidence had been every where restored? He would undertake to state, with reference to this town in particular, that the alarm which was excited among the disaffected by suspending the habeas corpus had materially checked their proceedings. It had the effect of abashing their boldest advocates, of defeating their schemes both here and in the districts, of forcing them to distrust their cause, and, what was often of greater importance, to distrust each other (*hear*). Such were the consequences which all the accounts received from different parts of the country concurred in stating to have attended the operation of the suspension-act. One great advantage of the act was, that it furnished the means of securing the peace of the country by the sacrifice of few or no victims. (*Hear, hear.*) The state of London, and of the country generally, at the close of the year 1816, and the commencement of the following year, rendered precautionary measures indispensable, and the crea-

tion of discretionary powers, for a limited period, an act of the most obvious policy.—At the same time, he thought it important to declare, in the discussion of a question so nearly affecting the liberty of the subject, and in a prospective view, should future emergencies make it necessary to resort again to the same expedient, that he had never contended that the mere existence of a dangerous and nefarious conspiracy would justify a suspension of the habeas corpus act. When his noble friend (Lord Sidmouth) and himself were connected with a former administration, a conspiracy of the most malignant nature had been discovered—he alluded to Colonel Despard's plot; but no bill of suspension was proposed, because the conspiracy was regarded as an insulated act, not extending to other places, or ramifying into other and no less dangerous designs against the safety of the government. He was ready to admit that no local disturbance, or partial mischief, would afford sufficient ground for the adoption of so extraordinary a measure. It was upon this principle that the secret committee which sat in 1812, to inquire into the disorders and outrages committed in the midland counties, and into the nature of the Luddite associations, although they recommended new legislative measures, did not deem it necessary to suspend the habeas corpus act. However wicked and mischievous the practices of those persons were, and however disaffected many of them probably were to the constitution of the country, their plans were not immediately directed to the overthrow of the government and laws. But the conspiracy which had been proved to exist during the last year, was not confined to London, or to the individuals professing the Spencean principles, but was a systematic and organized plot, carried on simultaneously at London, at Manchester, at Leicester, at Nottingham, at Derby, and throughout the whole of the West Riding of Yorkshire. The persons acting together in the prosecution of this common design, were avowedly disaffected, and threatened the subversion of the constitution. He well knew that the danger was materially increased by the peculiar circumstances of that period, and it was this consideration which rendered it an act of mercy to protect unhappy individuals from that delusion, which their private distress rendered more than ordinarily powerful. All these facts had been proved, not only by the reports of the secret committees to which the evidence had been referred—although that, he conceived, must satisfy their lordships—but had been proved in courts of justice, and according to the established laws of the country. The law of England would not be what it was, and what it ought to be, if it did not admit the possibility of a conspiracy being fully proved, whilst the person accused of it was acquitted. He was far from being disposed to reflect upon verdicts of acquittal, nor was he willing, when a jury of the country said not guilty to a prisoner, to bear hard upon him in any comments which his case might seem to suggest; but their lordships must be fully aware, that a jury might often conscientiously acquit a prisoner in cases which left no doubt of the existence of guilt somewhere, although, from a defect of legal evidence, they did not feel warranted in finding a different verdict. But there had been other trials which had terminated in convictions. Those trials not only brought to light the circumstances attending the insurrection in Derbyshire, under the Nottingham captain, but shewed that a rising took place at the same time, on the 9th of June, at Nottingham, and although the insurgents were comparatively few in number, they were armed, and formed in military array, marching to join each other. On the same day, a similar rising took place at Huddersfield. These proceedings were not caused by a scarcity of provisions, nor had for their object the destruction of any private monopoly, but were parts of a concerted plan and system, organized throughout the most populous districts of the kingdom, with the view of overturning the established government. The noble marquis had said, that this conspiracy was not prevented by the suspension act, but he would ask, if the suspension had not taken place, was it not probable that the Derbyshire conspiracy would have assumed a very different character, and terminated in a very different way? *(Hear, hear.)* The noble marquis had put it to the house, whether they were in all cases of insurrection to suspend an act so important to the preservation of our liberties? He (Lord Liverpool) did not mean to say so, and the cases he had mentioned (those of Despard and the Luddites) shewed that it was not the system pursued by his majesty's government. It appeared to him, that it must always be left to the wisdom of the legislature to decide, according to the nature of the existing evil, whether it could be remedied by due course of law, or required the adoption of some strenuous exertion beyond its ordinary powers. It must always be a question of degree; and, in the late instance, the danger was of that extent and degree which justified parliament in the view they had originally taken of it. A dangerous spirit had prevailed, not in one place or county, but spreading through many counties, though sometimes stronger in one than in another, not confined in point of time to a day, or a week, or a month, but continuing unabated from December 1816, to June and July in the following year. With regard to the extent of the conspiracy being caused by the misconception under which one party laboured as to the means and force of another, it was natural that the leaders should over-rate the chances of success, and make exaggerated representations of every kind, in order to raise the hopes of their followers. This, he apprehended, was a course which those who were labouring to excite disaffection seldom failed to pursue. He should say but little respecting the conduct of a person (Oliver) who had certainly been employed by government, and who, it was alleged, had promised the conspirators in the north support from

London. He had great reason to doubt the truth of those statements, and he noticed them only to shew that they did not at all affect the present question. The conspiracy had existed for weeks and months before that person went into the country.—The state of Scotland had been alluded to, and it had been inferred, that the danger in that part of the kingdom could not have been great, because the suspension-act had not been enforced: but those who were acquainted with the ordinary powers of the law in Scotland, knew that they differed materially from those of England, and they had for that reason been found adequate to the emergency. Upon all these grounds, he contended that a case was clearly made out in justification of ministers. As to the argument which went to underrate the danger, on the ground that those concerned in the traitorous designs were few in number, he thought it could have very little force. When a conspiracy of this kind was in existence, when distress had disposed the minds of the lower orders to disturbance, who could undertake to say what numbers might have been concerned (*hear*)? Who could undertake to deny that there might not have been tens and twenties of thousands? Those who recollected what had passed in 1780, must know what a few hours might produce in collecting numbers for purposes of disturbance, and how possible it was, even from beginnings the most trifling, to produce a degree of confusion which might last for days, and even weeks, and render the most violent measures necessary to restore the peace of the country. When persons assembled for purposes of outrage and violence, it was impossible to say, if their career was successful, by whom, or by what numbers, they might be joined. A noble lord opposite well knew that the formidable riots in the year 1780 were commenced by a few boys and old women. Evils of this kind, if they were not likely to endanger the stability of the government, might, if not instantly and vigorously checked, shake the peace of society to its foundations. With respect to the argument, that a state could not be revolutionized without the agency of men of rank, he thought we had lived in times when such a doctrine could no longer be advanced. Even in former times, many passages in our history would be found to discountenance the opinion that there was no danger to be apprehended from conspiracies which were confined to the lower orders; but, in our own days, with the example of France before our eyes, with the example of what had passed in Ireland, he did not expect to hear property and consequence insisted on as necessary to render disaffection dangerous (*hear*.) The question, however, now was, whether a danger had not existed which made it wise, with a view to the public safety, and humane, as respected culpable but unfortunate individuals, to vest a power in the executive government, which might indirectly, and by its very name, operate to put down the mischief, without having recourse to measures of the last severity. In this point of view, there never had been a measure of preventive justice which had repressed evils of a more extensive or heinous nature. His firm and thorough conviction was, that, under all the circumstances, it was a measure of humanity as well as of justice. He agreed with the noble marquis, that even those who thought the suspension of the habeas corpus necessary, might differ as to the propriety of passing the present bill. The bill did not follow as a matter of course. The conduct of ministers had been referred to a committee, falsely said to be a committee of their own friends. They were anxious to place in it those who differed from them in opinion, as well as those who agreed, and this committee, so constituted, had made their report, in which they stated, that all the arrests and detentions which had taken place under the act were necessary.—The noble marquis had alluded to the act of 1801, by which the habeas corpus was suspended. He would allow, that, looking at the character of the danger which then existed, at the state of the public mind in this country, and at what was passing in France, the danger was greater at that crisis than during the last year, when the same measure was resorted to. But there was this to be also observed, that, during the whole of the period of the former suspension, there was no insurrection in the country. It was to guard against a secret poison which infected the minds of men, that it was tried on that occasion; but, in the late instance, it was to guard against the consequences of an immediate insurrection. Acts of insurrection had taken place in every case, according to the intelligence they had received, except in one, and in that one it was prevented. The noble marquis had said, that the danger was so remote as to render it uncertain, whether it would ever arrive. In that he would agree. But ministers now came before parliament with the report of the committee, which stated, that they were justified in the steps they had taken. Might they not, therefore, ask, under the sanction of this report, —"Why will you not give us the same protection which you gave in 1801?" It was not given to the magistrates then, for they did not want it; but in 1715, and in 1745, they did want it, and they had it (*hear*.) Any one who knew the history of this country must know, that, in many instances of this nature, the government would find it necessary to act upon information which they could not afterwards produce in evidence, consistently with their public duty. It was to prevent the necessity of bringing forward such evidence, that bills of indemnity were passed. Were any question to arise as to the manner in which they had exercised the powers entrusted to them, a ground might be made out to justify the refusal of such a bill; but as that was not the case in the present instance, he felt confident, for the reasons he had already stated, that their lordships would reject the amendment of the noble marquis, and agree to the

motion, as originally proposed by his noble friend.

The Marquis of *Lansdown* briefly explained. He had never argued that indemnity was the natural result of the suspension of the habeas corpus act, or that those who either supported or opposed that suspension were bound, in their support or opposition, to the act of indemnity. What he had said was, that it became necessary to recur to a full examination of the state of the country, in order to ascertain how the powers with which the government had been entrusted were exercised; and whether any difficulties subsequently existed which prevented such a disclosure of evidence, as in a court of justice would have been considered sufficient to warrant the detention of the persons imprisoned.

Lord *Erskine* said, the question immediately before their lordships was, whether the bill should be read a second time now, or be deferred, according to the suggestion of his noble friend, for a fortnight. The noble earl (Liverpool) had endeavoured to establish, that the risings and insurrections alluded to in the report were of a magnitude sufficient to justify the suspension of the habeas corpus act. Admitting, for a moment, that he had been successful, what influence could it have on a question wholly distinct—a question which went to ascertain whether the powers entrusted to the noble secretary of state, under the provisions of that act, had been either abused or exceeded? (*Hear, hear.*) If such powers had been abused or exceeded, it would be most preposterous to maintain, that, because their lordships, on an impression of danger to the public security, passed a certain act, individuals who had suffered in property, character, and person, under the abuse of its provisions, were to be shut out from that legal protection which, from time immemorial, was the birthright of the people of this kingdom. Their lordships, he trusted, would never accede to such a proposition. Were their lordships prepared—and if they passed the bill now before them, such a result must follow—to afford impunity to every false, wicked and malicious informer, to shelter every dark and mercenary incendiary, by taking from the persons aggrieved by such criminal designs, those remedies which the law of the realm had provided? His noble friend, the secretary of state for the home department, might feel in his own mind, that, so far as he was instrumental in carrying the law into effect, no abuse of authority had taken place; but could his noble friend answer for those subordinate persons to whom unlimited power over the liberty of the subject was delegated? Could he answer for the truth of those informations which were given by every malicious and sanguinary spy? (*Hear, hear.*) For his noble friend he had long entertained the sincerest regard. Were that noble lord now upon his trial, he would be a most willing witness to his humanity and tenderness, although, in his conscience, he believed him, in the recent instances, to have been greatly imposed upon by the artifices of bad men. (Lord Sidmouth signified his dissent.) His noble friend dissented. That he had been deceived, was still his full conviction; but, altogether disregarding that fact, were the noble secretary his own brother, a twin of the same birth, he never would consent to the passing of any act of indemnity, until he had first read and examined the evidence. (*Hear, hear.*) Their lordships must remember, that when these proceedings were first adverted to in the present session of parliament, they were asked to refer the full examination to a committee of the house, selected without any regard to party distinctions. Of the committee that was appointed he was not disposed to speak with feelings of disrespect. On questions of general importance, unconnected with any particular prepossessions, no men were better calculated to form a mature and enlightened judgment. But when the question was, whether those entrusted with dangerous authorities had abused or exceeded their trust? When it was notorious, that men were arrested and imprisoned for months, some of whom, without trial, were discharged upon their own recognizances—that many were the victims of dark and mischievous machinations—when such was the extent and character of the inquiry for which the secret committee was selected, he must ask, whether the manner in which that selection was made, was, under all the circumstances, a proper mode, or was at all likely to satisfy the expectations and solicitude of the country for impartial investigation? (*Hear.*) For his part, he would only say, that, if he himself were upon his trial, he should like to have for his judges such a majority of friends as his majesty's government had on the secret committee. Such a construction of the committee might secure a release from responsibility, but it neither established innocence, nor would it satisfy the demands of the country. What would the noble lords opposite say to the proposition, if such had been made, of having the prisoners at Derby tried by the very traitors with whom they associated? (*Hear, hear.*) And yet the prisoners at Derby might have said, with as good grace as ministers, "we will not be tried by a jury of our countrymen,—we will not allow any challenges to be made,—we will be tried by our fellow-traitors." The house would bear in mind, that, in the last session, when his Majesty's government submitted these restrictive laws to its consideration, he told them to beware of these intricate pursuits—he solemnly urged them to oppose to temporary outrage the constitutional correctives of the law. Had they acted upon those suggestions, they would have secured the attachment of all the sound and enlightened minds in the country—they would have drawn around them all the men of property, whose best and firmest security must ever be found in the due and impartial administration of justice—they would have obtained the support of those who looked for con-

stitutional reform, because to the success of such a cause there could be no greater obstruction than outrage and turbulence—no greater enemies than the abettors of such mischiefs—they would have entitled themselves to the gratitude of those who, on all exigencies of the state, look to parliament for redress; and, in obtaining such support, they would have attached to themselves a host of friends. By a vigorous administration of the law, those insurrections would have been effectually repressed, and a vigilant and spirited magistracy would have stood in no need of being confounded in a bill of indemnity with wicked and malicious incendiaries.—He was glad to hear the noble earl (Liverpool) say, that he should abstain from any comments on the decisions of juries. The expression of a regretted and enlightened friend of his (the late Mr. Windham) respecting the persons tried at the Old Bailey, in 1794, appeared to him very reprehensible, and had always given him pain. If those persons, who were acquitted by a jury of their country, were to be called "acquitted felons," with equal propriety might it be said, that the Derby traitors were convicted innocents. Other individuals, charged with treason, had been tried, but the whole of them were acquitted, and the nation rejoiced in the verdicts of the juries. "It is," said his lordship, "the character of the people of this country, and long may it continue to be their character, to rejoice in the acquittal of fellow-subjects arraigned for grave crimes against the state. But, unless the government puts itself in the wrong, such acquittals are received with sober feelings of gratification. If they ever degenerate into violence, it is from some appearance of injustice that excites disapprobation." But it was now unnecessary to enter into proofs of the general loyalty of the people. The report of the secret committee expressed a decided conviction of it. The language of that report, and he begged their lordships to attend to it, was as follows:—"The committee have the satisfaction of delivering it as their decided opinion, that not only in the country in general, but in those districts where the designs of the disaffected were most actively and unremittingly pursued, the great body of the people have remained untainted, even during the periods of the greatest internal difficulty and distress." What more decisive evidence of sound, unshaken loyalty could be exhibited in any country in the world? How different was the state of public feeling at the period of the French revolution, when theories of government were afloat in the minds of men; some of whom were little acquainted with the principles of the monarchical part of the constitution?—But he did not rely on the report of the secret committee alone for evidence of the untainted state of the public mind. He had a more powerful illustration of it, as appealed to in his royal highness the Prince Regent's speech at the opening of the present session, on the lamented death of the presumptive heir to the crown—a death which involved the whole country in the deepest affliction, and for which, like the children of one common parent, the whole population of our land shed tears of distress and commiseration. (*Hear, hear.*)—After all that had been said of the great danger which threatened the town and country, he should like to hear, in what system of violence the cause for all the alarm existed. From the present report he could glean nothing but the outrages in Derbyshire; and of their character, what said the report? It said—"this insurrection, of small importance in itself, is a subject of material consideration, as it was manifestly in consequence of measures detailed in the two former reports." Thus it was, that one report was brought to bolster up a previous statement, but nothing intrinsically dangerous in either could be traced or established. But, surely, if discontent prevailed, such measures as those now before them were not calculated to diminish it. To refuse to adjourn the further proceedings as proposed by his noble friend, and thus to shut out the people, who had suffered, from legal remedies, was the most certain mode of exciting, if not a greater disaffection, a greater unpopularity to the government. His noble friend, the secretary of state for the home department, could not divest himself of his responsibility; by the course now pursued he increased it; in not availing himself of the means of defence, and satisfying the country that his conduct was justified by the necessity, he made that responsibility double. Were their lordships prepared, by yielding to the motion of the noble duke, to lay it down as a proposition to be hereafter maintained, that oppressions and hardships, no matter how great, carried into effect by the most wicked and malicious of men, were to pass with impunity, because that house had agreed to suspend for a time the provisions of the habeas corpus act? Did his Majesty's ministers mean to avow such a proposition? Did they think to establish such a principle, on the flimsy pretext that the noble secretary had made out a case to a jury of his own selection, or, in fact, to himself sitting in judgment on himself? (*Hear.*) If such principles as these were to be acted upon, he would contend, that the measure of this night would entail a greater danger on future times than any we had yet experienced in the annals of our history. No words could faithfully express his regard for the dignity of their lordships' house. In the correct administration of justice, its character had never been aspersed. By an honest exercise of that sacred function, it had secured the affection, and the reverence, of the whole people. Were they that night, pending an inquiry by the other house of parliament into the conduct of those who were accused of oppression, to set the example of indemnifying men who said they were innocent, but who might be guilty? On that guilt, or innocence, their lordships might, in their judicial character, be hereafter be called upon to decide, and should they

not pause before they acceded to such a bill as was now proposed—a bill that went to a greater extent than any of a similar precedent—a bill, that in one sweeping provision protected every kind of oppression and abuse in the exercise of arbitrary power—that denied to the aggrieved the remedy of the law—and that cancelled, without a full and rigorous examination, all personal actions, suits, indictments, and prosecutions heretofore brought, or now depending, or hereafter to be brought, and all judgments thereupon obtained, and all proceedings whatsoever against any person or persons, on account of any matter, act, or thing, done or advised, directed, ordered, or commanded to be done since the 1st of January 1817. He should most deeply lament it, if their lordships should not accede to the motion of his noble friend, to examine all the petitions which had been presented, as well as those which would still be presented, before they passed a bill of indemnity. If they once passed the bill now before them, those petitions could not be examined or taken into consideration. What then, he would ask, were the people of England to think of their lordships, if they passed a bill of indemnity against charges, the extent, proof, enormity and wantonness of which they refused to inquire into? (*Hear, hear, hear.*) No man in the British empire was more devoted than himself to the constitution of the country, but let them beware of venturing beyond the endurance of a free people. A free people must be governed on free principles. (*Hear.*) He would, therefore, support an adjournment of the subject—he would do all in his power to procrastinate, to retard, and, if possible, to prevent a measure which, in his conscience, he believed to militate against every principle of freedom and of justice. (*Hear, hear, hear.*)

The *Lord Chancellor* said, he must take that opportunity of giving his reasons for supporting this measure. The indemnity arose necessarily from the suspension act. The suspension went to the preservation of our constitution, which constitution few lords had reason to be more pleased with than himself and the noble and learned lord who had just sat down. Of the adjournment he should speak afterwards; he would now make some observations in reply to the arguments of the noble and learned lord. While he did so, he hoped that his learned and noble friend would receive whatever might drop from him with that indulgence which he was always disposed to feel when his noble friend spoke. (*Hear, hear, from Lord Erskine.*) It was allowed on all hands, that there were cases which required a suspension of the habeas corpus, and cases which were entitled to an act of indemnity. There had been many such cases. He had said, at the time of passing the last bill of suspension, that an indemnity would follow it, and he had used that as an argument to awaken their lordships to a proper view of its importance. That act of suspension was a most important measure; but it was a necessary measure; and an act of indemnity should now follow it, as its natural consequence. It was now a century and a half since the habeas corpus act was passed. (In the reign of Charles II.) It formed the great bulwark of our liberties, and the pride of our constitution. But that very act would have caused the greatest danger to the constitution, if parliament could not control parliament; if what was then enacted could not, on occasions, be suspended. He was old enough to have more than once known this to be so. Since the reign of Charles II. there were periods of danger which proved the necessity of occasional suspensions of the habeas corpus. His noble friend had read that part of the report which represented the great body of the people to have been sound, and triumphantly asked, if that did not prove the suspension to have been unnecessary? But he would ask his noble friend—the friend of the people—whether the great body of the nation were not sound in the reign of William III? Yet the suspension of the habeas corpus passed three times during that reign, and they were respectively followed by acts of indemnity. The acts of indemnity then passed were in the same words as this bill, and they referred in like manner to individuals. The individuals were, indeed, of a different description; but the principle was the same. Those acts did not say, that an indemnity was calculated to prevent inquiry into individual cases; they did not deny, that there might be individual grounds of complaint; but they admitted, that there were violations of law, and went to justify and cover them. If their lordships considered the principle of the suspension, they must be aware, that it went to give powers, which, without an act of suspension, would be unjust. Those who acted under it, therefore, injured individuals; but it was for the public safety, and from public necessity. Then, surely, from the same principle from which the suspension was necessary, it was necessary to take away from individuals the right of complaining, or prosecuting for the exercise of it. But not only were acts of indemnity passed in the days of King William—the days of freedom and popularity,—but also in 1715 and 1746. In those years, too, they were passed in the terms of the present bill. The proceedings under the different suspensions were justified from the exigency of the juncture, and it was judged right, that a peaceable, good subject, should not prevail in an action for unjust imprisonment, where it was for the benefit of the country that he should not prevail. *Salus populi, suprema lex*, the public safety, the highest object of law, was the salutary principle of such measures.—It had been said, that the London Corresponding Society was not so dangerous as the report had represented it to be. This the house could not inquire into. When a great number of the lower orders of people thought that the constitution, as consisting of king, lords, and commons, could be dispensed with, this was more

dangerous than any particular society, or any party question. In 1795, the habeas corpus was suspended. No act of indemnity followed. In 1798, the suspension was renewed, and, in 1801, a bill of indemnity was proposed. It was strange, that not a single action was brought, nor complaint made, after the first suspension had expired. In fact, not a word was heard, until the act of indemnity was proposed. After this, would any noble lord say, that the indemnity ought to be refused, on account of the petitions which had been presented? The question, then, was, whether the suspension was necessary? An adjournment had been moved for a fortnight. For what purpose? Could the noble lords in that time bring forward reasons to resist the indemnity? No reasons could justify the refusal of indemnity, if the suspension was necessary. He should say, then, that the suspension act was necessary, because parliament passed it—not on the recommendation, for it did not recommend any measure, but, on the report of the secret committee. Remarks had been made in that house, and out of the house, respecting the secret committee, in language extremely unfit to be used towards them. That their lordships should act on the report, no man denied. Was not the report, then, warranted and correct? Did they think the committee such a pack of rogues and vagabonds as would not report fairly upon the facts before them? No committee could be less objectionably formed, while the constitution of the house remained such as it was. Whether a committee were chosen by ballot or by vote, it was, in truth, the same thing, and he should, therefore, say nothing on that point. Well, then, upon the report of the committee, the suspension was necessary. According to some, there was but a little riot in Spafields, and a foolish mob in the streets; but they forgot what was prevented on those occasions. Parliamentary reform was the ostensible object. For his own part, he was satisfied with the constitution as it is. It was a constitution to which we owed our civil happiness, our domestic happiness, our public prosperity, our foreign credit, and many other benefits. He felt astonished that those who were in the secret of those things, should pretend ignorance of the real intentions of the reformers. The Whig side of the house was in greater danger from them than the other side. With respect to many noble lords on that side, the doctrine was, that an open enemy was better than a false friend. When he said this, he meant no disrespect to any noble lord on that side of the house, and particularly to the noble mover of the amendment. He therefore affirmed, that that person must have a stout heart, who, living in London or Westminster, did not feel a very, very serious alarm indeed, on the day of the second meeting in Spafields; and, as to the subsequent trials, he would say, that those who should not submit that proceeding to a jury, would be guilty of a great dereliction of duty to their king. The rebellion in Derbyshire had been also spoken of as insignificant. But what would the rising have been, if their captains in other parts of the country had been left at large? (*Hear, hear.*) Were they for reform? No, that was downright nonsense. They were for the overthrow of the constitution; they were for marching to their object through blood and murder; it was neck or nothing with them. This was fully proved by the evidence which terminated in the conviction of many of them. To the suspension act, therefore, more than to any thing else, the tranquillity of the country was owing. That measure was not intended for any problematical effect; it was called for, and justified, by the state of the country. It was mild, merciful, preventive of much disturbance and misery, instead of being the occasion of misery. If the noble lords near him were to say, that if the petitions against indemnity were taken into consideration, they were prepared to act upon them, he would not accede to their proposition. Their proposition would be entitled to more attention, if the principle of the present measure were such as any petitions which had been received, or which might have been received, could possibly overthrow. The principle of the bill, however, was, that no redress ought to be given for unjust imprisonment under the suspension. If he, [although innocent, had been taken up and confined on suspicion of treason, he should give way to the public safety: he should patiently bear the hardships of his fate for the good of his country. But the main ground of the measure was, that ministers could not disclose the evidence on which they had acted. On this ground, the bill of indemnity was most reasonable. If an examination of those persons who gave evidence was the object of those who opposed the bill, that was the very thing which could not be disclosed. If their object was the examination of those who complained, that was useless and beyond the purpose. A noble earl (Grosvenor) for whom he entertained great respect, had on a former night expressed a wish that the depositions should be given without the names. He wished the noble earl had been in the profession in which he and his noble and learned friend (Lord Erskine) were, and he would know, that every one perceived at once, from the nature of the deposition, who it was that made it. He must, then, repeat the proposition, that the necessity of the suspension, and the safety of the country, precluded those who complained of sufferings under the suspension. This proposition he felt himself bound to state, although it gave him great pain that such a proposition must fall from his lips. He was sorry that any man, imprisoned or accused, should not have an opportunity of knowing his accuser; but, on the other hand, he felt most forcibly the necessity of refusing that opportunity, with a view to the fu-

ture safety of the country.—With respect to the several clauses of the bill, upon which a noble lord had thought proper to observe, that he (the Lord Chancellor) would express some doubts, he could inform the noble lord that his calculation was erroneous. For while he admired the act of Charles II. as one of the most valuable privileges of a great and free people, he was convinced that this country could not have so long continued great and free, if it had not been for the disposition of its parliament and people, whenever occasion required, to submit to a temporary sacrifice of their liberties, for the purpose of securing the permanent enjoyment of them. (*Hear, hear, hear.*)

Lord *Holland* said, that the question under consideration was, whether the bill should be read a second time this evening, or upon a future day; but to this question it was not his intention to confine himself, because so much matter connected with bills of this description had been introduced in the course of the discussion, that it was difficult to speak upon it without wandering into other topics. In the first place, he should endeavour, in a calm, dispassionate manner, to point out the motives and character of the bill, and the motives and intentions of the report on which it was founded. The noble and learned lord on the woolsack had reposed with great satisfaction on his precedents; but these precedents were at entire and complete variance with this measure. None had thought fit to characterize this bill; none had clearly told their lordships what it was. The learned lord had contrived to embarrass the subject, rather than to elucidate it. The noble duke, when he introduced it on a former night, said, it was a bill, commonly called an indemnity bill. It was commonly called an indemnity bill! Before it was introduced into the house, before it was fledged to carry itself into execution, the noble duke, who had been most sedulously hatching this portentous act, named it, " The commonly called indemnity bill." A Spanish monk had discussed with much learning a subject which monks did not dislike to discuss. The holy father had treated the subject in a very indelicate manner; it was more delicately stated in an English work (Tristram Shandy.) There it was argued, with much learning and gravity, how far it was lawful, and proper, to baptize a child before it was born. The noble duke, without hesitation, thought it lawful and proper to baptize this bill before it was born, and he named it, " the commonly called indemnity bill." (*Much laughter.*) Let the house, then, examine what the bill before them really was: what were its objects and effects; and how it bore on the allegations by which it was supported. If those allegations were well founded; if ministers had only done their duty under the suspension act; if they had arrested no person but upon oath; if, in short, they had not exceeded their powers, and committed injustice, under pretence of preserving the laws and constitution of the country, with the care of which they were intrusted, then they had no need of indemnity. Indemnity was only necessary in cases where law would yield no protection; but where there had been no oppression, there was no breach of law, and, consequently, no use in the present measure. If an indemnity bill, as had been mentioned by the noble duke who introduced this measure, was always to be a corollary, as he called it, to a suspension act, then it would follow, that any just exercise of the powers conferred by the latter must necessarily be an excess; or, in other words, that an act of parliament could not be executed without being abused. (*Hear, hear.*) This argument of the noble duke appeared to him to cut double, and, therefore, was as dangerous in his hands as against him. But other noble lords had defended the bill on different grounds. They said, it was necessary to protect the government against suits or actions, instituted to recover damages, by those whom they had oppressively arrested and detained; because, in allowing legal proceedings to go on against them, it would be necessary for their own justification to disclose the information on which they acted. What was this but stating, in other words, that the noble secretary of state for the home department, who, in his zeal for the protection of the constitution, or, in his alarm for the public safety, might have been led to commit acts of individual hardship, which his opinion of the exigency might to a certain extent excuse, if not justify, stood in no need of indemnity; but that his informers must be protected against the consequences of their falsehoods, their calumnies, and their delinquencies? (*Hear, hear.*) What was it but saying, that that horrible miscreant Oliver must not suffer the reward of his crimes; that the shield of power must be held before that vile wretch; that, in elevating this shield for his protection, the victims of his atrocious arts, and frightful iniquities, were to be left without redress, to pine under the effects of his machinations; and that all law and justice were to be trampled under foot, lest their retributive force should extend to him condign punishment, or expose him to merited infamy? (*Loud cries of hear.*) But the noble and learned lord (Chancellor) had said, that he had voted for the suspension act in 1795, which was repealed in 1797; and that, though the liberty of England was thus destroyed for two years, and the subject was left at the mercy of the executive, no action was instituted for any abuse of power exercised under the act. The noble and learned lord had then detailed other precedents to justify the late suspension, and the present indemnity bill; but in his (Lord Holland's) opinion they did not apply. He had alluded to the precedent in King William's time, and had mentioned, that that was a period when the government could not be accused of wishing to exercise power at the expense of justice, and yet, that a bill of indemnity had then passed. But

it ought not to be forgotten, that though the government of that prince was in general wise and just, he was surrounded by a party who, in their zeal for the Orange interest, had exceeded their powers. The noble and learned lord had stated as a justification of the late suspension act, when the great body of the people were professedly sound, that the same act had passed in William's reign, when the whole country were actuated by sound principles. The latter part of his statement could not be admitted without considerable limitations; for though the majority of the nation was in favour of government, there was a very powerful, and a very active party, who supported the rights, and were zealous to restore the sway, of the abdicated monarch. The periods of 1715 and 1745 were equally dissimilar from the present, and the precedents taken from them equally inapplicable. At both those times there was a civil war in the country; great parties, headed by men of influence and distinction, were arrayed against the existing government; and if, as the noble and learned lord had said, the *salus populi* was the *suprema lex*, it was necessary to consult that safety by suspending the ordinary laws. (*Hear.*) The noble and learned lord, in recurring to the enactment of the habeas corpus in the time of Charles II., had not, he thought, treated that great bulwark of our liberties with sufficient reverence, or stated with sufficient force the importance and necessity of the circumstances which would justify its suspension. A royal writer, whose observations on the subject were very objectionable and dangerous, had, in a letter to his son, treated this invaluable law with great levity, and had even ventured to say, that the passing of it was a great misfortune to the nation.* The noble and learned lord had not gone this length. He had praised the law itself; but he seemed, from his language, to think, that "it was more honoured in the breach than in the observance." The noble duke who introduced the present measure, and other noble lords who had defended it, had stated that a bill of indemnity always followed, as a matter of course, the exercise of the powers granted by the suspension act, and that those who approved of the latter could never object to the former. This statement was neither correct in principle, nor consistent with fact. He (Lord Holland) could quote authorities in support of a contrary doctrine. The late Dr. Laurence, a man of great talent, and political energy, had vigorously supported the suspension acts of his time, and as vigorously (as he could do nothing without energy)† opposed the bill of indemnity which followed. At the period of 1800, he remembered that the noble and learned lord had supported the bill of indemnity, on the ground, that the persons who had given information might be in the power of the enemy, and, therefore, that their names ought not to be disclosed. No pretence of this kind could be now advanced. The informers under the late suspension act were in no danger from an enemy; they would only be left, as they ought, by a disclosure of their names and testimony, to the execrations of their country, and the burthen of their own infamy. In citing precedents in their favour, one of the noble lords opposite had alluded to the bill of indemnity which passed the Irish parliament in 1798, and had said, that posterity would judge of its necessity and justice. The judgment of every impartial man who was acquainted with the circumstances had already decided against that iniquitous act. One of the greatest lawyers and ablest politicians that Ireland had ever produced had loudly declared against it. The late Lord Avonmore, (better known as Chief Baron Yelverton) had said from the bench, that the oppressions suffered under the suspension act ought to have been redressed. After having mangled the limbs of a man without trial, and without proof of guilt, it was a horrible crime to deny him redress, by passing an act to protect his

* The writer here alluded to, is King James II. At the end of the second volume of the life of that monarch (lately published), there is a document entitled, "The advice which James II. bequeathed to his son James, generally known by the name of the Chevalier de St. George." In that advice, the royal writer says, "'Twas a great misfortune to the people as well as to the crown the passing the habeas corpus act, since it obliges the crown to keep a greater force on foot than it needed otherwise to preserve the government, and encourages disaffected, turbulent, and unquiet spirits to contrive and carry on with more security to themselves their wicked designs; 'twas contrived and carried on by the Earl of Shaftsbury to that intent."

† Dr. French Laurence was a man of very considerable learning. In 1782 and 1783, he was the editor of a periodical paper called *The Jesuit*. Mr. Burke, (with whose friendship and patronage he was honoured, and which he procured by his merit and abilities alone,) recommended him to conduct it, and he was the writer of the whole, from facts and hints with which he was supplied. He was also one of the principal authors of *The Rolliad*, and of *The Probationary Odes*. At a subsequent period he applied himself closely to the study of the law. His professional abilities were universally acknowledged, and his practice, as a civilian, was very extensive. In 1796, he was returned one of the representatives of Peterborough. In parliament he had no pretensions as an orator, but his speeches were characterized by good sense. He died in the year 1809. The following eulogium was pronounced by Mr. Whitbread, in the debate on the Orders in Council, on the 6th of March. "Now Dr. Laurence is dead, I am sure there is no one in this house who will not do justice to his memory. Now, that party animosity is silent, let justice, let gratitude, let a sense of our dignity, as a house, awaken, and let us acknowledge with one common voice, that we have lost a man whose like we shall not soon see again. Would to heaven that his spirit only had fallen amongst us! I should not then have feared, under its influence and inspiration, to have opposed myself to the learned advocates whom I see ranged against me."

persecutors. Lord Avonmore had expressed himself in very decisive terms upon this subject, on the trial of an action brought at Clonmel assizes, in the spring of 1798, by Mr. Francis Doyle, against the notorious Sir Thomas Judkin Fitzgerald. The following were the words of that respectable judge in his charge to the jury upon that occasion:—

"This, gentlemen, is an action brought to recover damages from the defendant, Colonel Fitzgerald, for an act admitted to be against law. If, therefore, the acts of indemnity which have been cited to you had not passed, no damages, that you could give, would be too great.

"Much, gentlemen, has been here spoken respecting loyalty; and, lest the clamours of pretended loyalty should drown all considerations of justice, it is incumbent on me to inform you what loyalty is, and in what true loyalty consists. Loyalty is another term for legality; and he who acts with legality, acts in strict conformity to the laws. That man, therefore, is to be esteemed the most loyal, who is a steady and faithful adherent to his lawful prince, and a strenuous supporter of the established constitution, by paying due obedience to the laws of his country, respecting social order, and preserving every member of the state in his just rights and possessions.

"You must find that the defendant acted maliciously, and not with an intent of suppressing the rebellion or saving the state, according to the words of this act, which places an insuperable bar between injury and redress, and sets all equity and justice at defiance."

Such was the language of a judge, who executed the law, though he bitterly lamented that it was necessary to be the instrument of executing it, and the defendant was, in consequence, refused the redress to which he was entitled. Lord Avonmore was not only a man of great talents, but of great independence and respectability, though reports to his prejudice had gone abroad, respecting his conduct in regard to the union. But the reason why he so strenuously supported that measure, was to be found in the conduct of that parliament which had passed the acts which he so bitterly lamented, and so severely condemned. A parliament that had executed such atrocities, that had rendered itself the instrument of such iniquitous acts, did not deserve his favour or respect; and though he knew he was destroying the theatre in which he had made so great a figure, and that independence where he had earned his greatest honours, he would rather agree to its extinction than prolong its existence, after such a dereliction of principle and justice. If such were the motives of that great man in consenting to the loss of the independent legislature of his native country, what must be the sentiments of the people of England, when they saw their liberties invaded, and their rights destroyed, by similar acts? He (Lord Holland) had no love for the mad schemes of reform that had been so zealously advocated, and so clamorously demanded; but bills of the kind now before the house, if passed to bar the injured from redress, would do more to promote the cause of reform than all the petitions about annual parliaments, or all the elaborate blunders of Major Cartwright. (*Hear.*) The noble and learned lord had feelingly described the alarms of November 1816, and had passed an eloquent and just eulogium on the powers and influence of parliament. Why, then, was he one of those who had advised the throne to adjourn the meeting of parliament so long? Why was it not convoked till the mischief was past, till the Spafield riots had taken place, and till an account of the execution of the plots could be given, instead of measures proposed to prevent them? He did not wish to go through all the reports of all the secret committees; but he could not help saying, let any one read the two first, and then consider the state of the country as represented in the last, and lay his hand upon his heart, and declare, whether the dangers were not greatly exaggerated. (*Hear, hear.*) But the ministers said, the suspension of the habeas corpus was the cause of the re-establishment of tranquillity, and though they allowed that it gave them no power to put down insurrection, except the right of detaining a few wretched individuals, against whom they had charges which might have been prosecuted to conviction, they attributed the whole change to that measure. Whether there was insurrection or not, their acts of power and oppression were declared to be useful and necessary. The noble duke who introduced the present bill, had treated the subject rather lightly, by saying, that the government, under the suspension act, "had merely abstracted a few individuals from society." So then, (said Lord Holland,) you take men from their family, friends, and employments; you immure them in dungeons; you doom them to solitary confinement for months; you expose their persons to every species of hardship, and their characters to every kind of suspicion, and you call this "only abstracting a few individuals from society." When he heard this from a nobleman of humane temper and mild disposition, he could not but see the danger of arbitrary power in blunting our feelings of right, and destroying our respect for law and liberty. It was this which he wished particularly to impress on their lordships when considering the tendency of measures like the present, and the operation of their example on the country and posterity. When it was known that the noble secretary of state employed such a character as Oliver; when it was known that he spoke of him with respect, their lordships ought to look to the effect that such conduct would have on the magistrates. Some country magistrate, the little tyrant of his own domain, might wish to imitate the example of the noble secretary. He would say, "I shall have my Oliver and Castle; I shall likewise have my correspondent as well as the secretary of state; I shall employ spies to

enable some neighbouring nobleman, with whom I wish to ingratiate myself by my zeal and my subserviency, to detect the poachers on his estate." It would be superfluous to point out all the ramifications through which the poison of such an example might spread, destroying private confidence, corrupting the honest feelings of the people, and setting one class of men, or one part of the population of the country, against the other. The example of France was often, on other occasions, referred to, as a warning; and their lordships would do well to consider the evils which had arisen in that country from that source of corruption to which he now wished to direct their attention. Let them look to the description, lately published, of the state of Lyons and its neighbourhood. It was a tale of spies encouraged—of seditions which those spies had instigated—of ignorance which they had basely seduced—and of indiscretion, which, through their means, had been barbarously punished.* If a proper opportunity were offered, he would pledge himself to prove, that so far back as 1812, a similar system of *espionage* and dissension had commenced in this country. He alluded to the districts about Bolton and Manchester, where orange clubs were established, where spies had been for some years employed, and from whence much of the information on which the government had lately proceeded had come. If the noble and learned lord cited the precedent of the reign of William III. in justification of the late measure of the suspension and present indemnity, might not the example now furnished be soon established into a valid precedent? The noble and learned lord called the late measures, measures of necessity; but when would ever a statesman, who wished the possession of arbitrary power, want the plea of necessity to justify his demand? The sufferings of the individuals lately imprisoned required consideration, even independently of the perni-

* In 1817, some disturbances broke out at Lyons, which were soon suppressed. Marshal Marmont, Duke of Ragusa, was sent to take the command of the district, and to inquire into the cause of the late disorders. He arrived at Lyons on the 3d of September. In February 1818, Colonel Faubier, the chief of the marshal's staff, published an account of that officer's military administration during the mission, together with the result of the inquiry. The following is an extract from that work, to which, it is to be presumed, Lord Holland alluded in the above passage of his speech.

"The marshal experienced at first great difficulties in procuring a knowledge of the truth. The principal authorities supplied relations so uniform—they appeared still so alarmed at the terrible dangers which they, according to their own account, had warded off; they cited so great a number of facts, made so many revelations, praised with such apparent sincerity their own devotion and energy, attacked the opinions of those functionaries who did not concur with them, by imputations so grave in appearance, that it was necessary to believe the conspiracy to be real; that France owed them thanksgivings for their efforts, and that all the evils which they had committed were necessary.

"He applied to respectable citizens; he imposed upon himself the obligation of seeing every thing with his own eyes, and, in this manner, he soon learned the real state of things. The comparison of the present and the past forced upon him the conviction that the enemies of the repose of France, abusing, no doubt, the errors and weakness of the principal authorities, had got possession of power, and made use of it to persecute every one who did not partake of their opinions and interests. The city of Lyons, and the surrounding communes, saw the revival of the era of 1793. A band of agents traversed the city and the country, introduced themselves into taverns and private houses, acted the part of malcontents, breathed nothing but violent complaints against government, announced changes and revolutions, and, if they could draw a sign of approbation from the unfortunate citizens, pressed by want and harassed by a thousand vexations, they hastened to denounce them, and to reap the reward of their infamous stratagems. The proceedings of the Prevotal court attested the employment of these odious means, but the excesses even which attended them soon made them public. Every one of the authorities having his own separate means of police, at every instant these vile instruments encountered each other without knowing it; attacked mutually with equal ardour, and, in a short time, the less active being denounced by his more zealous fellow-labourer, expiated for a time his infamy in chains. He found it necessary, therefore, to resign his mission; the authority who employed him claimed his agent, the prisoner disappeared, and proceeded afterwards in the pursuit of a new prey or in the preparation of a new scandal. By the aid of these numerous informers the prisons were filled with victims, heaped upon each other with such disorder, that the very reading of the prison registers proved to what extent the laws and humanity were outraged. Independently of those whom the ordinary procedure of law placed in the Prevotal courts, there were seen in the cells of the town prison, hundreds of wretches, the victims of vain terrors and fatal counsels, who waited for whole months, deprived of every comfort, the favour of being interrogated. Arbitrary measures were carried on in all departments of administration. While the magistrates, from passion, acted without moderation or shame, it is easy to guess the excesses of their agents.

"The Prevotal court, doubtless yielding to an error, but to the most cruel and deplorable of errors, brought to its fatal bar, 122 persons out of 155 accused. Out of this number, the most considerable, perhaps, that any criminal proceeding had ever brought at once before a tribunal, horrible to relate, not one escaped punishment more or less severe. Twenty-eight were condemned to death; six to compulsory labour; thirty four to transportation; forty-two to imprisonment, and others to a long *surveillance* and bail, which they were unable to procure. Thus, out of a mob which did not exceed 250 men, and of whom only 60 were armed, more than 110 were condemned as authors or chiefs of the sedition. And of all these wretched beings, only one attempted to resist the public force, by wounding a gendarme. All the others were disarmed before the cavalry sent in their pursuit came up with them."

cious effect which the example of denying them redress would have on posterity. Let the house look upon the ruin into which arbitrary arrest and confinement had thrown them. After being injured in character, and ruined in circumstances, the present bill proposed to take from them that just redress to which they had as good a title as their lordships had to their estates. Suppose these persons instituted actions. Then, it was said, the noble secretary must disclose the information on which he acted. What would be the evil of this? Was the existence, or the welfare, of those wretched and detestable persons who had become informers, and who refused to support openly their evidence, necessary to the existence of the state? If they suffered by such disclosure, a little remuneration would reward them for their infamy, and pay them sufficiently for that loss of character which was of so little value. The wretch to whom he had alluded in Ireland, (Sir Judkin Fitgerald) was so indemnified, and now bore his infamous honours. On the broad principle of justice and right, he called upon the house to throw out the present bill, and allow the injured men to seek their redress. He would most decidedly give his vote against it. The house should do something for the dignity of its character. He was against the measure altogether, but would vote for the motion of his noble friend.

Lord *Sidmouth* observed, that he was not a person who could properly enter upon a discussion, the object of which was to indemnity him for the way in which he had performed the functions committed to him: but he had a motive for rising, quite distinct from any personal considerations. He must in the first place say, that those who conceived that he asked for this bill, in order to preclude himself from the necessity of disclosing the information which had come before him, completely mistook his purpose and his character. The individuals who had trusted their names to his confidence might have felt perfectly secure, even if this bill were not passed: for no consequence which might involve his own liberty, property, or reputation, would ever have induced him to betray them. (*Hear.*) The noble lord who spoke last had asserted, that the bill was not intended as an indemnity for the secretary of state, but for an individual upon whom that noble lord had, in a few words, heaped more abuse than he (Lord Sidmouth) had ever heard uttered against any one man. But he would tell that noble lord, that he was mistaken in his opinions respecting that individual: the bill did not concern him in any manner whatever; he had done nothing which could possibly make such a bill necessary for his security; no person had been apprehended in consequence of information from that quarter, nor had any steps been taken at his suggestion, or arising out of his disclosures. The noble lord had poured out a great deal of indignation against that man, an indignation which was perfectly natural and honourable, on the supposition of his having done what was imputed to him, but which was, in fact, totally unfounded and unjustifiable. But the noble lord, not content with venting his indignation against an informer, had gone further, and vented it on a body which had hitherto been unimpeached. He had drawn a most degrading picture of the character of the magistrates (*no, no, from Lord Holland*)—of that useful body of men who were the main pillars of the internal strength of the country, and without whose co-operation the public tranquillity could not be preserved. (*Hear, hear, hear.*) These men did not deserve to be treated with that levity which the noble lord had employed against them; he did not accuse the noble lord of any wish to degrade them, but his manner had certainly that tendency. (*No, no, from Lord Holland.*) On the subject of spies and informers, that noble lord had held such language as he was sure he could not have held had he been placed in an official situation. At the same time he gave the noble lord perfect credit for consistency. In saying this, he meant no disrespect, (for admiring, as all must, the talents of that noble lord, and prizing, as all did, his personal qualities, it was impossible for any administration not to regret that he should differ from them, and withhold his sanction), yet he must say, that the noble lord, and some of those who sat beside him, had a claim to the character of consistency on one ground at least, which was, that they never had on any occasion supported any one measure which the wisdom of parliament had thought necessary for the safety of the country. (*Hear, hear.*) As to the system of *espionage*, he disdained it as much as any man: he abhorred with all his heart whatever tended to shake the confidence of the private dwelling, or weaken the bonds of social intercourse between man and man; but when he was placed in a situation which presented an opportunity, by means of an informer, of saving his country from insurrection, could he as an upright minister, could he as an honest man, reject such information? He only wished that he could consistently with his duty disclose what had been communicated to him: above all, he wished he could disclose what had passed between him and Oliver. He had, indeed, made a full disclosure to the secret committees of both houses of parliament; so full, that he was not aware of a particle that was not in their possession: he wished that it were consistent with propriety to make an equal disclosure to the country generally, that he might state what related to Oliver, and shew how much the public were mistaken in that man's motives and conduct. As to the question of the treatment of the prisoners, his noble and learned friend opposite (Lord Erskine) had gone too far, when he asserted, that he (Lord Sidmouth) must be conscious of at least one instance of injury inflicted on some innocent person, or he would not ask for a bill of indemnity. He could broadly say, there was not a single

case of imprisonment, which, in his own mind, or in the minds of any of those who had officially advised it, produced the slightest feelings of self-reproach. Not a single individual had been apprehended, against whom he would not proceed in a similar manner, under similar circumstances. (*Hear, hear.*) The accounts of their treatment, as furnished by the prisoners themselves, were full of the grossest misrepresentations and falsehoods, and he could enter into particulars which would convince the house, except that they did not concern the present discussion. He would not therefore touch upon them: indeed, his chief object in rising had been to state, that Oliver could not come within the scope of the present bill;—he had done nothing that required forgiveness or indemnity. He defied any noble lord to say, that he had made use of Oliver in any way repugnant to strict honour, or to strict law, or that he had exercised any of his official functions in a way inconsistent with honourable feelings, he might say, with the delicacy of honour, or the purity of the British constitution. (*Hear.*)

Lord *Holland* rose to explain. He denied that he had passed any such sweeping censure on the magistrates as had been imputed to him. His argument was simply this: that as ministers had openly encouraged the busy, meddling activity of spies and informers, and as magistrates were merely men, and actuated by human motives, it was possible, that one consequence of the system adopted by ministers might be, that some magistrates out of a vast number would be induced to act with more zeal than discretion, with more anxiety to please the government than to keep within the strict limits of their duty. The noble viscount could not pretend to say that such an effect had not been produced on some magistrates. (*Hear, hear.*)

Earl *Grosvenor* said, that nothing had occurred which could justify the suspension of the habeas corpus act. There was nothing that might not have been left to the ordinary laws of the country. The noble viscount might be, and perhaps was, satisfied with his own conduct, but his self-opinion furnished no sufficient reason for the satisfaction of the house generally; the grounds of that self-approbation must be better explained before the house could ratify it by their sanction. The noble viscount had defended Oliver, and not without cause; for, if Oliver should turn out to have been guilty of the acts imputed to him, then the noble lord himself would be answerable for the conduct of his agent, on the common principle of *Qui facit per alium, facit per se.* But he would not then, at that late hour, discuss a subject which might be discussed at another time: he should content himself at present, with expressing his decided approbation of the motion of his noble friend.

The Earl of *Carnarvon* said, he would not detain the house long, but he could not be content with giving a silent vote. The noble viscount (Sidmouth) had commenced his speech by disqualifying himself from taking any part in the present discussion, and had fairly avowed what was the fact, that he could not with propriety advocate a measure which was so personal to himself. This was a very correct view of the subject, and he trusted that the noble viscount would carry it a step further, and would give no vote on a matter so extremely personal. (*A laugh, and hear, hear.*) But he should like to know, when, and how, the noble viscount had arrived at this just opinion? for he (Lord Carnarvon) could not but recollect, that, a few days ago, that noble lord had appointed himself to sit as judge on his own conduct, in conjunction with certain other judges, all chosen from a list furnished by himself. (*Hear, hear.*) Since the appointment of that committee, several petitions had been laid by him (Lord Carnarvon) upon their lordships' table; and he could not but think it peculiarly hard that the petitioners could procure no hearing before the house, and that now they were also to be shut out from all redress before the ordinary tribunals of their country. But what was scarcely less hard was, that the noble viscount should, in the very face of these facts, get up and declare to the astonished ears of their lordships, that he had laid before the secret committee *all* the evidence that could be procured; *all* the circumstances of every case. The noble viscount had forgotten, but would the house forget, that he had, a very few days ago, refused to lay these petitions before that committee? When he (Lord Carnarvon) first laid the petitions on their lordships' table, with a desire to make a motion on the subject, he was told that such a proceeding was premature, and delay was required. Well, after the interval which had been begged of him, he brought forward his motion, but was then told, that the committee were about to make their report, and that such additional information would only puzzle and distract them. And now that a report was made, and a bill of indemnity, its usual consequence, was brought in, it was said, that the subject of the petitions should not be alluded to—it was quite irrelevant—it was too late. (*Hear, hear, and a laugh.*) But he did not think it irrelevant: he did not think it was too late: for, what was the question before their lordships? Was it not, whether ministers had abused or not the powers entrusted to them? And was it not fitting that all cases of alleged abuse should be strictly inquired into by that house, before their lordships proceeded to shut up the tribunals of justice against the petitioners, and through them against the people of England? The noble viscount seemed to consider that the great object of the habeas corpus suspension act was, to detain persons in prison whom they never had the least intention of trying; in other words, that it was its object to erect in every county a bastile for persons who were obnoxious to ministers. He would tell the noble viscount, that this was an erroneous view of the subject, and he doubted whether their

lordships would ever have given their consent to such an act, had ministers avowed such an object. He would not now trouble the house any further: (*hear, hear, hear*) he should have a better opportunity when the details of the bill should come before their lordships; or when its terrible principle should, as he hoped it would, be again discussed. But he would now conclude with observing, that, on their conduct in this business, depended the character of their lordships, the character of the ministers, nay the character of the injured Oliver himself (*a laugh, and loud cries of hear, hear*); for, against him, as well as the unfortunate complainants, whose petitions lay scorned and unheeded upon their table, would this bill of indemnity block up all the avenues of legal redress. (*Cries of hear.*) He would oppose the bill in every stage.

The question was then put "that the word *now* stand part of the question?"

Contents	56	Non Contents	15
Proxies	44	Proxies	18
	—		—
	100		33

Majority 67

The bill was then read a second time.

LIST OF THE MINORITY.

	PRESENT.		PROXIES.
Duke	Sussex	Duke	Bedford
	Devonshire		Argyle
Marquis	Lansdowne	Marquis	Downshire
Earl	Cowper	Earl	Suffolk
	Carnarvon		Essex
	Grosvenor		Derby
	Rosslyn		Albemarle
	Besborough		Darlington
	Lauderdale		Thanet
Lord	Holland		Jersey
	King		Waldegrave
	Foley		Grey
	Grantley		Ilchester
	Auckland		Kingston
	Erskine		Spencer
		Viscount	Anson
		Lord	Sondes
			Alvanley.

HOUSE OF COMMONS.

Friday, Feb. 27.

FEES ON PARDONS.] An account was presented (pursuant to an order of the 24th instant) of fees received on pardons under the great seal.—Ordered to lie on the table, and to be printed. (See the Appendix.)

EXCHEQUER BILLS.] Mr. *Arbuthnot* presented an account "of the Unfunded Debt in exchequer bills outstanding on the 5th of January, 1818."—Ordered to lie on the table, and to be printed. (See the Appendix.)

WANT OF EMPLOYMENT, &c.] General *Loftus* presented the following petition of inhabitants of Cork. "That the petitioners, beholding the daily increase of poverty among the inhabitants of that city, arising from want of employment, which has unhappily induced its necessary consequences, disease and misery, and knowing that similar evils are felt in every part of Ireland, approach the house to state the calamitous situation in which that country stands, and to call upon the house to protect them from that ruin into which all ranks appear to be fast sinking: the petitioners have to deplore the want of sufficient encouragement to their manufactures, the difficulties which stand in the way of agriculture, and the absence of a majority of the nobility and gentry, who receive the produce of the soil, and spend it in other countries; the petitioners shall not presume to dictate to the house in what way their sufferings can be best alleviated; but, as they principally trace them to want of employment for their superabundant population, they would beg most humbly to suggest the propriety of some legislative enactment respecting the non-residence of the nobility and gentry, the encouragement necessary for the increase of their manufactures, the formation of canals, the working of mines and fisheries, the more profitable tillage of land, the construction and repairing of roads, and such other means of employment as the house may think proper to devise; the petitioners would also earnestly solicit the attention of the house to the means of extending the benefits of education to all classes of the community as the best corrective of human depravity, and the most efficient moral engine of state; the petitioners most fervently beseech the house to take the case of Ireland into their early consideration, and to reflect on the urgency of the circumstances under which the petitioners address them, disease making rapid strides through all classes, and no prospect of its decrease, while so large a portion of the population are unemployed, and continue in a consequent state of poverty and wretchedness."

Sir *N. Coulthurst* bore testimony to the facts stated in the petition, and, on his motion, it was ordered to be printed.

LEATHER TAX.] Mr. *Shaw* presented a petition of the corporation of Tanners of Dublin, against this tax.—A similar petition was presented of Tanners and inhabitants of Morpeth.—Ordered to lie on the table.

CHIMNEY-SWEEPERS.] Mr. *Symonds* presented a petition of inhabitants of Hereford, against the employment of climbing boys.—Ordered to lie on the table.

COPPER.] On the motion of Mr. *Grenfell*, accounts were ordered "of the quantities of copper exported from Great Britain in the year ending the 5th of January 1818; distinguishing each sort, from what part sent, and to what country exported."

"Of all copper imported into Great Britain in the year ending the 5th of January 1818; distinguishing each sort of copper, from what country, and into what port, imported."

"Of all copper imported into Ireland in the year ending the 5th of January 1818; disting-

guishing each sort of copper, from what country, and into what port imported."

"Of the quantities of copper exported from Ireland in the year ending the 5th of January 1818; distinguishing each sort, from what port sent, and to what country exported."

HABEAS CORPUS SUSPENSION ACT.] Mr. Alderman *Wood* presented the following petition of the Lord Mayor, Aldermen, and Livery of London, in common hall assembled. "That the petitioners have viewed with the deepest concern the continual encroachments that have been made upon the rights of the subject; they have been called upon to make sacrifices without bounds, and to submit to burthens and privations without example; they have evinced the utmost patience, fortitude, and forbearance under their sufferings, under a persuasion that upon a return of peace they should have witnessed a disposition, on the part of his Majesty's government and the house, seriously to inquire into the cause of their sufferings, and to redress their grievances, to diminish their burthens, and to make such necessary reparations in the constitution as would remove the numerous and deeply-rooted abuses, and restore it to full vigour and energy: in all these expectations the petitioners have been unhappily disappointed, and, instead of seeing realized expectations so reasonably founded, at a moment of unexampled distress, when they were representing their grievances to the house, no redress was afforded them, nor were their complaints inquired into, but, upon unfounded alarms, raised and fomented by the hired emissaries of ministers, and for the purpose, as they believe, of stifling the complaints of the people and protecting abuses, and upon no other evidence than the partial documents furnished by ministers to secret committees, the great pillar of the constitution, the habeas corpus act, was suspended; that, as the grounds and pretences for such a measure, and in a time of profound peace, were without precedent, so they believe is the wanton, arbitrary, oppressive, and vindictive proceedings of ministers without example, in the annals of the country; the petitioners will not detail these oppressions, many of the facts have already been stated to the house, and are generally known; but, while they forbear to dilate upon the cruel and vindictive imprisonment and prosecutions of numerous individuals, which have ended in the defeat and disgrace of ministers, the petitioners cannot forbear expressing their decided impression that, in the instances where convictions have taken place, those unhappy and deluded men had been led into the commission of crimes, through the agency of those infamous and abandoned emissaries who had been employed; that they are further convinced that the existing laws are fully adequate in those cases, and that, by due vigilance, those acts which led to the forfeiture of the lives of those unhappy individuals, might have been prevented; the petitioners submit to the house, that the justice of the country, and outraged feelings of the people, demand a full, impartial, and rigid inquiry into all the proceedings of ministers, both in obtaining and under the late suspension act; that no inquiry before secret committees, composed partly of those ministers and placemen, can promote justice, or satisfy the nation, and must lead to an inevitable conviction that those, who ought to be the guardians of the property, the liberties, and lives of the people, are guided by other motives and considerations than the welfare and honour of the nation; the petitioners therefore humbly pray, that the house will immediately institute a full, impartial, and rigid inquiry into the conduct of ministers, and all the proceedings in obtaining and under the late suspension of the habeas corpus act, and that the said inquiry may be referred to such committees as are composed of such members only of the house as hold neither places nor pensions under the government, and that the house will not pass any bill of indemnity, nor preclude those who have been the victims of oppression from making an appeal to the legal tribunals of the country."

On the motion that the petition do lie on the table,

Sir *W. Curtis* observed, that all he had to say was, that he had attended the common hall, and that he disapproved of every word of the petition.

It was then ordered to lie on the table, and to be printed.

RIBBON WEAVERS.] Mr. *P. Moore* presented a petition of Ribbon Weavers of Coventry, praying for some regulations. It was referred to a select committee, consisting of Mr. P. Moore, Mr. Butterworth, and several others, who were ordered to examine the matter thereof, and report the same, with their observations thereupon to the house.

A petition of Silk Weavers of the town of Macclesfield was presented, and referred to the committee.

MOCK AUCTIONS.] Mr. Sheriff *Desanges* presented a petition of the Lord Mayor, Aldermen, and Commons of London, against mock Auctions.

Mr. Alderman *Atkins*, in moving that it do lie on the table, stated the frauds that were committed in these auctions, by imposing spurious articles on the public, and the facilities which they afforded for the disposal of goods that had been obtained under false pretences. He begged to call the attention of the right hon. gentlemen opposite to this subject; and he hoped, that when a bill should be introduced to remedy the evil, it would not meet with the difficulties experienced in the last session. After a very careful investigation of the evils attendant on these auctions, he was enabled unequivocally to declare, that no measure could be more generally useful than one by which they should be suppressed.

The petition was ordered to lie on the table.

GAME LAWS.] Mr. *G. Bankes* presented his

bill "for the more effectual prevention of offences connected with the unlawful destruction and sale of game."

Mr. *Grenfell* expressed his hope, that the hon. gentleman would not name an early day for the second reading of a measure on which so much diversity of opinion existed.

Mr. *G. Bankes* said, he wished to fix a distant day for the second reading, in order that those hon. gentlemen who were under the necessity of attending the quarter sessions and assizes, might be present at the discussion of the measure.

On Mr. Bankes's motion, the bill was ordered to be read a second time on Friday, the 10th of April, and to be printed.

LEATHER TAX.] On the motion of Mr. *Lushington*, an account was ordered "shewing the annual amount of the duties upon Leather in Great Britain, for the five years preceding the period when the additional tax was charged, and also, shewing the amount annually received since that time; distinguishing each year; and a similar return of drawbacks for the same period."

General *Gascoigne* took the opportunity of asking the noble lord who had signified his intention of making some proposition on this subject, whether he meant to propose that the petitions against the tax should be referred to the consideration of a committee, or to move at once for leave to bring in a bill to repeal the tax?

Lord *Althorpe* said, that he had not yet made up his mind as to the course he should pursue.

SCOTCH BURGHS.] Lord *Archibald Hamilton* presented the following petition of resident burgesses in the royal burgh of Wigtoun. His lordship observed, that he thought this petition would shew, that the inhabitants of the burghs were not so fully satisfied with their situation as some hon. members on the other side had represented.—"That the peculiar circumstances of the burgesses of the cities and burghs of Scotland, have repeatedly been submitted to both houses of parliament, and while ameliorations and redress of grievances have been liberally conceded to almost every class of society, the petitioners and their predecessors have been totally neglected for the last three or four centuries; that the constitutions or sets of the burghs in Scotland are well known to the house, and although the petitioners, as resident burgesses of Wigtoun, may be naturally supposed to have an interest and voice in the election of their rulers and the administration of the funds of the community, yet the fact is, they have neither the one or the other, and the present members of the corporation continue from year to year to re-elect themselves and their successors in defiance of the petitioners; the members of the corporation of Wigtoun are nineteen in number, being a provost, two bailies, and sixteen counsellors, and of these only six are known to the petitioners, or reside within the burgh; the remainder consists of honourables or right honourables in different quarters of the globe, and persons in the immediate employ, or under the direct influence, of a neighbouring noble lord; the petitioners indeed aver and offer to prove, that they have neither voice nor influence even in the management or application of the funds of the community; and if the present system of self-election is much longer persisted in, total ruin must overtake every burgh in Scotland; without entering into unnecessary detail, the petitioners humbly crave that in place of the odious and defective system, that resident burgesses only be capable of electing and being elected members of the corporation, and that the present system of self-election be speedily put an end to in the burgh of Wigtoun, and every other burgh in Scotland: of the present set and mode of electing their parliamentary representatives the petitioners approve, but here their approbation must rest, for of the system of self-election and non-resident magistrates and counsellors the petitioners have and ever will complain; the petitioners are not even admitted to an inspection and examination of the funds of the community, far less consulted in the management thereof, and, at this moment, the funds of the burgh, in place of being subjected to the controul of the burgesses, are administered by persons, the majority of whom never set their foot within the royalty, except perhaps on the day of the annual election, and in order to carry on the present system; may it, therefore, please the house to take the case of the petitioners into consideration, and in their great wisdom to grant them such relief and redress as they shall judge proper."

The petition was ordered to lie on the table, and to be printed.

CLERK OF THE PARLIAMENTS.] Sir *M. W. Ridley* rose to ask, whether or not it was the intention of the hon. gentlemen opposite to move a new writ for Southampton?

Mr. *S. Bourne* replied, that the present member for that borough had neither been sworn into the office of clerk of the parliaments, nor had he appointed a deputy.

Mr. *Brougham* remarked, that whether the hon. gentleman had been sworn in or not, was quite wide of the present question, which was, had he accepted the office?

Mr. *S. Bourne* said, that, unquestionably, he was entitled to it by reversion. He maintained, however, that his hon. friend's seat was not vacated, until he had actually taken possession of the office, which he had not yet done.

Sir *M. W. Ridley* observed, that the hon. gentleman came into possession of the office immediately on the death of the holder; so that a new writ ought to have been moved for within a short period of that event. Of such a proceeding several instances had occurred. He should now, therefore, move the order of the day for resuming the adjourned debate on the motion for Mr. Speaker to issue his warrant to the clerk of the crown, to make out a new writ for the elec-

tion of a burgess to serve in the present parliament, for the town and county of the town of Southampton, in the room of G. H. Rose, Esq. who, since his election, had accepted the office of clerk of the parliaments.

The debate was accordingly resumed, and on the motion of Sir W. Ridley the new writ was ordered.

REPORT OF THE SECRET COMMITTEE.] Mr. *Bathurst* appeared at the bar, and presented the report of the secret committee, which was read by the clerk, as follows:—"The committee of secrecy, to whom the several papers, which were presented (sealed up) to the house, by lord viscount Castlereagh, on the 3d day of February, by command of his royal highness the Prince Regent, were referred, and who were directed to examine the matters thereof, and report the same, as they should appear to them, to the house;—have agreed upon the following report—

The first object of your committee, in examining the papers which have been referred to their consideration, has been, to form a just estimate of the internal state of the country, from the period when the second report of the secret committee, in the last session of parliament, was presented, to the present time.

The insurrection, which broke out in the night between the 9th and 10th of June, on the borders of Derbyshire and Nottinghamshire, shortly before the close of the sitting of that committee, was the last open attempt to carry into effect the revolution, which had so long been the object of an extended conspiracy. The arrest of some of the principal promoters of these treasonable designs, in different parts of the country, had deranged the plans, and distracted the councils, of the disaffected; occasioned delays and hesitation in the appointment of the day for a simultaneous effort; and finally, left none, but the most infatuated, to hazard the experiment of rebellion.

The suppression of this insurrection (following the dispersion of the partial rising which had taken place the night before in the neighbourhood of Huddersfield,) the apprehension and committal of the leaders for trial in the regular course of law, under the charge of high treason, and the detention of several others of the most active delegates and agitators, under the authority of the act of the last session, frustrated all further attempts at open violence. But the spirit of disaffection does not appear to have been subdued; disappointment was frequently expressed by the disaffected, at the failure of an enterprise, from the success of which a relief from all distress and grievances had been confidently predicted; and the projected revolution was considered as not less certain, for being somewhat longer delayed.

In the course of the succeeding month, bills of indictment for high treason were found against forty-six persons, at the assizes at Derby; which must have tended still further to check the progress of sedition, by apprizing the wavering of the danger to which they were exposed, and overawing the remainder of the more determined leaders. On the trials which took place in October, twenty-three were either convicted by the verdict of the jury, or pleaded guilty; against twelve, who were mostly young men, and related to some of the prisoners already convicted, the law officers of the crown declined offering any evidence. The remaining eleven had succeeded in absconding, and have not yet been apprehended. The result of these trials, and the examples which followed, seem to have had the effect which might be expected, of striking a terror into the most violent of those engaged in the general conspiracy; whilst the lenity shewn to the deluded, was gratefully felt by the individuals themselves, and restored quiet and subordination to the district, which had been the principal scene of disturbance.

In the course of the autumn, a gradual reduction in the price of provisions, and still more an increased demand for labour, in consequence of a progressive improvement in the state of agriculture, as well as of trade and manufactures in some of their most important branches, afforded the means of subsistence and employment to numbers of those, who had been taught to ascribe all the privations to which they were unfortunately subjected, to defects in the existing constitution.

Your committee see fresh cause to be convinced of the truth of the opinion expressed by the first secret committee, which sat in the last year, of the general good disposition and loyalty of the great body of the people; and they advert with pleasure to the confirmation afforded by the late trials at Derby, of the testimony borne in the report of the last committee, to the exemplary conduct of the mass of the population, in the country through which the insurrection passed. They have no doubt, that the numbers of those who were either pledged, or prepared to engage in actual insurrection, has generally been much exaggerated by the leaders of the disaffected, from the obvious policy, both of giving importance to themselves, and of encouraging their followers. It is, however, impossible to calculate the extent to which any insurrection, not successfully opposed in its outset, might have grown in its progress through a population, in a state of reduced employment, of distress, and of agitation. In such a state of things, opportunity would, no doubt, have been afforded to active and plausible demagogues, for seducing into acts of violence and outrage, persons altogether unaware of the nature and consequences of the measures, to which they were called upon to lend their assistance; that these consequences would have involved the destruction of the lives and property of the loyal and well-affected, in the event of any decided, though temporary, success of the insurgents, is sufficiently evident, from the designs, which have in some instances been proved.

It was therefore the duty of the magistracy, and of the government, not only to prepare the means of effectual resistance to open force; but, where they had the opportunity, to defeat the danger in its origin, by apprehending the leaders and instigators of conspiracy. Your committee indulge the hope, that the hour of delusion, among those who have been misled into disaffection, may be passing away; and that some, even of the deluders themselves, may have seen, and repented of their error. But your committee would deceive the house, if they were not to state it as their opinion, that it will still require all the vigilance of government. and of the magistracy, to maintain the tranquillity, which has been restored. It will no less require a firm determination among the moral and reflecting members of the community, of whatever rank and station they may be, to lend the aid of their influence and example, to counteract the effect of those licentious and inflammatory publications, which are poured forth throughout the country, with a profusion heretofore unexampled.

Your committee have hitherto applied their observations to the lately disturbed districts in the country. In adverting to the state of the metropolis, during the same period, they have observed, with concern, that a small number of active and infatuated individuals have been unremittingly engaged, in arranging plans of insurrection, in endeavouring to foment disturbances that might lead to it, and in procuring the means of active operations, with the ultimate view of subverting all the existing establishments of the country, and substituting some form of revolutionary government in their stead. Your committee, however, have the satisfaction to find, that, notwithstanding the desperation and confidence of the leaders, the proselytes that have been gained to their cause are not numerous. The sensible improvement in the comforts and employment of the labouring part of the community, has tended to diminish at once the motives of discontent, and the means of seduction. The mischief does not appear to have extended into any other rank of life, than that of the persons referred to in the first report of the secret committee of last year, nor to have received countenance from any individuals of higher condition.

Eager as these agitators are, to avail themselves of any popular assemblage, still more, of any occasion that might happen to arise of popular discontent, and capable as they appear, from their own declarations, to be of any act of atrocity,—your committee see no reason to apprehend that the vigilance of the police, and the unrelaxed superintendence of government, may not, under the present circumstances of the country, be sufficient to prevent them from breaking out into any serious disturbance of the public peace.

The attention of your committee has next been directed to the documents, which have been laid before them, relative to the apprehension of the several persons suspected of being engaged in treasonable practices, who have been detained under the authority of the acts of the last session. They have examined the charges upon which the several detentions have been founded, and find them, in all instances, substantiated by depositions on oath. Your committee have no hesitation in declaring, that the discretion thus intrusted to his Majesty's government, appears to them to have been temperately and judiciously exercised, and that the government would, in their opinion, have failed in its duty, as guardian of the peace and tranquillity of the realm, if it had not exercised, to the extent which it has done, the powers intrusted to it by the legislature. Of the thirty-seven persons, which is the whole number of those who were finally committed, one was discharged on the 4th of July, one on the 31st on account of illness, ten on the 12th of November, fourteen on the 3d of December, one on the 22d of December, six on the 29th of December, and three on the 20th of January, and one died in prison. From the circumstances of the country, as laid before your committee, and as publicly notorious during the period in which those imprisonments took place, your committee see no reason to doubt that the detention of the several prisoners, was governed by the same sound discretion, which, as your committee have already stated, appears to have been exercised in apprehending them. The whole of the arduous duties confided to the executive government, appears to your committee to have been discharged with as much moderation and lenity, as was compatible with the paramount object of general security.—27th February, 1818."

Lord *Castlereagh* moved, that the report do lie upon the table, and that it be printed.

Mr. *Tierney* asked the noble lord, when he proposed that the report should be taken into consideration, and what measure, if any, he intended to found upon it?

Lord *Castlereagh* said, that it was not his intention to propose any day for considering the report. The report was not fit to be taken into consideration at present. All that he meant to do was, to move that it be printed.

Mr. *Tierney* professed himself very much puzzled to find out the noble lord's reason for moving that it be printed. The noble lord had declared, that the report was not fit to be taken into consideration by the house; and if so, why it was worth while to print it passed a reasonable man's comprehension. (*Hear, hear.*) The noble lord was quite right, perhaps, in his avowed opinion of the report, for it was really nothing but a jumble of nonsense. (*Much confusion on both sides.*) Every syllable that had been foretold had been verified; all the absurdities that satire had invented, as likely to form part of this precious document, were here embodied in writing, for the amusement of the country. (*Hear, hear.*) Who was the author of this valuable production

it might be hard to say; but for any information it contained, it would have been much better if the Derby trials had been taken in short-hand and presented to the house. (*Hear.*) It was nothing but the old story: and well it might be, for what else had ministers to offer? There was, however, one material point, and, with the other side, it might constitute the chief value of the report, namely, that it was a complete white-washing of the administration: it contained two points only—the internal state of the country, and the internal state of the administration. (*Hear.*) The whole object of it was to induce the house to believe without evidence, (or rather with evidence all the other way,) that ministers had exercised the powers intrusted to them with the utmost moderation and humanity. Would the house take that fact for granted, merely because it was so asserted in the curious specimen of composition just read? (*Hear.*) For what purposes had the committee been appointed?—first, to defend the conduct of the former committee, and next, to defend the conduct of ministers: very properly for such a task, the members of the former committee, and the members of the administration, had been selected. What could be better when a man was accused, than to constitute him his own judge? Yet, after all, what had they to say? Nothing; but that the Derby trials had taken place; and that, if an insurrection had begun and proceeded, no man could tell the consequences. All had been taken for granted—not a tittle of evidence had been produced to shew that there had been any such insurrection; in fact, all that had occurred, had been occasioned by the backwardness of ministers in availing themselves of the powers they undoubtedly, and constitutionally possessed, by arresting those on Sunday who were about to rise on Monday; so that, in order to have the Derby trials, it was necessary to have an insurrection; and there could be no insurrection, unless ministers neglected their duty by not putting into effect the ordinary laws of the country. (*Hear, hear, hear.*) Contrivance and artifice were evident on the face of the whole business; and yet the report concluded with the assertion, (which every man expected of course from a body so constituted,) that ministers were a most meritorious set of men, and had preserved the constitution from ruin and destruction. Did the noble lord really flatter himself that he could impose upon the house; or, if he could, that he could juggle men of sense and independence out of doors? (*Hear, hear.*) The noble lord was as expert as any man at such things, and the delay of this notable report had been a part of the contrivance. The committee had sat for three weeks; public curiosity had been stretched from day to day; only the day before yesterday, the right hon. gentleman opposite (Mr. Bathurst) had stated, that a new point of the utmost importance had been started, which occasioned a new delay; and the postponement of the report until long after it had been presented in the other house, naturally led to the conclusion that there would be at least something in it; but who could assert that the report now launched upon the public contained any thing? It was unworthy to be taken into consideration, even according to the noble lord, and no measure was to be founded upon it. It arose from nothing—it was in itself nothing—and it was to lead to nothing. Nothing could come of nothing; or, if the noble lord's ingenuity could make something out of nothing, as, perhaps, had been very nearly accomplished when he himself was made a minister, he was afraid to avow it; he was ashamed, a quality in which he was not always abundant, to own that a bill of indemnity was to be founded upon such a thing as now laid upon the table. (*Great confusion.*) He (Mr. Tierney) did not believe a syllable of it; he would not believe assertions unsupported by proofs, and when all evidence to the contrary was rejected. (*Hear, hear.*) It was not very usual for men to be judges in their own cause; but that course had been here pursued, with many other novelties. On other occasions, when a green bag had been sent down, the aid of parliament was required: but here nothing was asked, excepting that the crown wished for the opinion of the house, while the ministers refused the means by which an opinion could be formed. No man in his senses would give credit to a body constituted as this committee had been. While the table was covered with petitions demanding inquiry; while the whole country wished to be satisfied why the constitution had been suspended, this notable report was put forth. He would not now repeat old arguments, old, but never answered, upon this subject; but he defied the noble lord to state any reason why the report was made, but that a bill of indemnity might be founded upon it; or, to shew any precedent of a committee named like the present, without purpose or result; or, in plain English, without head or tail. Where were the vouchers for this singular, not to say ridiculous, production? Not one had been submitted to the house; and, therefore, the report would give no more satisfaction to the country, than if every member of the committee had separately risen in his place in the house, and declared, that, in his opinion, (having, in truth, no opinion of his own) ministers were very wise men, had acted most discreetly and impartially, and had entitled themselves to the everlasting gratitude of the country and posterity. It was scarcely worth while to oppose seriously the motion for printing a document so absurd, contemptible, and ludicrous: it would, no doubt, be a waste of the paper on which it was impressed, and it would be also a waste of the time of the house to make further comments upon it.

Lord *Castlereagh* said, that though he did not intend to propose any thing to the house founded upon the report, yet the right hon. gentleman was, of course, at perfect liberty to do so, if he thought it proper or prudent. The opinion just expressed was undoubtedly strong, and con-

sidering that the report had been only once read, it was sufficiently summary; it was no less than that the right hon. gentleman did not believe a syllable it contained, and he, of course, endeavoured to excite a feeling in the house and in the country, in both of which he would completely fail, (*Confusion on both sides*) that the report was a production wholly unworthy of notice. What reliance would be placed upon this hasty judgment, either in doors or out of doors, experience would make evident. This was not the first time the country had had reason to think, that the right hon. gentleman was not the profoundest oracle that had ever sat on the other side of the house. (*Hear, hear.*) It was not difficult to prophesy, that, on the present occasion, as on many others, the right hon. gentleman would not succeed in deluding the public, in persuading them that no danger had existed, and that ministers deserved no credit for their promptitude, and their decision. Though the report was not to be taken into consideration on any particular day, yet occasions would be afforded for discussing it. (*Hear, hear.*) The right hon. gentleman and his friends need not despair of occasions when they might endeavour to renew discontent and alarm. (*Hear, hear.*) As to the assertion, that the opinion of the committee was nothing but the opinion of government, the right hon. gentleman must know too much of the constitution of that body, to suppose that the resolutions would all be passed without opposition; and it was quite a sufficient ground for appointing a committee to say, that it was desirable that the country should be informed of its real situation. (*Hear.*) The danger had been great, and was now happily diminished; but it was not yet so far past, but that it might return, unless proper and vigorous precautions were adopted. The moral and well-disposed part of the community had a right to know, as they did from this report, from what dangers they had escaped, and what yet remained to be encountered. It was no humiliation of the government, or of the house, to name a body for such a purpose; and while dangers still remained, they would be met by ministers with the same firmness of spirit, and vigour of action, that had hitherto distinguished them, recurring at the fit season to the salutary principles of the ordinary law. No man could deny that much had been accomplished by the powers with which the wisdom of parliament had invested ministers; and the country, now that the danger had been in some degree removed, were not to be imposed upon by being told that their fears had been idle, and the precautions taken by ministers unnecessary. It was fit that the report should be printed, and circulated among the members, and he did not apprehend that the house would carry the spirit of economy so far as not to consent that it should be printed. (*Hear.*)

Mr. *Brougham* remarked, that if the noble lord were so well informed as to the feelings of the house and of the country—if he thought the disposition of the one, or of the other, were so favourable to him and his friends, it was singular that, instead of submitting the whole inquiry to the whole parliament, he should have picked out a body for that purpose composed almost entirely of his own special associates and adherents. (*Hear, hear.*) The noble lord had said, that his right hon. friend was at liberty to submit a motion upon the subject of the report; but the noble lord seemed to forget, that the whole objection to this document was, that it was unworthy of any attention—that it was futile in its progress, and ridiculous in its conclusion. In fact, the committee were appointed, and carried on their inquiries, in such a manner, that there was not a man in the country who could expect to derive any advantage from them. It did not appear from the report, whether they had availed themselves of the power to call persons before them for examination. The noble lord, perhaps, would be more disinterested, and inform the house, whether the committee had had recourse to the only evidence worth having, namely, parol evidence. Ministers had professed a desire that the state of the country should be ascertained in a fair and impartial manner; and then, by way of making a show of impartiality, and to blind the country, they proposed one member from the opposition side of the house. It was true, they had named some others, but they knew that those members would either not attend on the committee, or would vote with ministers. With respect to his noble friend (Lord Milton), there was something like impartiality in naming him, as he was an avowed enemy of the measures to which ministers had resorted: but he was the only one admitted into the committee. His hon. friend on the bench below (Mr. W. Wynn) was not in that predicament—he was known to have a fixed and steady opinion in favour of the conduct which government had pursued last year; and he came to the inquiry prejudiced in favour of the former reports. The nomination of his hon. friend, therefore, was most insidious; he carried to the committee all the weight he derived from the side of the house to which he belonged, while, on this question, he was well known to have given his support throughout to ministers. In regard to another hon. and learned friend, whom the noble lord had named on the committee, it was well known that he did not attend on the former investigation; and it was anticipated, therefore, that he would not devote his attention to the present inquiry. In point of fact, this was a committee of the last secret committee; and they were selected in this way to whitewash the government, and to justify the reports of last year. (*Hear, hear.*) If any thing were wanting to satisfy the house and the country of the mockery of nominating a committee in this manner, it was the refusal of the noble lord to fill up the vacancy occasioned by the non-attendance of the member for Derbyshire, (Lord G. Cavendish) and of his hon. friend (Sir A. Piggott) who refus-

ed to attend on the former occasion, and who, he repeated, could not be expected to attend on this. Ministers attempted to make it appear that four members were taken from the opposition to sit on this committee; but the fact really was, they had taken but one. (*Hear, hear.*) With respect to the report, he would rather it were printed, that the country, who were anxiously watching their proceedings, and who had seen the way in which the committee were named, might also see the manner in which they had executed their duty.

Mr. *Bathurst* said, that the hon. and learned member (Sir A. Piggott) had attended on the whole inquiry of the first committee in the last session, and several times on the second committee. (*Cries of no.*) He (Mr. Bathurst) had asserted the fact, and would maintain it. What reason, then, had the ministers to suppose that he would not attend the present inquiry? They were not aware that he was more engaged in business this year than in the last, nor had they heard that he was prevented from attending by indisposition. Much had been said respecting the manner in which the committee had conducted their proceedings: but, he would ask, what was the meaning of a secret committee? From the very nature of the thing, the proceedings of such a committee must be secret: a secret committee could not act in any other way. The innocence or guilt of the persons implicated, and the propriety of bringing them to trial, was not the ultimate object of inquiry; the only question was, whether there appeared sufficient ground for government to demand extraordinary powers, and whether the house in general thought that those powers had been wantonly exercised, or whether they had been exercised with as much lenity and moderation, and as strictly consistent with legal forms, as the nature of the case, and the importance of circumstances, would admit. (*Hear, hear.*)

Sir *William Burroughs* said, he thought it incumbent on the noble lord to inform the house whether any and what *viva voce* evidence had been obtained by the committee. If the noble lord refused to give an answer, he should feel it his duty, if no other member came forward, to make a motion to the house, with a view of ascertaining the fact.

No answer was given.

Lord *Folkestone* said, that, on a former night, he had stated, that no precedent could be found for a bill of indemnity similar to that which was now to be introduced, except that which was passed in 1801. The noble lord opposite had contradicted that assertion, and declared, that it would be much more difficult to find an instance in which a bill of indemnity had not been passed under similar circumstances. Now he (Lord Folkestone), though he thought he was right on the former occasion, had since examined the matter more carefully, and he would repeat the assertion, that no precedent could be found for such a bill as was now proposed, except that of 1801. He stated this fact, for the purpose of challenging the noble lord to contradict it, if he could. He challenged him to produce a single precedent from the statute-book of this kingdom, except that to which he had before alluded, which would warrant the house to pass the bill which ministers demanded. The statute-book of Ireland might furnish a precedent; but the statutes of England would not afford a single instance in which a similar bill had received the sanction of the legislature, with the solitary exception of 1801. (*Hear, hear.*)

Lord *Castlereagh* did not reply.

Mr. *Brougham* said, there was one very important circumstance connected with these transactions, which required some explanation, as no light was thrown upon it by the report of the secret committee. In the first report of the committee of last year, the house were told, that the doctrines of the Spenceans were calculated to produce the most imminent danger; that their object was to possess themselves of the landed property of the country, and then to seize upon the funds. It was known, that many gentlemen were greatly alarmed at this information, and had been induced to vote for the suspension of the ordinary laws of the land, from the terror which that system inspired. Now, as far as he had been able to attend to the report which had just been read, he did not hear a single word upon this subject, and he was at a loss to know why it had been passed over in silence on the present occasion. It was stated, indeed, that a revolution was still going on in London, and this, perhaps, might allude to the Spenceans; but no other part of the report referred to their plans. If the lips of the noble lord were not sealed, and he was not tied down to secrecy on this point, he could wish him to give some information to the house respecting it.

Lord *Castlereagh* could not understand on what ground the learned gentleman considered himself entitled to put questions to this member or that member of the committee. The committee had made their report, and he did not know why the hon. gentleman supposed that the Spenceans were not referred to in the danger which was stated to exist.

Mr. *Brougham* said, that, in the reports of last year, the Spenceans were referred to by name, and a great parade was made of the dangers to be apprehended from their system. (*Hear, hear.*)

The report was then ordered to be printed.

Sir *W. Burroughs* moved, that the committee be directed to report to the house whether any, and what number of persons had been examined, *viva voce*, touching the matters which had been referred to them.

Mr. *Speaker* apprehended that this motion could not be entertained. (*Hear, hear.*) The committee had made their report, and, consequently, had discharged the duties which they had to perform. It was obvious, therefore, that no further instructions could be given to them.

In point of fact, they had ceased to exist. (*Hear, hear.*)

Lord *Castlereagh* then moved, that the secret papers which had been submitted to the committee should be returned to the office of the secretary of state for the home department.—Ordered.

NORTHERN CIRCUIT.] Mr. *W. Smith* said, he held in his hand a petition from Norwich, praying, that that city might be included in any measure which the legislature might think proper to adopt for the better administration of justice in the four northern counties. The petition being brought up, the hon. member moved, that it be referred to the select committee on that subject, with an instruction to take the same into their consideration.—Ordered.

GRIEVANCES UNDER THE SUSPENSION ACT.] Mr. *Bennet* presented the following petition of Samuel Bamford, of Middleton, in the county palatine of Lancaster, which was ordered to lie on the table, and to be printed.

"That at dusk on the 11th day of March 1817, a young man was introduced to the petitioner by doctor Joseph Healey at Middleton aforesaid; that the said young man stated himself to have been deputed by some persons in Manchester to propose to the petitioner and the rest of the Middleton reformers the burning and sacking of Manchester aforesaid, the storming of the barracks and New Bailey prison, and the liberation of the blanketeers confined in that place; that the above proposal was by the petitioner rejected with horror, and the petitioner, considering the young man as an innocent dupe to some spy, urged him by every legal, humane, and honourable consideration to have nothing more to do with the business; that the young man appearing affected, promised that he would never more propose such a thing to any person, and he shortly afterwards returned to Manchester, on his way to which place he told a person who accompanied him a short distance, that one Lomax, of Bank Top, in Manchester, was one of the persons who sent him to Middleton; that notwithstanding the above demonstration of the petitioner's reverence to the laws of his country, of his love to the principles of humanity, of his abhorrence to rapine and plunder, the petitioner was, on the morning of Saturday the 29th day of March, arrested on suspicion of high treason, by authority of a warrant signed by the secretary of state for the home department; that the petitioner was, by the deputy constable of Manchester, handcuffed like a common thief, and by the said deputy escorted by a party of the king's dragoon guards, conveyed to the New Bailey prison in Salford, where he was put into a common cell, in which were four other persons who were charged with felony; that the petitioner frequently requested the governor and turnkeys to let him have a blanket to shelter him from the intense cold, but that the petitioner's request was not attended unto; that, on the following morning, the petitioner was, with seven other persons, heavily ironed, and put into a stage-coach, in order to be conveyed to London; that the petitioner was accordingly, in company with the above seven persons, conveyed to London, by two king's messengers and two police runners; that on the night of the petitioner's arrival in London, when he retired to rest, he was chained in bed to two other fellow-prisoners (Healey and Lancashire;) that on the 1st day of April, the petitioner was taken to Lord Sidmouth's office at Whitehall, when Lord Sidmouth informed the petitioner that he (the petitioner) was arrested by virtue of a warrant signed by the said Lord Sidmouth; that afterwards the petitioner was taken to the house of correction in Cold Bath Fields; that on or about the 8th day of April, the petitioner was again examined by Lord Sidmouth, who repeated to him the aforesaid charge, and that the petitioner in his defence affirmed, that no just ground of suspicion could exist against him, for that instead of having done or encouraged to be done any thing of a treasonable nature, his conduct had always been the reverse; the petitioner at the same time acknowledged himself to be a reformer, and did then, as he still does, take credit to himself for so being, but strenuously denied having ever recommended violence in the accomplishment of a reform; that during the month of April the petitioner was frequently examined, at one of which examinations Lord Sidmouth questioned him respecting his knowledge of a person named Lomax, whether the petitioner was ever in company of said Lomax, upon what occasion the petitioner was in company of said Lomax, and what was the subject of discourse during the time the petitioner was in said company, to all of which questions the petitioner answered simply and truly, whereupon Lord Sidmouth observed, 'This cannot be the man,' or words to that effect, for the petitioner had understood Lord Sidmouth as having alluded to a near neighbour of the petitioner's, residing at Middleton; but when the petitioner in his prison room began to reflect upon every circumstance, he saw the improbability of his former conjecture, and was convinced that Lord Sidmouth meant one Lomax, who resided at Bank Top at Manchester, and who, after the arrests which took place at that town, was recognised by the whole country as a spy in the pay of the police; the same Lomax, at whose instigation the young man, mentioned in the beginning of this petition, proposed to the petitioner the burning and sacking of Manchester, which proposal was rejected by the petitioner as before stated; that on the 29th day of April the petitioner was liberated from his confinement in Cold Bath Fields prison, and was allowed 3*l.* to carry him home to Middleton aforesaid; that from the foregoing circumstances, the petitioner ventures to express confidence, that the house will perceive the extreme probability of the petitioner's arrest having

taken place in consequence of false information furnished by the aforesaid notorious Lomax; but that whatever may be the opinion of the house respecting this conclusion, they will not fail to express that strong feeling of indignation and abhorrence which ought always to animate the guardians of the lives and liberties of Englishmen, when, as in the case of the petitioner, their lives are basely endangered and their liberties violated; wherefore the petitioner prays that the house will no longer countenance a system of terror, of blood, and of oppression, by granting to his majesty's ministers a bill, indemnifying them from the consequences of the numerous outrages by them committed against the constitution of this realm."

Mr. *Bennet* then presented the following petition of Elijah Dixon, of Manchester, which was ordered to lie on the table, and to be printed. "That the petitioner was, on the 12th day of March 1817, whilst following his lawful occupation, apprehended by a warrant issued by Lord Sidmouth, and carried to London in double irons, and was, on the 15th of the same month, committed to Tothill Fields Bridewell by the same noble lord on suspicion of high treason, and there detained till the 13th of November, although the said noble lord must or might have known that he was perfectly innocent of the crime imputed to him; the petitioner therefore prays, that the house will be pleased to consider the justice of making the said noble lord responsible for the loss of time of the petitioner, and for the injuries which his family has suffered, in consequence of his long, unjust, and unredressed imprisonment; he also prays, that they will be pleased to adopt such a reform in the election of members to serve in the house, as shall give each man a feeling sense that he is really represented, and enable him once more proudly to boast of our glorious constitution, in king, lords, and commons."

Mr. *Bennet* next presented the following petition of Robert Pilkington, an inhabitant of the township of Bury, in the county palatine of Lancaster, which was ordered to lie on the table, and to be printed. Setting forth, "That, on the 18th April 1817, a king's messenger, attended by three special constables, entered his house, demanding his attendance, and, when he disputed the authority of these intruders to seize on his person, the only authority they exhibited was the gorget of the messenger; this he considered insufficient, but was under the necessity of submitting, as one of the messenger's attendants seized him by the collar of his coat, and dragged him from his family, which consisted of a wife and six small children, with whom he was about to retire to rest; and when he remonstrated with the messenger's attendants on being conducted in so brutal a manner (reminding them that he had not attempted to escape), only oaths and imprecations added to the disgraceful scene; he also charges these unlawful visitants with robbing his house of a number of papers and publications; also, when he was loaded with irons and seated in the mail, he heard the deputy constable of Manchester say to his emissaries that were to attend the petitioner, that he would give them five pounds if they could hang him; the petitioner hopes that the house will not suffer such violations of decorum in its officers of peace without manifesting its displeasure; after the petitioner arrived in London, he was three times conveyed to Whitehall, and twice given to expect an examination and twice disappointed; at first these officious gentlemen affected not to have sufficient information, and, when this twice-promised examination came on, he had to endure the mortification of only hearing declarations without foundation, without one word or act being specified that he had said or done, and without being asked one question; after this mock examination, he was committed on suspicion of a crime of which he was not guilty, and has had since to endure the torture of solitary incarceration for upwards of seven months, without being permitted to walk in the open air for a single hour; and in opposition to a positive declaration of Lord Castlereagh in the house, his wife had been refused the privilege of seeing him during his confinement in Manchester, and that two gentlemen of respectability had met with the same denial from the governor of Surrey gaol; that, in consequence of his late imprisonment, his family has had to endure sufferings too complicated for this statement; his house has been broke up, and his family necessitated to enter the workhouse, and have there been treated in an inhuman manner: although his oldest child was then only eleven years of age, two of them, and his wife, have been confined in the workhouse dungeon, one has been in irons for three days, one has been confined a night and a day without meat, or even water to drink, with many other abuses; and, when this inhuman governor was remonstrated with respecting his conduct, he had the audacity to say he had received orders how to treat them; the petitioner now hopes that, after suffering in his mind, body, character, and family, the house will not preclude him, by any bill of indemnity, from obtaining a just redress by virtue of the law of the land; but, should they pass a bill that will indemnify all those that have, under the auspices of government, committed their ravages on society during the suspension of the habeas corpus, to the injury of individuals and to the ruin of families, it may be assured that both law and legislators will cease to possess that respect originally paid to the British house of commons and its admirable laws; the petitioner is of opinion that there are traitors of the blackest hue; if he be one, he refuses not to suffer; and, except the house enters into a rigid inquiry for the purpose of bringing them to condign punishment, the petitioner is convinced that it must, in the sight of God and injured society, be guilty of all the flagrant

enormities that have taken place during the suspension of its own laws; the petitioner, therefore, for the honour of the nation, the welfare of society, the punishment of offenders, and the redress of injured innocence, hopes the house will possess its original dignity, in honestly, manfully, and courageously refusing to pass a bill that will indemnify villains who have committed notorious depredations with impunity."

PARLIAMENTARY REFORM.] Mr. *Bennet* presented three petitions of inhabitants of the town of Nottingham, praying for annual parliaments and universal suffrage.—Ordered to lie on the table.

ARMY ESTIMATES.] Lord *Palmerston* rose to submit to the house, whether, after the time which had been occupied with the report of the secret committee, they wished him to proceed with the statement of the army estimates, which were appointed for discussion this night. He was prepared to go into the subject, but as several members had retired, it might be more desirable, perhaps, to defer the discussion till Monday. Beyond that day, it ought not to be delayed, on account of the necessity of passing the mutiny bill. He should now move, that the order of the day be read for granting a supply to his majesty, and either proceed with his statement, or postpone it, as the house might think most expedient.

Lord *Folkestone* wished to make one or two remarks. He recollected that, about six years ago, he complained of an order that was issued by the Horse-Guards for giving general officers in the German legion permanent rank in the British army. He was then answered, that they would have that rank only while serving in the German legion, and that the legion must, by the act under which it was taken into our service, be broken up six months after the conclusion of peace. It was natural to suppose, therefore, that, after the dismissal of the German legion, the general officers would also disappear from the list; but he now found fifteen or sixteen general officers on the army list, entered as from the German legion. (*Hear, hear.*)

Lord *Palmerston* said, that not knowing the names to which the noble lord alluded, he could only return a general answer. He assured the noble lord, however, that what he had stated formerly on this subject was perfectly correct. On the expiration of the act alluded to, all the officers who had commissions in the German legion, ceased to belong to our service. A few of those who were natural born subjects of this country, after the expiration of their service, received commissions in the English army.

Lord *Folkestone* hoped the noble lord would inquire into the subject. He was convinced that the persons to whom he had alluded were not natural born subjects.

Mr. *Grenfell* wished to say a few words on the subject of certain papers then upon the table. The hon. gentleman was proceeding with his observations, when Mr. Speaker stated the question, and observed, that the hon. gentleman was not in order.

Lord *Palmerston* then moved, that the house resolve itself into a committee of supply, and that the army estimates be referred to the said committee.

Mr. *Grenfell* said, he would now take the liberty of making a few observations. He considered that he was entitled to address the house on any subject connected with the supply. After having called for the several papers which the Bank of England had lately produced to the house, he thought it due from him to take some notice of them, although he did not mean to submit any specific motion on the subject. The papers were 14 in number. (See page 116.) The first class related to the amount of Bank paper in circulation in 1817. Now, it appeared, that the average permanent amount of Bank notes which had been outstanding from July last, a period of seven months, exceeded, by more than two millions, the highest amount of Bank notes in circulation during any period of like duration, from the time of the restriction act in 1797 up to the present moment. (*Hear, hear, hear.*) When he coupled this fact with what was equally notorious, namely, the increase which had taken place, in the same period, in the amount of country bank paper, it was unnecessary to assign any other cause for the increase in the price of the precious metals. The next class of papers related to the amount of public money in the hands of the Bank. Last year the amount was nine millions. They had made a loan of three millions; but there still remained six millions in their hands. The other papers stated the allowances made by the public to the Bank, or charged by the Bank against the public. He should not, however, go into the subject at present, as he hoped that a committee above stairs would settle the charges which the Bank ought to receive.

Mr. *Manning* said, the balances at present happened accidentally to be much larger than they had been for some time previously; they had seldom exceeded four millions, while government had received three millions without interest. With respect to the amount of Bank notes in circulation, the directors had no desire to push the circulation beyond what was necessary to the country, and he did not believe that any inconvenience had resulted from the amount of notes outstanding.

Sir J. *Newport* said, the directors of the Bank might not think that their issues had been carried to any inconvenient extent, but the public might think otherwise. Connecting the increased issue of paper with the increased price of the precious metals, it was impossible that any man could doubt that the increase of the latter was owing to the excess of the former. His hon. friend was intitled to the thanks of the country for his meritorious exertions on these subjects, and he trusted, that he would persevere in exposing the enormous profits arising from the monopoly of the Bank. (*Hear, hear.*)

The *Chancellor of the Exchequer* said, he should not then enter upon any of the questions relative to the Bank, which had been so often debated in that house. The question now was, whether the army estimates should be referred to the committee of supply.

This question was put from the chair, and it was resolved, that the consideration of the estimates should be postponed till Monday.

BANK DOLLARS AND TOKENS.] The *Chancellor of the Exchequer* gave notice, that, on Monday next, he should move for leave to bring in a bill to amend an act passed in the last session, intituled, "An act to prevent the further circulation of dollars and tokens, issued by the governor and company of the Bank of England, for the convenience of the public." The object of the bill would be, to extend the time for the circulation of those dollars and tokens, as he wished to afford every possible convenience to the public.

Mr. *Grenfell* said, he would take that opportunity of correcting an opinion which had gone abroad, that the Bank had profited by issuing tokens. He believed the very reverse to be the fact. When the directors issued them, the 3s. tokens might have cost them 2s. 10d.; but what was their situation when they came to take them up? They took them up, it would be understood, by tale, and not by weight; and what cost them 2s. 10d. at the time when they were issued, at the present moment would not be of more value than 2s. 5d. or 2s. 4d.; so that they would lose the difference between 2s. 5d., or 2s. 4d. and 2s. 10d., or 2s. 6d., whatever sum it was at which the calculation had been made. If, therefore, any expense should be incurred in recalling the tokens, it ought to fall upon the government, and not upon the Bank.

Mr. *Manning* said, he had always stated in his place, that the Bank had lost by their tokens.

General *Thornton* was of opinion, that it would be very necessary to prolong the time for the circulation of tokens. A very short time ago, when he was in the country, he observed that the local tokens were in circulation, which was plainly owing to the want of other silver. He hoped the circulation would be continued, at least till other silver should be issued.

SAVINGS BANKS, (IRELAND).] Sir *J. Newport* said, he had a motion to submit, to which he did not think there would be any objection. It was relative to the Irish savings banks. The act that had been passed in the last session had been to a certain extent efficacious. It had been productive of most of the results which were anticipated, and was likely to have all the beneficial consequences that the most sanguine had expected.—The right hon. baronet then moved that there be laid before the house, an account of the amount of the money subscribed to the different savings banks in Ireland.—Ordered.

ORDNANCE.] Mr. *R. Ward* brought up papers containing an account of the expenses in the ordnance department incurred by the army of occupation in France, under the command of the Duke of Wellington.—Ordered to lie on the table.

HOUSE OF LORDS.

Monday, March 2.

CLERK OF THE PARLIAMENTS.] At ten o'clock, when their lordships met for judicial proceedings, Mr. Rose, clerk of the Parliaments, appeared in the house, and was sworn into office. He was accompanied by the clerk of the crown, who administered the oath, both kneeling during the ceremony. Mr. Rose then appointed Mr. Cowper to sign the necessary papers during his absence; and Mr. Birch and Mr. Corry were appointed additional clerks.

PETITION OF MR. BUTT.] Earl *Grosvenor* presented a petition of Richard Gathorne Butt, now a prisoner in the King's Bench prison, on sentences for libels upon Lord Ellenborough and Lord Castlereagh, complaining that he had been refused a habeas corpus to enable him to go up to the court, to plead his own cause in some actions in which he was a party.—Ordered to lie on the table.

CHIMNEY-SWEEPERS.] Petitions were presented, in favour of the bill for prohibiting the employment of climbing boys, by the Earl of *Lauderdale*, from certain master chimney-sweepers in London and Westminster, and from the inhabitants of Hackney, Homerton, &c.; by Lord *Prudhoe*, from Newcastle-upon-Tyne, Kingsland, Alston, &c.; by Lord *Holland*, from Clerkenwell; and by Earl *Grosvenor*, from Chester. The first petition from the master chimney-sweepers stated, that they had introduced the use of machines in their business, and found, that they superseded the necessity of employing boys; that such flues as were most difficult for using machines were precisely those into which it was most dangerous for climbing boys to enter; and that the practice of sweeping with machines would never be carried into effect, unless a bill of the nature of that before their lordships' house were passed.

Earl *Grosvenor*, in presenting the petition from Chester, made some observations on the evidence, which he considered perfectly sufficient to warrant the passing of the bill.

The Earl of *Lauderdale* said, the more clear and manifest the evidence was made, the more completely would the public go along with their lordships in passing the bill.

The Bishop of *Chester* had great satisfaction in stating, that he approved of the petition which the noble earl had presented from the city with which he was connected. The practice of employing climbing boys was fraught with so much inhumanity, that he hoped the bill for abolishing it would soon be passed into a law.

PERSONS ARRESTED FOR TREASON.] The Earl of *Carnarvon* said, he had come to the

house with the intention of moving for some papers, and, in particular, for an account of all persons arrested under the suspension of the habeas corpus act, and all whose houses were searched on charges of tumultuous or seditious proceedings, with copies of the warrants of arrest and search. It would have been most convenient for him to have made the motion to-night, in order that the account might be procured as speedily as possible; and he had trusted that its production would not be opposed, as papers of a more extensive nature had already been granted. None of his Majesty's ministers were, however, present, and as he did not know whether the noble Secretary of State would be disposed to grant this account in the state he wished it, he should postpone his motion until to-morrow.

Lord *Holland* hoped that the noble and learned lord on the woolsack would, by that time, grant his writ of habeas corpus to bring up the bodies of his Majesty's ministers. *(A laugh.)*

The *Lord Chancellor* said, they would be in their places to-morrow.

HOUSE OF COMMONS.

Monday, March 2.

LEATHER TAX.] Petitions against this tax were presented from Enniscorthy, Northamptonshire, Cornwall, Suffolk, Aberdeen, Ellesmere, Newcastle-upon-Tyne, Edinburgh, Darlington, South Shields, Bolton, and Manchester.—They were all ordered to lie on the table.

PARLIAMENTARY REFORM.] Mr. *Hart Davis* presented a petition from Bristol, signed by 20 persons, praying for a reform in the representation. He stated, that he had received a letter by which he was requested to present it. The postscript to the letter mentioned, that several hundred similar petitions were in preparation, and that it was expected, there would be a thousand of them, each signed by 20 persons. If these thousand petitions should arrive, he could only say that he did not think they would express the sense of his constituents; those whom he best knew had confidence in the wisdom of parliament, and were enemies to radical reform.—Ordered to lie on the table.

Mr. *Protheroe* presented a petition from Bristol, signed by 20 persons, praying that all male persons (infants, insanes, and criminals excepted) might have the right of voting for members of parliament. He could not undertake to say how many of the people of Bristol were of this opinion; but he thought the petition was short, clear, and perspicuous, and expressed the ideas of the petitioners. He had himself always been a friend to a moderate parliamentary reform, but could not be the advocate of so great an alteration as was prayed for. Yet he thought it right that the petitioners should have a fair opportunity of expressing their opinions to the house.—Ordered to lie on the table.

WATER COMPANIES.] Mr. *M. A. Taylor* gave notice, that it was his intention to submit a measure to the house for the better regulation of water companies. A dreadful fire had broken out in the Strand yesterday morning, and the want of water, for a considerable length of time after the arrival of the engines, had been fatal to the lives and property of many persons. It was his intention to bring forward some measure to remedy this evil, and to provide that a supply of water should be given to the public in case of fire. At present, he could give only a general notice of his intention, without fixing any particular time.

REWARDS ON CONVICTION.] Mr. *Bennet* rose, to move for leave to bring in a bill "for repealing such parts of several acts as allow pecuniary and other rewards on the conviction of persons for highway robbery and other crimes and offences; and for facilitating the means of prosecuting persons accused of felony, and other offences." The hon. member said, he could have wished that this subject had been taken up, and introduced, by some legal gentleman, who, by professional knowledge and experience, would have been better qualified than himself; but, having been a member of the committee appointed to inquire into the state of the police of the metropolis; and having lately passed a considerable portion of his time in considering subjects of this nature, and feeling, in common with a great number of individuals, that some measure like that which he intended to propose, was indispensably necessary, he was induced to trouble the house with a bill to repeal certain parts of the law respecting rewards on conviction. The house were aware, that, in order to encourage the apprehending of certain felons, rewards and immunities are bestowed on such as bring them to justice, by divers acts of parliament. By the statute 4 & 5 William and Mary, c. 8., it is enacted, that such as apprehend a highwayman, and prosecute him to conviction, shall receive a reward of 40*l*. from the public; to be paid to them, (or, if killed in the endeavour to take him, their executors) by the sheriff of the county; besides the horse, furniture, arms, money, and other goods taken upon the person of such robber; with a reservation of the right of any person from whom the same may have been stolen.—By the statute 6 and 7 William III. c. 17., such as apprehend a person who shall have counterfeited any of the current coin of the realm, or that for lucre or gain shall have clipped, washed, filed, or in any way diminished the same, or shall bring or cause to be brought into the kingdom, any clipt, false, or counterfeit coin, and prosecute him to conviction, shall receive a reward of 40*l*.—By statute 10 and 11 William III. c. 23., any person apprehending and prosecuting to conviction a felon guilty of burglary, house-breaking, horse-stealing, or private larceny, to the value of 5s. from any shop, warehouse, coachhouse, or stable, shall receive a certificate, which may be assigned over once

and no more; and the original proprietor of such certificate, or the assignee of the same, shall be excused from all parish and ward offices within the parish or ward wherein the felony shall be committed.—By statute 5 Anne, c. 31., any person apprehending and prosecuting to conviction a burglar, or felonious house-breaker, in the day-time, (or, if killed in the attempt, his executors) shall have and receive, over and above the rewards by the said act of the 10th and 11th of William and Mary, the sum of 40*l.*—By statute 14 George II. c. 6., explained by 15 George II. c. 34., any person apprehending and prosecuting to conviction such as steal, or kill with intent to steal, any sheep or other cattle specified in the latter of the said acts, shall for every such conviction receive a reward of 10*l.*—By statute 15 George II. c. 28, persons apprehending and prosecuting to conviction any person who shall commit any of the offences thereby made high-treason or felony, relating to the coin, shall receive a reward of 40*l.*; and for apprehending and convicting any person who shall counterfeit any of the copper coin, the reward of 10*l.*—Now, it had been found by experience, that the encouragement given by these several acts of parliament, by way of pecuniary and other rewards, for the apprehension and prosecution of persons guilty of the several crimes and offences therein mentioned, had not produced the wholesome effects of diminishing the crimes and offences thereby intended to be prevented or checked. But, it had been found, that the hope or expectation of obtaining such rewards, had instigated evil-disposed persons to conspire to entrap the unwary and ignorant into the commission of offences, for which they have afterwards been apprehended and prosecuted to conviction by such conspirators, whereby encouragement has not only been given to the commission of such crimes and offences, but the laws of God and man have been violently transgressed. There could be nothing more objectionable than the effect which this system of rewards had, of training up offenders in all the gradations of crime, till they arrived at the last stage, when a reward could be obtained for their conviction. Every person must see, that a punishment, however slight, if certain, was much more efficacious for the repression of offences than more severe punishments, which, it was known, were seldom inflicted. There could be no question, however, that juvenile offenders were permitted to roam at large, and to commit iniquities, till their crimes gave a certain value to the seizing of them; indeed, till, as it was technically called, they weighed 40*l.* (*Hear, hear.*) The shocking practices to which these rewards led, and which were detailed by many magistrates, and others, connected with the police of the metropolis, might be seen in the minutes of evidence taken by the committee; and, for an elucidation of some of them, he would refer more particularly to the evidence of a most respectable gentleman, Mr. Shelton, clerk of the arraigns. On this subject there was surely enough to warrant the interference of the house. It was stated in evidence, that, on the trial of criminals, the first question frequently put to witnesses was, what would they gain by the conviction? By this means, persons of whose guilt there could be no doubt, were frequently, from the difficulty of obtaining witnesses, acquitted; because witnesses felt their characters assailed by the sort of question that was put to them, and the idea of receiving blood-money hung like a stone about their necks. The criminal, indeed, generally escaped, where a police officer was the principal witness, because, the idea of reward struck the jury, who, therefore, did not give to his evidence the weight which it would have otherwise received. But the great and crying evil of the present system was, that it led to conspiracies, to entrap the unwary to commit crimes, in order to obtain the reward on conviction. The public attention had lately been powerfully called to the subject of such conspiracies; and an investigation respecting one, (the case of two boys, named Kelly and Spicer,) was at this very time on foot. But this was not the first time that men had lent themselves to the purpose of entrapping individuals into the commission of offences, for the sake of obtaining the reward on conviction. As early as 1756, several persons were convicted of having been concerned in conspiracies of this nature. One of those persons, of the name of M'Daniel, acknowledged, that 70 persons in all had been convicted at different times on evidence furnished by him. On one occasion, a man voluntarily submitted to be robbed, but the judge thought, that, to constitute a robbery, force should be proved. Three persons concerned in this business were tried for a conspiracy, but they were so roughly handled by the populace, that one of them was killed, and another died soon afterwards. Unfortunately, these were not solitary instances. In the year 1772, about 20 persons were the victims of such machinations. The conspiracies which were discovered about a year ago, were well known to the house. (He alluded to the case of Brock, Pelham, and Power. See page 568.) The case which lately happened to be discovered in Newgate, (that of Kelly and Spicer,) was one in which the execution of the sentence of the law had been most properly suspended. He did not mean to say, that, in this case, the conspiracy was as clearly made out as in the case of the poor men who were convicted on the evidence of Brock, Pelham, and Power; but there was a well-founded suspicion that Kelly and Spicer were the victims of the same system. How many others might have been sacrificed to these contrivances, it was impossible to say, but the general persuasion was, that the instances had been too numerous.—He should now proceed to state the objects of the bill which he intended to propose. In the first place, he submitted to the

house, that it would be highly expedient to repeal so much of the act of the 4th and 5th of William and Mary, as authorizes and directs the receipt and payment of the sum of 40*l*., by way of reward, for apprehending and convicting highwaymen;—so much of the act of the 6th and 7th of William III. as authorizes and directs the receipt and payment of the sum of 40*l*. by way of reward for apprehending and convicting persons who shall have counterfeited any of the current coin, or that for lucre or gain shall have clipped, washed, filed, or any ways diminished the same, or shall bring or cause to be brought into the kingdom any clipt, false, or counterfeit coin;—so much of the act of the 5th of Anne, as authorizes and directs the receipt and payment of the sum of 40*l*. by way of reward, for apprehending and convicting burglars, or felonious house-breakers, in the day-time;—so much of the act of the 14th of George II. explained by the act of the 15th of George II. as authorizes and directs the receipt and payment of the sum of 10*l*. for apprehending and convicting such as steal, or kill with intent to steal, any sheep or other cattle specified in the last of the said acts;—and also, so much of the said act of the 15th of George II. as authorizes and directs the receipt and payment of the sum of 40*l*. by way of reward, for apprehending and convicting persons who shall have committed treason or felony relating to the coin, and the receipt and payment of the sum of 10*l*. by way of reward, for apprehending and convicting persons who shall have counterfeited any of the copper money therein mentioned.—With respect to the act of the 10th and 11th of William III. which directs that a certificate, or, as it is now technically called, a Tyburn ticket, to exempt from parish or ward offices, shall be given to any person who shall apprehend and convict a felon guilty of burglary, house-breaking, horse-stealing, or private larceny, to the value of 5*s*. from any shop, warehouse, coach-house or stable—he did not mean to propose that that part of the act should be repealed; but he thought it would be proper to enact, that such certificate should not be transferrable, or, in other words, that it should not exempt or discharge from parish or ward offices, any other person whomsoever than the person to whom the same was originally granted.—And, with respect to so much of the act of the 4th and 5th of William and Mary, which gives to the executors and administrators of any person who shall happen to be killed, in endeavouring to apprehend, or in making pursuit after, a robber, the reward of 40*l*. besides the horse, furniture, arms, money, and other goods taken upon the person of such robber—and also, with respect to so much of the act of Anne, which gives the reward to the executors or administrators of any watchman, or any other person or persons who shall happen to be killed by any burglar or house-breaker—it was his intention, that such parts of the said acts should remain in force.—In the next place, he meant to make a provision for paying the expenses of prosecution. At present, many persons are deterred from prosecuting individuals guilty of felony, on account of the expense and loss of time attending such prosecutions, whereby the ends of justice are frequently defeated. The bill would, therefore, enact, that the court, before whom any person shall be prosecuted or tried for any grand or petit larceny, or other felony, should order the sheriff or treasurer of the county in which the offence shall have been committed, to pay unto the prosecutor and witnesses, and persons concerned in the apprehension, respectively, as well the costs, charges, and expenses which such prosecutor shall be put to in preferring the indictment, as also such sum of money as to the court shall seem reasonable and sufficient to reimburse such prosecutor and witnesses, and persons concerned in the apprehension, for the expenses they shall be put to in attending before the grand jury to prefer the indictment, and in otherwise carrying on the prosecution, and also compensate such prosecutor and witnesses, and persons concerned in the apprehension, for their loss of time and trouble therein. In furtherance of this object, the bill would contain two clauses: one, that in case the court shall make any order for the payment of any sum of money to the persons concerned in the apprehension of the offender, the same shall be paid by the sheriff of the county in which the offence shall have been committed, in the like manner, and at the same period of time as the rewards are directed to be paid by the said acts of 4th and 5th of William and Mary, the 6th of William III., the 5th of Anne, and the 14th and 15th of George the Second:—the other, that every such order for costs and charges shall be made by the Clerk of Assize or Clerk of the Peace, respectively, upon being paid the sum of one shilling and no more.—These were the sole objects of the bill, which, he hoped, would meet with the approbation of the house. He should, therefore, conclude with moving, that leave be given to bring it in.

Leave was immediately given, and the bill was ordered to be brought in by Mr. Bennet, Sir Samuel Romilly, and Mr. Brougham.

PRIVATELY STEALING BILL.] Sir *Samuel Romilly* brought in his bill "to repeal so much of an act passed in the 10th and 11th years of the reign of King William the Third, intituled, 'An Act for the better apprehending, prosecuting and punishing of Felons that commit Burglary, Housebreaking, or Robbery in Shops, Warehouses, Coachhouses, or Stables, or that steal Horses;' as takes away the Benefit of Clergy from Persons privately stealing Goods in any Shop, Warehouse, Coachhouse, or Stable, and for more effectually preventing Crimes."—Read a first time, ordered to be printed. It was as follows:—

"Whereas by an act passed in the tenth and eleventh years of the reign of King William the IIId, intituled, 'An act for the better apprehending, prosecuting and punishing of felons that commit burglary, house-breaking or robbery, in shops, warehouses, coach-houses, or stables, or that steal horses,' it is amongst other things enacted, that all and every person and persons that shall at any time and times, by night or in the day-time, from and after the 20th day of May, in the year 1699, in any shop, warehouse, coach-house, or stable, privately and feloniously steal any goods, wares or merchandises, being of the value of 5s. or more, although such shop, warehouse, coach-house or stable be not actually broke open by such offender or offenders, and although the owners of such goods, or any other person or persons, be or be not in such shop, warehouse, coach-house or stable, to be put in fear, or shall assist, hire or command any person or persons to commit such offence, being thereof convicted or attainted by verdict or confession, or being indicted thereof shall stand mute, or will not directly answer to the indictment, or shall peremptorily challenge above the number of 23 persons returned to be of the jury, shall be absolutely debarred and excluded of and from the benefit of clergy:

And whereas the said act has not been found effectual for the prevention of the crimes therein mentioned; and it is therefore expedient that so much of the said act as is hereinbefore recited, should be repealed:

And whereas it might tend more effectually to prevent the crime of larceny in shops, warehouses, coach-houses and stables, if every such offence were punishable more severely than simple larceny; Be it therefore enacted, that so much of the said act as is hereinbefore recited, shall from and after
be, and the same is hereby repealed.

And be it further enacted, that from
every person who shall privately and feloniously steal any goods, wares or merchandises, of the value of or more, in any shop, warehouse, coach-house or stable, or who shall aid or assist any person to commit such offence, shall be liable to be transported beyond the seas for or such term, not less than
years, as the judge before whom any such person shall be convicted shall adjudge; or shall be liable, in case the said judge shall think fit, to be imprisoned and kept to hard labour, in the common gaol, house of correction, or penitentiary house, for any term not exceeding
years."

ELECTION LAWS AMENDMENT BILL.] Mr. *P. Moore* presented a petition from Coventry against this bill.

Mr. *Wynn* moved the third reading, and stated, that he should propose an amendment, to obviate an objection that had been made with respect to the closing of the poll on the second day, if 400 voters should not have polled. The object of the amendment would be, to declare, that all votes tendered should be included in that number, if found to be ultimately good, though they might not have been decided at the close of the poll.

Sir *C. Monck* observed, that the returning officer was authorized to appoint as many constables as he thought necessary. This was a power that might be used for a particular influence; and it seemed desirable, that such power should not be given so as to serve a political view.

Mr. *Allan* objected to the provisions of the bill, and moved, that it be read a third time this day six months.

Mr. *Marryat* said, that from all he heard, it was clear that the more the bill was considered, the greater would be the necessity of amendments. What had been done appeared to him unsatisfactory. He objected to the proposed regulations concerning the poll, which applied the same principle to counties and boroughs. The house ought to pause before they passed this bill into a law. If it might be applicable to county elections, it was not so for all places. It tended to compel a candidate to bring up all the non-resident voters in his favour on the first day of the poll. Yet he might not know that he wanted them. The bill would be productive of an increase in the expense of elections. Besides, the bringing up of all the voters at the beginning of the poll would only tend to increase the danger of riots and disturbances. Its effect might frequently be to deprive a great number of voters of the privilege of exercising their elective franchise. The inconveniences would be very great at a general election. He wished neither to increase the expenses of election, nor to impair the free exercise of the privileges of the electors; but he objected to the transference of any part of the expense to their constituents. Upon this principle, why not transfer the whole? and then, as in America and France, vote next, that members should be paid for their time? He could not approve of the proposal for abolishing the giving away of cockades. That practice assisted a very useful and valuable branch of our manufactures (*hear*), and which at present stood greatly in need of encouragement. (*A laugh.*) The disposition to rioting proceeded, not from the cockade in the hat, but from the liquor in the head. He objected also to a clause respecting proof of redemption of land-tax. Persons should submit to the consequences of their own neglect. As to declaring the election in certain cases where there was no opposition, he supposed members knew well enough the maxim of *divide et impera*. (*A laugh.*) It was to be observed, that it was proposed to pass this bill just when they were upon the eve of a general election. It would be more decorous to let the measure stand over, and that gentlemen should take the opportunity of consulting their constituents on the effects of the clauses of the bill. If the bill were to be passed

now, the house wou'd be rushing in upon a new system respecting the law and practice of elections, just at the time when a general election was about to take place.

Mr. *Protheroe* objected to the clause respecting cockades. He wished the bill to be recommitted, as he approved of some parts of it; he should otherwise vote for the amendment.

Sir *W. Burroughs* said, the clause which put an end to the poll at the conclusion of the second day, if 400 voters had not polled, was very objectionable. A candidate might object to his adversary's votes, and thus put an end to the election unfairly; for the bill, on the supposition that every vote would be objected to, allowed only 63 seconds to determine on each. The clause, too, which imposed a penalty of 100*l.* on any one who gave away a cockade, would occasion vexatious prosecutions.

Mr. *Hammersley* thought, that this was a selfish bill on the part of the house, and he was sorry to see so little disposition to object to it. The inconvenience that had been alleged as the reason for this act, was, that the member for Devonshire had been obliged to stand four days before his constituents, by the opposition of a person who had very few votes. He did not think this a hardship to be complained of by a gentleman, who thereby became the representative of a populous county for seven years. The longer the hon. member stood before his constituents the better for himself, and for them. (*A laugh.*) He thought this bill tended, by diminishing expense, to introduce into the house persons of less weight and respectability than would otherwise be elected.

Mr. *Wilberforce* observed, that the bill affixed a penalty to the giving away of cockades—but that member would be thought a very shabby fellow who did not submit to this additional expense. (A member suggested that the penalty was affixed to each offence). If it were meant to apply to the giving of each cockade, it was not so expressed in the bill, nor would it be so interpreted. He remembered the case of a prosecution against a man for exercising the trade of a tailor; he was proceeded against separately for several acts done in the same day: when Lord Kenyon said, that if the man could be prosecuted for different acts in one day, he might as well be sued for penalties on every stitch. It would be better to impose a small penalty, 5*l.* for instance, on any person giving a cockade, for each cockade given, and to avoid the delicate question of agency, which was one of the most difficult to be determined either by a court, or a committee of the house. He did not think the bill could be considered as merely intended for the benefit of the candidates. It was a benefit to the country at large, that persons who would be preferred by the electors on political principles, or from local connections, should not be thrust out by weight of purse, by men less deserving of support, morally or politically. It was the duty of the house to watch over the interests of the country gentlemen, who were the glory and the strength of the country.

Mr. *F. Douglas* approved of the bill, but thought it better that some of the clauses should not be put in operation for two years, as from their enactment on the eve of an election, they might be twisted for partial purposes, which could hardly be foreseen.

Sir *J. Graham* objected to the clause which rendered it no longer necessary for freeholders to adduce a proof that their tenement was assessed to the land-tax. It would not be difficult to adduce a proof, by certificate from the tax-office, that the land tax of a tenement had been redeemed; this was a main security against fraudulent voters. He objected to the payment of the expense of the hustings out of the county rates, and to the power given to the returning officers to appoint any number of constables. The returning officers were not always of the highest description, and might make a job at the expense of the county. The magistrates were the proper judges of the number of peace-officers who were necessary.

Mr. *Lockhart* approved of the general principle of the bill, especially of the part forbidding the distribution of cockades. He had known 30,000 cockades given away at an election, and this signal of party was thus made an engine of bribery, not to the multitude at large, but towards persons of particular trades. It was doubtful, however, whether a simple limitation of the length of polls would not be better than the complicated machinery now introduced, the effect of which it was not easy to foresee.

General *Thornton* expressed a hope that the bill would not proceed any farther.

Mr. *Peter Moore* observed, that the effect of some of the restrictions would be to disfranchise one-third of his constituents. The restriction on the use of cockades was, in his opinion, highly inexpedient, as it tended to discourage an extensive branch of manufacture. This view of the subject had excited a smile in the house; but it was a matter of serious importance to many thousands of industrious individuals who derived their support from the manufacture in question. If the bill were amended, so as to do away with these objections, he should feel it his duty to support it.

Mr. *Wynn* replied. He could not conceive that any new candidates should come forward after the first day, with the least prospect of success. At present, if any one candidate chose, he could keep the poll open to the last moment allowed by the law, which was fifteen days. This he considered as a very great evil, and well worthy of the attention of the house. It had been said, that this was a selfish measure on the part of members. On the contrary, he viewed it as calculated to relieve electors themselves. The very first principle of the constitution was, that freeholders should be represented in that house, free of expense. To give effect to this principle was the leading object of

the bill. The first clause objected to, was that respecting the building of booths and polling places. It had been said, that to throw the expense of these erections upon the county, was to encourage ambitious candidates to come forward. But it should be recollected, that, at present, any candidate could avoid this expense. He had only to avoid offering himself, but to get some person to demand a poll for him, and he could not be charged with any part of the expense. The only alternative left to him, therefore, in framing this bill, was, to throw the expense upon the county, or upon the individual demanding the poll; and, as the latter would be a greater alteration of the whole system, he adopted the former. When the expense was laid upon the county, no individual would feel it much. Besides, as the materials of booths and hustings would be sold after the election, the amount would be inconsiderable. The second clause objected to, respected the closing of the poll, if 400 voters had not polled before the end of the second day. The bringing in of electors from a distant part of a county, he thought as great an evil as bringing them from the remotest part of the kingdom. If, therefore, a candidate could not poll 400 on the second day from the place where the poll was held, he thought it would be a great advantage that the poll should be closed. It had been suggested, that the bill should be put off till after the general election. He could not consent to this, as it was brought forward with the view of preventing such evils as it embraced at the ensuing general election. As to cockades, he believed that the penalty imposed by the bill (namely, that the person giving or allowing them, should be disabled to serve in parliament) would effectually prevent the use of them; but he should not have the least objection to a fine for each cockade given away. The clause respecting constables was especially required. At one election he knew that 8,000*l.* had been given to special constables. At another election 1,500 special constables had been engaged at half-a-guinea a day each. The amendment proposed in the bill respecting the land-tax was much wanted in every part of the country, but particularly in Gloucestershire and Yorkshire. If the bill should be read a third time, he would willingly discuss any particular clause that might be proposed to be added to it. The house then divided.

For the third reading	44
Against it	51
Majority	7

The bill was thus lost.

COURTS OF JUSTICE (IRELAND).] Sir *J. Newport* asked, whether any measures had been taken by the Irish government, in consequence of the reports of the commissioners for investigating the fees and emoluments of the several officers connected with the courts of justice in that country?

Mr. *Peel* replied, that the three reports of the commissioners had been submitted to the examination of the lord chancellor of Ireland, with a view to collect his opinion for the satisfaction of the Irish government, as to the arrangements proposed, and, from his own knowledge he could state, that that noble lord had, in conjunction with the master of the rolls, devoted a great deal of attention to the subject. The master of the rolls had, indeed, occupied a great part of the last vacation in considering those reports, and the capacity of that learned person to form a correct judgment upon any subject, could not be questioned by any man who had an opportunity of appreciating his talents. When the opinions of those two learned persons were communicated to the Irish government, he could assure the right hon. baronet that it was the intention of that government to adopt such measures as the equity of the case should suggest. With regard to the office of the clerk of the pleas, about which so much discussion had formerly taken place, the Irish government had arranged, that the fees of that office should be invested in the public treasury, until a final decision should be pronounced upon that subject, with regard to which an appeal was now pending in the house of lords. As to the deputy clerk of the pleas, upon whose conduct one of the reports particularly animadverted, the Irish government had felt it a duty to dismiss that person not only from that office, but from another office also, which he had held for many years.

Sir *J. Newport* declared, that he was much pleased with the reply of the right hon. gentleman. He was, indeed, encouraged to hope that such measures would be taken in consequence of the reports as were essential to the ends of public justice.

MILITARY ESTABLISHMENT.] On the motion of Mr. *Calcraft*, returns were ordered "Of the effective strength of Officers, Non-commissioned Officers, and Privates in the British Army, on the 1st day of January 1818, with the number of Horses on the same day.

"Of the number of recruits finally approved for the army during each month from the 25th December 1816 to the 25th December 1817; distinguishing men and boys, and those enlisted for life or term of years."

"Of the number of casualties which have occurred in the British Army from the 25th December 1816 to the 25th December 1817." (See the Appendix.)

ARMY ESTIMATES.] The *Chancellor of the Exchequer* moved, that the house should resolve itself into a committee of supply; and that the accounts of exchequer bills, presented on the 25th and 27th of February, and Irish treasury bills, presented on the 19th of February, be referred to the said committee; which motions were agreed to.

The house having resolved itself into the committee,

Lord *Palmerston* rose to submit the Army Estimates. He observed, that the detail of these accounts was so dry and uninteresting, that he should occupy as little of the time of the committee as possible. It was unnecessary, indeed, to enter at any length into the subject, as the finance committee, in the appendix to their report (presented to the house on the 23rd of February) had given a very minute detail of the military expenditure in 1817, and of the estimates for the present year. He should confine himself, therefore, to a general statement of the reduction of expense under this head of the public service. The diminution of charge in the vote for the ordinary services of the army in this year, as compared with that of the last year, amounted to 188,027*l.* 19*s.* 3*d*; but the total reduction of establishment, including all the heads of estimate, was no less than 418,866*l.* The reason of this was, that as the expense of the troops in France and India was not defrayed by this country, the reductions which had been made in those forces, though they diminished our military establishments, did not bear upon the charge to be voted by that house. The reduction of 418,866*l.* arose in the following manner. Upon the 1st class or land forces, there was a reduction of 58,664*l.* 2*s.* 1*d.*; upon the 2d class of troops in France and India, a reduction of 137,886*l.* 2*s.* 5*d.*; upon the 3d class which included the half-pay and Chelsea pensions, there was an increase of 109,345*l.* 12*s.* 11*d.*; upon the 4th class of troops ordered home from India, there was a reduction of 92,952*l.* 10*s.* 0*d.*; upon the corps ordered to be reduced within the year, there was a diminution of 242,161*l.* 0*s.* 0*d.* and upon the troops and companies recruiting for India, an increase of 3,451*l.* 9*s.* 11*d.* Setting the diminution on some of these classes against the increase on the others, there remained a balance of reduction to the amount he had stated, namely, 418,866*l.* 11*s.* 8*d.* and this sum was the true measure of the reductions of military establishment effected within the year.

With respect to the numbers of men to be provided for, the result of a comparison of the two years was as follows:

First, the number (officers included,) voted as the permanent force for 1817 for Great Britain, Ireland, and the colonies, but exclusive of France and India, and exclusive of corps ordered to be reduced, was 92,606
The corresponding number for 1818, was 90,647

Leaving a diminution of . 1,959

which was proposed to be made from the force stationed in Ireland.

Secondly, the number of men, (officers included) voted for 1817 for the United Kingdom and the colonies, exclusive of France and India, but including the numbers intended to be reduced at various periods in the course of the year 1817, was 108,191
The corresponding number for 1818, was 94,847

Leaving a diminution of 13,344

which number was composed of the 1959 men before mentioned, and of that part of the 15,585 men intended to have been reduced on the British establishment in the course of 1817, who had been actually disbanded. Upon a more general view, however, of the whole of the military force stated in the estimates, the following appeared to be the result of a comparison of the two years.

	1817.	1818.	Difference.
Land Forces	92,282	90,285	1,997 less in 1818.
Troops in France	28,429	22,993	5,436 less
Troops in India	19,649	19,899	250 more
Ditto ordered Home from India	7,453	4,299	3,154 less
Corps in Great Britain, Ireland, and her colonies, ordered to be reduced in the course of the year	15,585	4,200	11,385 less
Troops and Companies recruiting for India	324	362	38 more.

More in 1818	288
Less in 1818	21,972
Total of diminution	21,684

This number was the total amount of the reductions which had been actually effected in the course of the year 1817.—With respect to the reduction of charge in the several departments, he had great satisfaction in stating, that considerable savings had been made. In the office of the commander in chief, there was a diminution of 1308*l.* In the office of paymaster-general, including the deputies on foreign stations, a reduction of 6,198*l.* In the war-office, a diminution of 6,436*l.* The office of the muster-master-general had been discontinued, which had produced a saving of 2,918*l.* There would, however, arise from this discontinuance some little additional expense in the war-office, in consequence of the transfer of the business of the former department to the

latter, as well as an addition to the charge for superannuation allowances, on account of such allowances to the reduced establishment of the muster-master-general's department. The total amount of savings in the public departments was 16,557*l.* 2*s.* 5*d.* In the expenses of the troops in France, there was a reduction of 175,188*l.* In the Military College at Sandhurst there was a reduction of 2640*l.*, which would have been greater by 750*l.*, but for the charge of building an observatory, the expense of which would be 1500*l.*, and half was to be provided this year and half the next. The actual reduction of establishment, therefore, in the Military College was 3390*l.* *per annum*, a reduction which brought the institution as low as it was possible to bring it without marring the objects for which it was established. Under the head of army pay for general officers, there was a diminution of 2109*l.* arising from casualties; but a regulation had been framed which would prospectively reduce this head of charge within much narrower limits, and would bring it down to the sum of 54,750*l.* It was intended to let the number of general officers, receiving this unattached pay gradually subside to 120 officers receiving the pay of major-general; at which number the establishment would then remain fixed, and the rates now attached to the rank of lieutenant-general and general would be abolished, with respect to any persons who might from the present time be promoted to those ranks.—He would now state the items in which there had been an increase. In the staff, there was an increase of 3,751*l.* 2*s.* 6*d.*, entirely occasioned by necessary additions to the medical staff in the Mediterranean and West Indies. In the charge for volunteer corps, there was an increase of 16,876*l.*, principally in consequence of an additional allowance to that description of force in Great Britain, agreeably to the recommendation of the finance committee. There was also an increase of charge for medicines, to the amount of 11,265*l.* 7*s.* 9*d.*, not from any increase in the medical establishment, but in consequence of the consumption, in 1817, of the stock of medicines and surgical materials left in store at the conclusion of the war, and the necessity of making a fresh provision of those articles for the present year. But the most material increase was in the charge for the in and out-pensioners of Chelsea and Kilmainham Hospitals, which amounted to 101,624*l.* 17*s.* 1*d.* It was to be recollected, however, that the contribution from unclaimed prize-money was less in the present than in the former year, by 35,000*l.* This increase was easily to be accounted for, from the great reductions which had taken place in the army, and the consequent increase in the number of men, who, being discharged, became intitled to pensions. The same cause accounted for the increase of charge for half-pay and allowances, not only to our own officers, but to the officers of the foreign troops which had been in our service.—The noble lord concluded with the following comparative statement of the difference between the amount of the estimates of the ordinary services of the army, as voted for 1817, and the amount of the same estimates for 1818:

	Estimates, 1817.			Estimates, 1818.			More in 1818.			Less in 1818.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.
Land Forces (exclusive of France and India)	3,351,377	0	8	3,277,374	10	8	——			74,002	10	0
Staff Ditto	146,815	12	0	150,569	14	5	3,754	2	5	——		
Public Departments	163,103	13	10	146,546	11	5	——			16,557	2	5
Medicines, &c.	26,446	3	1	37,711	10	10	11,265	7	9	——		
Volunteer Corps	106,665	9	7	123,541	9	9	16,876	0	2	——		
Recruiting Troops, and Companies of Regiments in India	17,824	1	5	21,275	11	4	3,451	9	11	——		
Royal Military College	28 155	4	9	25.514	16	9	——			2,640	8	0
Pay of General Officers	179,044	18	4	176,935	12	9	——			2,109	5	7
Garrisons	34,078	9	[illegible]	33,398	19	5	——			679	10	0
Full Pay of Retired Officers	132,5[illegible]6	1	2	132 809	9	9	273	8	7	——		
Half Pay and Military Allowances	679 550	4	11	682,763	15	10	3,213	10	11	——		
Foreign Half Pay	133 462	0	0	136,385	0	0	2,923	0	0	——		
Chelsea and Kilmainham Hospitals	1,009 5[illegible]9	12	6	1,111,154	9	7	101,624	17	1	——		
Royal Military Asylum	34,415	5	5	32,851	0	3	——			1 564	5	2
Widows' Pensions	98,984	9	0	98,874	11	2	——			109	17	10
Compassionate List, Bounty Warrants, and Pensions for Wounds	163,502	3	7	161,806	3	7	——			1,696	0	0
Reduced Adjutants of Local Militia	19 500	0	0	20,805	0	0	1,305	0	0	——		
Superannuation Allowances	25,566	19	11	54,372	2	10	8,805	2	11	——		
Exchequer Fees	35,000	0	0	35,000	0	0	——			——		
Corps to be reduced	296,761	0	0	54,600	0	0	——			242 161	0	0
	6,682,318	9	7	6,494,290	10	4	153,491	19	9	341 519	19	0
Deduct	6,494,290	10	4	——			——			153,491	19	9
Diminution of Charge in 1818	188,027	19	3	——			——			188,027	19	3

The noble lord then moved, "that a number of land forces, not exceeding 113,640 men (including the forces stationed in France) and also 4200 proposed to be disbanded in 1818, but exclusive of the men belonging to the regiments now employed in the territorial possessions of the East India Company, or ordered from thence to Great Britain, commissioned and non-commissioned officers included, be maintained for the service of the United Kingdom of Great Britain and Ireland, from the 25th of December, 1817, to the 24th of December, 1818."

Mr. *Calcraft* rose, and expressed his conviction, that a greater reduction should be made of our military establishment, than the noble lord had stated. He could not, for instance, see the necessity of 26,000 men for the peace establishment of Great Britain, and 20,000 men for that of Ireland. On the numbers proposed for stations abroad (excepting France and India), namely 32,000, he did not feel himself competent to pronounce any decided opinion, though he thought that the amount might have been reduced. It was certainly greater than in any former peace. But, with respect to Great Britain and Ireland, he could not imagine the grounds upon which ministers had deemed it necessary to propose so large an establishment. While we had 20,000 troops in France, he could not see why a smaller number than 26,000 would not be sufficient for the present peace establishment of Great Britain. Was there any thing in the internal condition of England, which called for a greater military force than we had in 1792? That was the largest peace establishment which this country had ever maintained; and, at that period, the numbers voted for Great Britain and Guernsey did not exceed 15,000 men. Surely, it was not requisite to keep up an establishment of 26,000, in order to preserve the peace of England. If he could conceive it necessary to the safety of the country, he would not oppose it. From the present state of the house (very few members being in their places) he should not press any amendment; but he should feel it his duty to do so upon a future occasion. Having asked for some information as to the grounds upon which such an extraordinary peace establishment was deemed necessary for England, he would now take leave to inquire of the Secretary of the Irish government, what were the circumstances which called for 20,000 men in Ireland—a force little less than double the usual peace establishment of that country? As far as he had been able to learn, he understood that Ireland, although by no means in a state of prosperity, was perfectly tranquil. That tranquillity was, indeed, preserved throughout the last winter, while the people were suffering the most severe privations under the pressure of unexampled distress, and the most afflicting disease. What, then, could be the reason for maintaining a large army in that country, especially after the ravages of distress and disease had materially abated? What could justify the expense of such extraordinary establishments, particularly in the present state of our finances? Would the Chancellor of the Exchequer tell the committee, that there was any thing so flourishing in our situation as to enable us to keep up an extra battalion or two? He was convinced that no such statement would be made. In casting his eye over the estimates, it struck him as most extraordinary, that a larger force should be kept in Ireland than was maintained for the preservation of our power in the East Indies. In those countries we had not more, he believed, than 17,000 or 18,000 men, and he hoped that the neighbouring powers were well disposed to us; but Ireland was a country attached to us, and would always afford us her allegiance and affection from interest and natural ties rather than by any power of arms. In his opinion, 10,000 men would be quite enough for that country.—As the noble lord, however, had confined himself to the detail of the estimates, he would not then enter into the discussion of all the topics which were naturally connected with this subject: but, when the report of the resolutions was brought up, he should feel it his duty to move for a reduction of the establishment, to the extent of 8 or 9,000 men.

Sir *M. W. Ridley* wished to call the attention of the noble lord to one part of the estimates in particular, namely, the maintenance of the royal waggon train. He thought that the business for which they were employed might almost as well be performed by pressing into the service such carts and horses as were found necessary. The whole expense of this part of the establishment was 3,313*l.* This charge upon the country might certainly be considerably reduced. He should next trouble the noble lord and the committee with an observation upon another item which he thought might be considerably diminished: he alluded to the recruiting charges, which were for England 10,000*l.*, and for Ireland 7,000*l.*, making together 17,000*l.*, a sum equal to the amount of the bounties. There was also an item for keeping in order a botanical garden at St. Vincent's; but he mentioned this more for the sake of information than any thing else. In the charge for the Military College, he perceived an item for a grant of pensions to the amount of 740*l.* per annum. In an institution of this nature, and so recently established, such a grant should be an object of great caution, with a view of guarding against an increase. This item certainly required some explanation.

Lord *Palmerston* said, that, with respect to the waggon train, part of it was employed on the depôt at Croydon, part of it on the military canal, part at Hilsey for the conveyance of invalids, and part of it for the drawing and direction of forge carts. That part which was abroad was chiefly attached to the

spring waggons used for transporting sick to the hospitals, and it was well known, that these waggons were of the greatest service, and saved many valuable lives after the battle of Waterloo. With respect to the botanical garden at St. Vincent's, it had been established as long ago as under Sir George Young, and had since remained under the direction of the Secretary at War, though it did not at first sight appear to be very naturally connected with army estimates. It was a garden for scientific purposes *(hear, hear,)* and was used for the cultivation and propagation of rare and useful plants, and had, he believed, been of much service in introducing such plants into the West Indies; but there was an inquiry now going on on the subject; and unless it should be found to be useful, he was sure he would be the last man in the world to think of proposing its continuance. As to the recruiting staff, it consisted of inspecting field officers, who superintended the performance of the various duties of the district; a paymaster, who attended to the accounts; a surgeon to inspect the recruits, and serjeants to escort them to the respective regimental depôts. He was convinced that the expense attendant on the distance recruits would be marched for inspection, if the number of districts was lessened, would more than compensate the amount of saving procured by the reduction. With respect to the recent grant of a pension on the establishment of the Military College, it had been made in conformity with the original warrant by which the establishment was governed, and which authorized the granting of pensions of a certain amount to such of the professors as might, after 15 years' service, become incapable of further service by age or infirmities.—The hon. gentleman (Mr. Calcraft) had stated, that, on a future occasion, he should feel it his duty to move a further reduction, above the 21,000, as stated in the present estimates. As, however, he had not gone into a statement of his reasons for the intended motion, he (Lord P.) would abstain from any premature discussion. But he must be allowed to say, that the amount of 26,000 men, taken in the estimates for Great Britain, could not be considered as wholly applicable to the home service; a portion must be applied to the relief of the foreign garrisons. These garrisons consisted of a force of 33,000 men; to which must be added the 17,000 men in India, making a total force abroad, exclusive of the army in France, amounting to 50,000 men. Nobody would pretend to say, that the regiments thus stationed should be exposed to perpetual banishment—it would be neither humane nor constitutional. Some period must, therefore, be assigned for the return of these regiments. Ten years were considered the fair limit of service abroad. Now, allowing that the reliefs would amount to one-tenth of the force in foreign garrisons, that amount would take away from the 26,000 men, 5,000 for reliefs to be sent out. A further force of at least 1000 must be deducted for the garrisons of the islands in the channel, and it would not be too much to deduct from 1 to 2000 more on account of non-effectives from deaths, sickness and furloughs. So that with these reliefs and defalcations, the army for home service would not amount to more than between 18 and 19,000 men. The house would, therefore, see that there was no very great excess between the force now kept up and the establishment of 1792, alluded to by the hon. gentleman; and that it was only such a difference as the alteration of circumstances between the two periods fully warranted.

Mr. *Warre* observed, that the noble lord, in his representation of the amount of force necessary for the home service, had entirely overlooked the large army stationed in the French provinces.

Mr. *Peel* said, that his hon. friend (Mr. Warre) should have recollected, that the present estimates were demanded for one year only. The country was bound by treaty to keep up, for a time specified, an army in France. As long, therefore, as we were bound by treaty to keep up that force, it was impossible to consider it as applicable to the home service, or to make, under that head, an allowance for it in the estimates. The hon. gentleman (Mr. Calcraft) had expressed dissatisfaction, that the reduction for Ireland was not greater, and that the force considered necessary for the internal tranquillity of that country should still amount to 20,000 men. After the unanimity which marked the greater estimate two years ago, when the force unanimously admitted to be necessary was taken at 25,000 men, he had expected, that the reduction and its causes would have been received with unmixed gratification by all parties. It was impossible for any man to demonstrate with mathematical accuracy the amount of force which the internal tranquillity of a country, situated as Ireland was, would require. It was a matter of grave opinion, and should be taken on the responsibility of the government, whose paramount duty it was to preserve the internal peace. The hon. gentleman had said, that half the force, namely, 10,000 men, would be sufficient. Now, as far back as the year 1767, (under Lord Townshend's Administration), it was resolved, that the force for Ireland should be fifteen thousand men, twelve thousand to be always kept in the country, and three thousand for general service; and so the establishment continued till the year 1792. But the true criterion of the force requisite in Ireland was not to be found at that distant period; it ought to be derived from the years immediately preceding the present. A considerable reduction had been made in the yeomanry corps, and arrangements were in progress for carrying that reduction still further. The number of men already reduced was 2,636, and the saving in money would amount to

211,000*l.* It was well known, that, ever since the peace of Amiens, a large military force had been employed to maintain the public tranquillity in Ireland, and to act in aid of the civil power. He agreed that Ireland had remained tranquil during the winter, and was happy to bear testimony to the patience, fortitude and resignation which the people of that country had exhibited during a season of extraordinary privation and distress. (*Hear.*) The executive government had advanced a sum of 37,000*l.* to the different local subscriptions, and, he believed, no money could have been better applied, or received with a deeper sentiment of gratitude. Some outrages had, indeed, been committed in different parts of the country, but they were of that nature which might be expected from the present state of society in Ireland. The civil power was, however, undergoing a gradual extension, and this was the cause of the reduction made in the military establishment. It also constituted the ground upon which the government had refused to yield to the applications of many local magistrates for a renewal of the insurrection act. (*Hear, hear.*)

Sir *W. Burroughs* contended, that the right hon. gentleman was mistaken in his representation of the ordinary force maintained in Ireland during former years. At one period of the American war, when Ireland was threatened with invasion, it did not exceed 5,000 men, and the consequence was, the arming of the volunteers. He was proud of the account which the house had received that night from authority, as to the fortitude and magnanimity of the people of Ireland under unequalled sufferings. It ought to afford an instructive lesson to the government. At afflictions uncontrollable by man, the Irish people never murmured; but oppressions, springing from ill-treatment and misrule, they ever did, and, he hoped, ever would, resist. With regard to the present estimates, he could not avoid expressing his surprise at their amount. He had heard with astonishment and regret that the force proposed to be kept up was only 2,000 less than that of the last year, upon an establishment which, exclusive of the armies in France and India, amounted to 90,600 men. The question was, had we the means of maintaining such an establishment? The accounts of the revenue for the last year shewed a deficit of 14,000,000*l.*, the income being 51,000,000*l.* and the expenditure 65,000,000*l.*, notwithstanding all the taxation and the sufferings which it occasioned. Where, then, was this system to end? The noble lord had not even held out to them the consolatory hope of additional reductions in the following year;—a suggestion that it might at some time hereafter be possible to lower the establishment by the number of 4,200 men, was all the prospect afforded for the future. Thus the military establishment alone cost the country six millions annually. It was obvious, that such a scale of expense could not be supported without adopting some new measure of finance in the nature of an income-tax, or by breaking faith with the public creditor, and impairing his security, by resorting to the sinking-fund. Even in the case of adopting either of these expedients, what course must be pursued in the event of a fresh war? The proposed establishment appeared to him to be, in every point of view, enormous. The house ought to be aware, that there had been a yeomanry force in Ireland of 44,000 men, and yet great credit was taken for reducing 3,000 of that number; at the same time that a regular army of 20,000 men was maintained to preserve the public tranquillity, in a period of profound peace, and when not a whisper was heard of any probable misunderstanding with foreign powers. The estimates for England, Guernsey, and Jersey, exhibited a reduction of only 279 men from a sum total of about 30,000, whilst there appeared an addition to the yeomanry of 2,968 men.—The hon. baronet concluded by observing, that the estimate of the number of men necessary to supply Gibraltar and the garrisons in the Mediterranean was considerably too large.

Lord *Palmerston* stated, that the practice of draughting men from one regiment to another having been abandoned, it had become necessary to change the entire regiment whenever relief was sent out.

Mr. *Babington* expressed a hope, that some method would be adopted, to correct the evils of the present mode of paying pensions at Chelsea: he trusted that some plan would be devised, by which the families of the pensioners might be benefited.

Mr. *Long* professed his readiness to listen to any suggestion which had for its object the improvement described by the hon. gentleman; but no beneficial change in the present system had hitherto appeared practicable.

Mr. *Forbes* wished that a list of the officers who received pensions for wounds had been laid on the table; and regretted that, in respect to pensions, the officers of the navy were not placed on an equal footing with the officers of the army. He feared there were many cases of abuse in the granting of pensions to the latter.

Lord *Palmerston* observed, that it was not usual to lay on the table such a list as that alluded to by the hon. gentleman, but that, if the hon. gentleman thought proper to move for it, he would make no objection to its production; observing, however, that it would take a long time to make out, and could not be submitted to the house in time for the discussions on this subject. He denied that there was any partiality shewn to the army with respect to pensions.—Pensions were granted to the officers of each service by departments wholly unconnected with one another; so that any thing

like partiality was out of the question. Partiality was an undue preference on the part of one and the same authority acting unequally by different claimants; but where, as in this case, the claimants made their appeal to different authorities, acting separately and independently of each other, no such preference could, in the nature of things, exist. Complaints of this kind ought always to be taken with some degree of allowance. The officer who failed in obtaining his pension knew, indeed, his own case, but probably did not always fully know the case of the other who had succeeded, and with whom he compared himself; and it was in human nature, that a man should generally be disposed to give their full weight to his own sufferings, with which he was best acquainted, and perhaps somewhat to undervalue the sufferings of others. As to any abuses in the granting of pensions to the officers in the army, he had, in consequence of what had been said in that house last session, investigated the subject minutely, and he had not been able to discover a single instance of such abuse.

Mr. *Forbes* observed, that he had heard of several cases of gross abuse.

Lord *Palmerston* requested the hon. member to communicate those cases to him in private, and pledged himself, that, if he found that any pension had been withdrawn which ought to be continued, or that any pension was continued which ought to have been withdrawn, he would endeavour to rectify the error.

Sir *F. Flood* expressed great satisfaction at what had fallen from the right hon. secretary, with respect to the loyalty and good disposition of Ireland, and the patience with which the people of that country had endured the various hardships and privations to which they had been subjected. No man could be a more sincere friend of Ireland than he was; indeed, whoever was not a friend to both countries, could not be a friend to either. He was as independent a man as any in that house. He had never received any thing, and he looked for nothing, from any party. He would, therefore, be the last man to agree to any act which he considered unjust or oppressive towards his native country. But he was bound to say, that he did not think the vote of 20,000 men for Ireland extravagant. They were dispersed over the country, and the weight of supporting them was not felt. The whole people of Ireland, without any reference to religion, were loyal. Of this fact, the late war afforded abundant proof. Half our marine was composed of Irish catholics; and a great part of our army of Irish catholics and protestants; and no instance had occurred of desertion or disloyalty. The attachment of that country should be fostered. Ireland was the right arm of the empire. If we lost Ireland, what would become of us? We ought to embrace her with both arms, to the end of time, as our nearest and dearest friend.

The resolution was then agreed to.

Lord *Palmerston* then proposed the following resolutions, which were severally put and carried.

1. A sum of 2,470,142*l.* 17*s.* 4*d.* "for defraying the charge of his Majesty's land forces for service in Great Britain and on the stations abroad (excepting the corps stationed in France, and the regiments employed in the territorial possessions of the East India Company)," from 25th December 1817, to 24th December 1818.

2. A sum of 807,231*l.* 13*s.* 4*d.* net, "for defraying the charge of his Majesty's land forces for service in Ireland," from 25th December 1817, to 24th December 1818.

3. A sum of 116,707*l.* 14*s.* 10*d.* "for defraying the charge of general and staff officers, and officers of the hospitals serving with his Majesty's forces in Great Britain and on foreign stations (excepting France and India)," from 25th December 1817, to 24th December 1818.

4. A sum of 33,861*l.* 19*s.* 7*d.* net, "for defraying the charge of general and staff officers and officers of the hospitals serving with his Majesty's forces in Ireland," from 25th December 1817, to 24th December 1818.

5. A sum of 137,346*l.* 1*s.* 3*d.* "for defraying the charge of the allowances to the principal officers of certain public departments in Great Britain, their deputies, clerks, and contingent expenses," from 25th December 1817, to 24th December 1818.

6. A sum of 8,877*l.* 13*s.* 8*d.* net, "for defraying the charge of the allowances to the principal officers of certain public departments in Ireland, their deputies, clerks, and contingent expenses," from 25th December 1817, to 24th December 1818.

7. A sum of 27,650*l.* "for defraying the charge of medicines and surgical materials for his Majesty's land forces on the establishment of Great Britain, and of certain hospital contingencies," for the year 1818.

8. A sum of 10,061*l.* 10*s.* 10*d.* net, "for defraying the charge of medicines and surgical materials for his Majesty's land forces for service in Ireland, and of certain hospital contingencies," for the year 1818.

9. A sum of 92,000*l.*, "for defraying the charge of volunteer corps in Great Britain," from 25th December 1817, to 24th December 1818.

10. A sum of 31,541*l.* 9*s.* 9*d.* net, "for defraying the charge of volunteer corps in Ireland," from 25th December 1817, to 24th December 1818.

11. A sum of 855,419*l.* 19*s.* 2*d.* "for defraying the charge of his Majesty's land forces for service in France," from 25th December 1817, to 24th December 1818.

12. A sum of 21,275*l.* 11*s.* 4*d.* "for defraying the charge of four troops of dragoons and fourteen companies of foot stationed in Great Britain for the purpose of recruiting the corps employed in the territorial possessions of the East India Company," from 25th December 1817, to 24th December 1818.

13. A sum of 25,514*l.* 16*s.* 9*d.* "for defraying the charge of the royal military college," from 25th December 1817, to 24th December 1818.

14. A sum of 175,672*l.* 3*s.* 6*d.* "for defraying the charge of the pay of general officers in his Majesty's land forces, not being colonels of regiments, upon the establishment of Great Britain," from 25th December 1817, to 24th December 1818.

15. A sum of 1,263*l.* 9*s.* 3*d.* net, "for defraying the charge of the pay of general officers in his Majesty's land forces. not being colonels of regiments, upon the establishment of Ireland," from 25th December 1817, to 24th December 1818.

16. A sum of 26,239*l.* 13*s.* 4*d.* "for defraying the charge of his Majesty's garrisons at home and abroad on the establishment of Great Britain," for the year 1818.

17. A sum of 7,159*l.* 6*s.* 1*d.* net, "for defraying the charge of his Majesty's garrisons in Ireland," for the year 1818.

18. A sum of 129,112*l.* 9*s.* 9*d.* "for defraying the charge of full pay for retired officers and unattached officers of his Majesty's forces upon the establishment of Great Britain," from 25th December 1817, to 24th December 1818.

19. A sum of 3,697*l.* net, "for defraying the charge of full pay for retired officers of his Majesty's land forces upon the establishment of Ireland," from 25th December 1817, to 24th December 1818.

20. A sum of 601,730*l.*, "for defraying the charge of half pay to reduced officers of his Majesty's land forces upon the establishment of Great Britain," from 25th December 1817, to 24th December 1818.

21. A sum of 50,173*l.* 1*s.* 6*d.* net, "for defraying the charge of half pay to reduced officers of his Majesty's land forces upon the establishment of Ireland," from 25th December 1817, to 24th December 1818.

22. A sum of 28,506*l.* 17*s.* 6*d.* "for defraying the charge of military allowances to reduced officers of his Majesty's land forces upon the establishment of Great Britain," from 25th December 1817, to 24th December 1818.

23. A sum of 2,353*l.* 16*s.* 10*d.* net, "for defraying the charge of military allowances to reduced officers of his Majesty's land forces upon the establishment of Ireland," from 25th December 1817, to 24th December 1818.

24. A sum of 136,385*l.* "for defraying the charge of half pay and reduced allowances to the officers of disbanded foreign corps, of pensions to wounded foreign officers, and of the allowances to the widows and children of deceased foreign officers," from 25th December 1817, to 24th December 1818.

25. A sum of 42,042*l.* 8*s.* 9*d.* "for defraying the charge of the in-pensioners of Chelsea Hospital," from 25th December 1817, to 24th December 1818.

26. A sum of 16,789*l.* 7*s.* 9*d.* net, "for defraying the charge of the in-pensioners of the royal hospital near Kilmainham," from 25th December 1817, to 24th December 1818.

27. A sum of 872,189*l.* 10*s.* 2*d.* "for defraying the charge of the out-pensioners of Chelsea Hospital," from 25th December 1817, to 24th December 1818.

28. A sum of 180,133*l.* 2*s.* 11*d.* net, "for defraying the charge of the out-pensioners of the royal hospital near Kilmainham," from 25th December 1817, to 24th December 1818.

29. A sum of 32,851*l.* 0*s.* 3*d.* "for defraying the charge of the royal military asylum at Chelsea," from 25th December 1817, to 24th December 1818.

30. A sum of 80,456*l.*, "for defraying the charge of pensions to be paid to widows of officers of the land forces and marines upon the establishment of Great Britain," from 25th December 1817, to 24th December 1818.

31. A sum of 18,418*l.* 11*s.* 2*d.* net, "for defraying the charge of pensions to be paid to widows of officers of the land forces and marines upon the establishment of Ireland," from 25th December 1817, to 24th December 1818.

32. A sum of 161,806*l.* 3*s.* 7*d.* "for defraying the charge of allowances on the compassionate list, of allowances as of his Majesty's royal bounty, and of pensions to officers for wounds," from 25th December 1817, to 24th December 1818.

33. A sum of 20,805*l.*, "for defraying the charge of allowances to the reduced adjutants of the local militia in Great Britain," from 25th December 1817, to 24th December 1818.

34. A sum of 27,260*l.* 4*s.* 2*d.* "for defraying the charge of allowances, compensations and emoluments, in the nature of superannuation or retired allowances, to persons belonging to several public departments in Great Britain, in respect of their having held public offices or employments of a civil nature," from 25th December 1817, to 24th December 1818.

35. A sum of 7,111*l.* 18*s.* 8*d.* net, "for defraying the charge of allowances, compensations and emoluments in the nature of superannuation on retired allowances, to persons belonging to several public departments in Ireland, in respect of their having held public offices or employments of a civil nature," from 25th December 1817, to 24th December 1818.

36. A sum of 35,000*l.* "for defraying the charge of fees expected to be paid at the exchequer on issues for army services for the British establishment," from 25th December 1817, to 24th December 1818.

37. A sum of 52,216*l.*, "for defraying the charge of corps existing on the British establishment on 25th December 1817, but proposed to be disbanded in the course of the year 1818."

38. A sum of 2,384*l.* net, "for defraying the charge of a corps in Ireland, proposed to be reduced in the course of the year 1818."

The *Chancellor of the Exchequer* moved, that the sum of 2,000,000*l.* be granted "for discharging interest on exchequer-bills, Irish-treasury bills, and mint-notes," which was agreed to.

The *Chancellor of the Exchequer* then moved, that a sum of 1,084,615*l.* 7*s.* 8½*d.* be granted "to pay off and discharge treasury bills issued for the service of Ireland for the year 1816, pursuant to acts 56 Geo. III. c. 41, and 56 Geo. III. c. 47, outstanding and unprovided for."

The said resolution being carried, the right hon. gentleman moved that there be granted a sum of 560,000*l.*, "being the one hundredth part of 56,000,000*l.* of exchequer-bills, authorized in the last session of parliament to be issued and charged upon the aids granted in the present session, be granted unto his Majesty, to be issued and paid by equal quarterly payments to the governor and company of the Bank of England, to be by them placed to the account of the commissioners for the reduction of the national debt, for the year ending the 1st of February 1819."

This sum being voted,

Mr. *Warre* rose and asked, what were the intentions of the right hon. gentleman with respect to the sums to be contributed by this country towards the repair of the fortifications in the Netherlands?

The *Chancellor of the Exchequer* said, that he should have had to propose a vote of one million this year, and one million the next, for the purpose adverted to by the hon. gentleman, were it not that the British government had some counter claims on the government of the Netherlands, which would reduce those sums about 700,000*l.*

Mr. *Warre* observed, that, by the treaty with France, a sum was specifically assigned by that country, for the repair of these fortifications. Was the grant for which the right hon. gentleman expressed his intention at some future period to move, to be in addition?

The *Chancellor of the Exchequer* said, that, certainly, such an appropriation was reserved in the stipulations with respect to the French contribution. A great part of it had been already expended. The grant for which he should move would be in addition, and he was persuaded that the hon. gentleman would feel the importance of the purpose for which it was designed.

Mr. *Warre* fully admitted the importance of the object.

Mr. *Shaw* wished to know, what amount of the French contribution would be receivable this year, and whether any of it would be applicable to the service of this country?

The *Chancellor of the Exchequer* replied, that he could not hope that any part of the French payments of the present year would be applicable to the service of this country. All that could be expected was, the maintenance of the army of occupation, and a contribution towards the repair of the fortifications in the Netherlands.

It was then ordered, that the report of the several resolutions should be brought up to-morrow.

STEAM-BOATS REGULATION BILL.] On the motion of Mr. *Harvey*, this bill was read a second time, and ordered to be committed on Friday, the 13th instant.

BANK DOLLARS AND TOKENS.] The *Chancellor of the Exchequer* rose, pursuant to notice, to move for leave to bring in a bill "to amend an act of the last session of parliament for preventing the further circulation of dollars and tokens, issued by the governor and company of the Bank of England." By that act, the dollars and tokens were not to pass, or to be received in payment or exchange, or otherwise howsoever, after the 25th of March 1818; but a representation had been made of the inconvenience that would ensue, if a quantity of silver should be left on hand, especially in the possession of the lower classes, and that it would be a great advantage, if government could give any facility towards the getting rid of them. The object of the present bill, therefore, was to afford means by which, after the time at which the tokens were ordered to be called in, they might be received for certain purposes, until they could gradually find their way to London. Much might be done if gentlemen going down to the quarter sessions could carry with them large bags of mint silver, and take tokens in exchange, for the purpose of bringing the latter to town: much might be done by this simple expedient. A great part of the expectation of inconvenience was caused by the rapidity and facility of the late issue of silver coin. The public, not considering the difficulty of such an operation, expected the same proceeding to be repeated; but, as government neither issued, nor guaranteed, the Bank coinage, it could not be expected that it should incur any expense in calling it in. In the present bill, however, provision was made, that until the 5th of April, 1819, it should be lawful to utter, offer and tender, Bank dollars or tokens, in payment of any taxes or postage, or in the purchase of any stamped paper, or in payment to any banker, common carrier, or any other person whomsoever, for the purpose of such dollars or tokens being transmitted to the Bank of England. There was a provision also, that they might be paid or received in rent; and he hoped that gentlemen would give their poor labourers the facilities he had before suggested. From the length of time now allowed for the gradual recal of these tokens, he trusted that no material inconvenience would be felt. Time would shew how far these expedients would answer; but he hoped that the bill would allay the ferment and alarm which had hitherto prevailed.

Mr. *F. Lewis* stated, that the price of silver was gradually rising; and he understood, that

5s. 6d. an ounce would now be given for any quantity; if so, and silver should still rise, to 5s. 8d., for instance, the whole of the new coinage would gradually disappear. Of many modes to re-establish a sufficient circulation, the best would be, to let the Bank establish a currency of its own. The misfortune was, that in all these measures, the house did not see its way, and could scarcely grope along. He had always said, that if the new coinage were put into circulation with the Bank currency, we should lose the former: but, when the coinage appeared, he hoped that its beauty and convenience would be some inducement to people to keep it. This was so far from being the case, that it had been found that the two currencies could not subsist together: so that, if the tokens were called in, we should lose both. He lamented the fatality and darkness which seemed to attend all the measures on this subject.

General *Thornton* thought, that if the Bank tokens were excluded from circulation, local silver tokens should be excluded also; but he thought it useful, that the local tokens should be kept in circulation. He never heard that any had been forged.

Mr. *J. Smith*, though not aware that the price of silver was so high as had been represented, thought that, under circumstances, it might rise higher: the loans at Paris might materially affect it, but he derived consolation from another point. He had, in common with others, for many years observed the conduct of the Bank of England, and he thought, that that corporation had the means, and used them, of influencing the state of the currency. He thought they possessed those means now, and could protect the public, by affording a check to the exportation of bullion. He conceived that the present bill might be very useful to the country.

Sir *M. W. Ridley* said, that if the receivers of taxes remitted the Bank tokens directly to London, considerable relief would be given to the public: but if, after receiving tokens for taxes, they paid them in to the country banks, the relief would fall short of the general expectation. He thought there was ground for considerable alarm as to the state of the currency.

Mr. *Grenfell* thought the effect of the bill would be, to continue the circulation of tokens without restraint, as no penalties were attached to the future circulation of them. They might not only be received for rent, but be also immediately put into use again, unless a penalty were affixed. However, if it should be otherwise, and silver should not rise, in what mode were the tokens to be transmitted to London? It was incumbent on government to bear this expense, and not to thrust it on gentlemen. It had been said, that government was not concerned in the issue of these tokens, and, therefore, ought not to defray the expense attending them. He was of a very different opinion. He thought it the duty of government to assist in carrying on the ordinary exchange of the country. The expense would not, perhaps, be considerable; it might not exceed three fourths per cent. for forwarding the tokens from all parts, but that expense ought to fall on government, and not on the country bankers; for, notwithstanding every precaution, the tokens would find their way into the country banks, and he thought that the country bankers had a right to expect that government should bear the expense, especially as they had been so active, and had afforded such facilities in the distribution of the late coinage.

The *Chancellor of the Exchequer* said, he was ready to admit the merits and skill of the country bankers, as well as of the Bank of England, in the issue of the silver coinage, and the object of the bill was to protect the country bankers from expense. He was not prepared for the observation of the hon. gentleman as to the rise in the price of silver, because, in many instances, he believed it had fallen. If it should rise considerably, he thought there might be some difficulty; but he conceived, that the only way to preserve the mint currency was, to remove this rival currency from circulation. Hitherto it had produced no inconvenience; but he apprehended, that the tokens might drive silver into the melting-pot, if a crisis should occur when such a course might prove to be profitable. As to the receivers of taxes, it was not imperative on them, or on country gentlemen, to receive the tokens; but the bill merely exempted them from any penalty if they should continue to receive them. If the transaction cost no more than one fourth per cent., there were many tradesmen who would be glad to receive them in payment on condition of forwarding them to town at an expense of one per cent. The bill suspended the penalties in certain cases only, and it was intended that the receivers should forward the tokens to London.

Mr. *Babington* said, he anticipated great inconvenience from withdrawing the Bank tokens from circulation. He, therefore, approved of the intended bill.

Leave was then given to bring in the bill, and it was ordered to be brought in by Mr. Chancellor of the Exchequer, Mr. Wellesley Pole, and Mr. Frederick Robinson.

SURGERY REGULATION BILL.] The following petition of the præses, visitor and other members of the faculty of physicians and surgeons of Glasgow, against this bill, was presented, ordered to lie on the table, and to be printed.

"That a bill is presently depending in the house, intituled, 'a bill for regulating the practice of surgery throughout the united kingdom of Great Britain and Ireland;' that, were this bill to pass into a law, the interest of the petitioners would be hurt, in an indirect, but in a very essential manner; by this bill, although the privileges of the petitioners are said to be reserved, yet all medical practitioners are expressly prohibited, unless those holding diplomas from the colleges of London, Edinburgh,

and Dublin, and those colleges receive in addition certain valuable and extensive privileges; the petitioners have now existed for upwards of two centuries; they were incorporated by royal charter from King James the Sixth of Scotland, dated 30th November 1599; this grant confers on the petitioners the most extensive and salutary powers of examination and control over all practitioners in physic, surgery, and pharmacy in the west of Scotland; it proceeds on the narrative of great abuses committed by ignorant medical practitioners, 'especially within our burgh and baronie of Glasgow, Renfrew, Dumbarton, and our sheriffdom of Clydsdale, Renfrew, Lanark, Kyll, Carrick, Ayr, and Cunningham;' the petitioners are therefore empowered, in the first place, to call before them for examination all persons practising surgery within those bounds, and to license or discharge them according to their knowledge: in the next place, the petitioners are thereby directed to challenge and discharge all persons practising as physicians without the testimonial of a famous university where medicine is taught; and lastly, apothecaries are restricted from selling drugs unless examined and approved by the visitors of the faculty; the grant authorizes the exaction of severe penalties from offenders, and, besides authorizing the petitioners, 'to make statutes for the common weal of the king's subjects anent the said arts, and using thereof,' it confers on them various other important and salutary powers and privileges; on the 11th of September 1672, the petitioners obtained from the parliament of Scotland an act ratifying and confirming this charter in the whole heads, clauses, tenor, and contents thereof; the petitioners' faculty has been often recognized by the house, and, in all cases where their interference was necessary, their rights have been enforced by the different judicatories of the kingdom; the petitioners, indeed, are the most ancient establishment in Scotland endowed with the same privileges, for, although the surgical establishment at Edinburgh has existed longer as a city incorporation confirmed by royal charter, yet it was only in the year 1694 that there was conferred on them a territorial jurisdiction over the Lothians and five adjoining counties, similar to that which had been enjoyed by the petitioners since 1599; the college of physicians at Edinburgh was only established in the year 1681; these two corporations, along with the petitioners, are the only establishments in Scotland to whose control the medical practitioners in that part of the kingdom are subjected; the petitioners understand that the only other establishments in the empire are the colleges of physicians and surgeons in the metropolis of England and those of the metropolis of Ireland, a circumstance which the petitioners have found to induce a belief that there were in the same way none in Scotland but those of the metropolis of that kingdom; the house must be well aware that while the petitioners have been so long discharging their duties, the city of Glasgow has, in the mean time, become the seat of one of the most esteemed medical schools; Glasgow is now the second mercantile city in the empire, and the first in Scotland in point of trade and population; it is distinguished for its university, and it possesses the great benefit of an extensive well regulated infirmary and lunatic asylum; in consequence of these and other advantages the petitioners are enabled to cope with the establishments in the metropolis, provided the degrees of the others do not now receive at the hands of the house an extraordinary and extensive privilege, from which benefits the petitioners are without any demerit of theirs excluded; students have long been in the habit of voluntarily submitting themselves to an examination, and receiving diplomas from the petitioners to use as a testimonial of their abilities in the most distant parts of the empire and of Europe; should the parliament of Great Britain however now, when the rights and merits of the whole are before them, refuse to the petitioners, as one out of the seven medical establishments, those new prerogatives which it is thought expedient to bestow on the other six, it will be striking a blow at the petitioners, and the medical school of Glasgow, which it may never be able to recover; in the bill it is stated, no doubt, that the privilege in question shall be enjoyed not only by the royal colleges of Edinburgh, London, and Dublin, but by any other royal college to be hereafter legally incorporated, and the privileges of the faculty belonging to the petitioners are in the mean time said to be preserved, such as they are, by a reservation in the bill; the house however will remember that the seven medical establishments now in existence have hitherto been found sufficient for the empire, and there is very little prospect indeed, if any, of an eighth being created; why, however, should the petitioners be excepted in the mean time, merely because they have used the title of faculty instead of college? and why should the remaining counties of Scotland be placed under the police of the whole English and Irish colleges, and only one of those in Scotland? If there were several other faculties similar to the petitioners throughout the empire, the terms of the bill might be unobjectionable, but the case is otherwise; with regard to the reservation in favour of the petitioners in the bill, they must admit, that the bill is in its present terms so far more favourable than as brought forward last year, when by an omission to recognize the petitioners, their privileges and existence would have been totally annihilated; but this very reservation in favour of an individual faculty shews the truth of the statements the petitioners have made; they however do not now come before the house seeking an extension of their privileges, but humbly intreating that the house will consider that to grant additional powers to all the other establish-

ments, and to say that they alone shall be excluded, is to sink the petitioners in the scale of reputation, and to undermine or destroy the flourishing state they now enjoy, by preventing them from competing on the equal and advantageous grounds which they presently possess; the clause is therefore illusory which provides that nothing in the bill shall lessen, prejudice, defeat, or in anywise interfere with the privileges of the faculty of physicians and surgeons of Glasgow, so far as that faculty are concerned: on the general merits of the bill the petitioners think there can be but one opinion, viz. that it is both expedient and necessary, but it is not the business of the petitioners at present to dwell on this subject; they humbly trust that the house will at once see the propriety of encouraging every medical seminary, and will not allow so ancient and reputable an establishment as that of the petitioners to be injured by implication, or in any indirect manner; and that the house will allow the impolicy and hardship of a measure which, like the present, would abridge the facilities of extending medical knowledge, and which would also tend to reduce the ancient university of the city of Glasgow to the level of an ordinary academy, as it cannot be doubted that students will flock to those seminaries alone where they can procure the most efficient diplomas; in short, the petitioners hope, that having so long discharged, as they may safely say they have done, their important duties, with increasing credit to themselves and advantage to the lieges, they will receive that encouragement and protection from the British legislature to which their ancient charter and act of the Scots parliament entitle them, and that these rights need only be stated, at once to satisfy the house of the impropriety of granting an undue preference over them to the other medical establishments; the petitioners therefore most humbly pray, that the house will preserve inviolate their privileges so long enjoyed, or, should the bill pass, that they will amend the same so as to confer upon the petitioners the right of granting diplomas in surgery of equal force with those that may be issued in terms of the said bill by the other colleges, and to allow the petitioners to be heard at the bar, by their counsel, for their interest, if necessary, or to do otherwise, as to the house shall seem meet.

NORTHERN CIRCUIT.] The returns ordered (pursuant to an address of the 5th of February) were presented, and ordered to lie on the table.

HOUSE OF LORDS.

Tuesday, March 3rd.

CLERK OF THE PARLIAMENTS.] The *Lord Chancellor* stated that George Henry Rose, Esq. (who was sworn in yesterday), had, as clerk of the parliaments, appointed Henry Cowper, Esq. (present clerk assistant), to be one of his deputies, to sign papers, and do all acts in his absence, appertaining to the office of clerk of the parliaments; also, that he had appointed George William Birch, Esq. (the reading clerk), to be another of his deputies, to act as clerk of the parliaments in the absence of himself and Mr. Cowper; and also, that he had appointed Benjamin Corry, Esq. to assist at the table, to attend committees, and to act in the office of clerk of the parliaments in the absence of himself and Mr. Cowper, as occasion might require.

His lordship moved that these arrangements be approved of, which was agreed to. Mr. Corry then came in and took his seat at the table.

Earl *Grosvenor* asked the noble secretary of state, when he intended to bring forward the subject of the office of clerk of the parliaments?

The Earl of *Liverpool* said, it was his intention to bring the subject under the consideration of parliament, with a view to some prospective regulations, to take place after all existing interests had ceased.

The Marquis of *Lansdowne*, considering that the present subject had reference to the regulations of their lordships' house, suggested, that some means should be taken to inform their lordships, prospectively, of the proceedings which were likely to come under their consideration. An hour had been fixed for the commencement of public business, and it would be highly useful if, in addition to that regulation, some method were taken of communicating the nature of the business to be transacted.

The Earl of *Liverpool* had no objection to any arrangement by which the object of the noble marquis could be accomplished, but he was not prepared to say whether the matter ought, at present, to be made the subject of a regular motion.

The Lord *Chancellor* also intimated his disposition to concur in some arrangement for the object which the noble marquis had in view.

CHIMNEY-SWEEPERS.] Petitions, in favour of the chimney-sweepers regulation bill were presented, by the Marquis *Camden*, from Chelmsford; by Lord *Auckland*, from Shrewsbury; by the Duke of *Sussex*, from Stamford-hill and Stoke Newington; and by the Bishop of *London*, from Walthamstow.—Ordered to lie on the table.

The Earl of *Liverpool*, in answer to a question from the Earl of Lauderdale, relative to the second reading of the bill, observed, that he did not think that the house, from the state of its information, could be fully prepared to accede to the principle of the bill. He did not, however, think that the second reading ought to be resisted. The bill might be allowed to go into a committee, and the principle could be discussed on the report of the third reading.

Lord *Auckland* said, that their lordships would have a great body of evidence before them, when the report of the committee of the house of commons was communicated.

PERSONS ARRESTED FOR TREASON.] The Earl of *Carnarvon* made the motion, of which he had given notice yesterday, for an account of the persons arrested under the habeas corpus suspension act.—The motion was agreed to.

INDEMNITY BILL.] The order of the day being read for going into a committee on this bill,

Lord *Holland* rose, but not, he said, with the intention of resisting the motion for referring the bill to a committee. There were, however, two or three questions which he thought it right previously to ask, the answer to which might, perhaps, enable their lordships to proceed with more precision and despatch, when in the committee, than they could otherwise do. His present purpose was not to discuss either the principle or the details of the bill; but, as their lordships were about to go into the committee, it was important to know what was the object which they had there to carry into execution; for, after all the discussion which the subject had undergone, there were still some points with respect to which the intention of those who had introduced the bill was very obscure. On one or two of the grounds on which they rested the measure, they seemed to be at variance with themselves. It had been said, that precedent was followed in the present case: but, if it had been the object of the framers of the bill to establish it on precedent, the result of their labour was not consistent with their intention. All former acts of indemnity in this country had acknowledged, or implied, that certain illegal acts had been committed, and, on the ground of illegality, the indemnity was granted; but the present bill, according to the assertions of those who supported it, the report of the committee, and its own preamble, came before their lordships with the allegation that no illegal act had been done. The report which had been made by their lordships' committee stated, that the persons who had been taken into custody had been arrested on oath. According to all the assertions and allegations, there had been no illegality; and if there was no illegality, there could be no need of indemnity: but it was said, that if ministers should be called upon to justify themselves in courts of law, they would be obliged to produce evidence which it would be improper to disclose. He could not say that it might not be possible, that a bill on this subject was requisite; but, then, the object of such a bill could not be indemnity. It was proper, therefore, that their lordships should know before they went into the committee, to which of these objects their attention was to be directed, or whether it was to be expected of them that they should accomplish both objects. What were they to be called upon to do? Surely the same clauses and words would not answer for the different objects he had pointed out. If all the proceedings had been legal, what danger could there be in disclosing the evidence on which the arrests had been made? There was another point which also appeared to him worthy of their lordships' consideration, namely, how far this bill followed as a consequence of the suspension act of last session. It had been asked, how their lordships could suppose that the habeas corpus should be suspended without this bill becoming necessary? He must confess, that he had not seen this natural consequence; but if it really existed, ought it not to be their lordships' business to make out that connexion in the committee? The bill, as it stood, contained no reference to the suspension act from which it was said to spring. The preamble declared, that a traitorous conspiracy had existed, and that divers persons had tumultuously assembled, &c. and stated acts to have been done, which, under the supposition of all the proceedings being legal, were proper to be resorted to. The bill, however, did not declare that those acts had been done in consequence of the suspension of the habeas corpus. This bill, therefore, applied generally to all arrests, and was, in that respect, more extensive in its application than the measures which were said to have given rise to it. Another difficulty here arose in considering this bill, which, instead of being founded on precedent, differed in one material respect, not only from all the old bills of indemnity in this country, but from that of 1801, which had been so often alluded to, inasmuch as it granted indemnity, not only for arresting and detaining persons, but for discharging them. Had prisoners, then, been illegally discharged? It would become their lordships to consider, what might be the effect of the introduction of this word into the bill, not merely with respect to the protection of ministers, but to the future security of the persons to whom it applied. If ministers, or the magistrates who, under them, carried the suspension act into execution, had acted legally in discharging prisoners, they would stand in no need of indemnity. They could have no fear of producing evidence, to shew that they had acted according to law, in discharging those whom they had arrested. It was necessary to call their lordships' attention particularly to this circumstance, as it appeared that there were cases in which the discharge of prisoners by the magistrates might be illegal. In stating this, he wished to refer their lordships to a case which occurred in Hilary term, 1788, before Mr. Justice Ashhurst, Mr. Justice Buller, and Mr. Justice Grose. The case was entitled Morgan against Hughes.* The plaintiff having been committed by the defendant for felony, and afterwards discharged, brought his action for malicious imprisonment. The declaration stated, that the defendant, being a justice of the peace, and contriving and maliciously intending to hurt, injure, and prejudice the plaintiff in his character, &c. and to cause him to be esteemed and reputed amongst his neighbours and others guilty of felony, &c. on the 14th of July 1786,

* Reported in Vol. II. of the Term Reports, p. 225.

wrongfully, injuriously, maliciously, and without any charge or accusation, issued his warrant, whereby the plaintiff was committed to the gaol of Cardigan, where he remained until the 1st of September then next following, *when the said plaintiff was released and discharged from his said imprisonment.* To this declaration there was a special demurrer, setting forth. that it did not appear in and by the said declaration, that the plaintiff had ever been tried for, or acquitted, or by due course of law discharged of and from the said supposed felony and charge in the said warrant mentioned; and that it did not appear, therefore, that the commitment was without cause.—The declaration, in fact, must state, that the prosecution is at an end; for a person aggrieved cannot bring an action, without shewing that he has been discharged according to due course of law, either by a grand jury throwing out a bill of indictment preferred against him, by acquittal on trial, or by a *nolle prosequi.* Their lordships would therefore perceive, that the extension of the bill to cases of discharge was, of itself, an indemnity to ministers. That this was the unavoidable consequence of the introduction of that word into the bill, was evident from the judgment given in the case to which he had alluded.—The counsel for the plaintiff, in arguing against the demurrer, admitted, that, in actions for *malicious prosecutions,* it was necessary to state in the declaration, that the prosecution was at an end, but contended, that it was not necessary in an action like the present, which was merely for a *malicious commitment.* Mr. Justice Buller said "this declaration cannot be supported. The grounds of a malicious prosecution are, 1st, that it was done maliciously; and, 2ndly, without probable cause. The want of probable cause is the gist of the action: for it should have been shewn on the face of the record, that the prosecution was at an end. Saying that the plaintiff was 'discharged' is not sufficient; it is not equal to the word 'acquitted,' which has a definite meaning. Where the word 'acquitted' is used, it must be understood in the legal sense, namely, by a jury on the trial. But there are various ways by which a man may be discharged from his imprisonment, without putting an end to the suit. If, indeed, it had been alleged, that he was discharged by the grand jury's not finding the bill, that would have shewn a legal end to the prosecution. Neither is there any distinction between a malicious commitment and a malicious prosecution. The present is more like the case of an action for maliciously holding to bail than any other; in which case it must be shewn that there is an end to the suit." The other judges were of the same opinion, and judgment was given for the defendant. After what he had stated, and, in particular, after having recited this decision of the court of King's-Bench, he thought it right that their lordships should be informed on the following points: first, whether a person discharged by the authority of the secretary, a magistrate, without any bill of indictment against him having been thrown out by a grand jury, or acquittal on trial, or on a *nolle prosequi,* can be held to be discharged according to law? Secondly, Would a discharge by the secretary of state prevent the person from being again arrested on the same charge? Thirdly, Could a person discharged by the secretary of state insert in his declaration, on bringing an action, that there was an end of the suit against him? These were important questions, and he thought them worthy of the consideration of their lordships, on grounds totally independent of the bill before them.*

The *Lord Chancellor* wished, in the first place, to observe, that he did not consider himself so great an adept in the criminal law as to be always prepared to give their lordships a satisfactory opinion upon every difficulty that might be started. In the present case he must also confess, that he could not recollect the terms of the questions which the noble lord had put with sufficient precision, to enable him to give a full answer, were he in other respects capable of so doing. With regard to what had been said, as to this bill being founded on precedent in all its provisions, he certainly had never so argued it. He had on the contrary observed, that when the habeas corpus was suspended in the reign of King William, it was distinctly acknowledged in the bill of indemnity, that illegal acts had been committed; but it was at the same time declared, that those acts were so necessary for the safety of the country, and the preservation of the constitution, that persons should not be put to the expense of defending themselves in suits which might be brought for their commission. The principle of the act of 1801, though different, was a just principle also. It was this —that the names of persons who had given information should not be disclosed. Whether that principle was to be, *bona fide,* in any particular instance maintained, depended on those to whom the constitution had given the right of deciding on such questions. What their lordships' decision on this point ought to be, it would be for them to consider in the committee; but if that principle ought to be acted upon, there was another which possessed a claim not less urgent upon their lordships' attention—he meant the protection of the magistrates who

* It may not be improper to observe, that, in the case of Morgan against Hughes, which the noble lord cited, it was not held, that the plaintiff was without a remedy for the false imprisonment, but that, in such a case, trespass, and not a special action on the case, was the proper remedy.—The general distinction is this: where the immediate act of imprisonment proceeds from the defendant, the action must be trespass, and trespass only; but where the act of imprisonment by one person is in consequence of information from another, there an action upon the case is the proper remedy, because the injury is sustained in consequence of the wrongful act of that other.

had executed the laws. In a case in which there had been a probability of a general rising against the government, it was obvious that great numbers of persons would be arrested. To leave the individuals who had caused these arrests to contend with the multitude of actions which might be brought against them, would be to allow them to be overwhelmed, and crushed with an incalculable expense. As to the chief point in the noble lord's question, he should consider it most contemptible conduct in him were he to withhold from their lordships any information on a legal point which he could give. He would therefore state his opinion, for which such allowances should be made as his practice, confined to courts of equity, required. Though he thought the word *discharged* highly proper and necessary, he was not aware that it had been inserted in the bill until the noble lord had referred to it. It certainly appeared to him a point of great importance, and in stating what at the present moment occurred to his mind on the subject, he could only say, that he did not think a man discharged in the way described by the noble lord would be discharged according to law. But this formed precisely a case in which the magistrate ought to be protected. If, when a rising against the government was apprehended, a magistrate arrested on information a number of persons suspected to be engaged in such a treasonable design, was he to be punished for discharging those persons when the danger was over, and when he conceived that he had no longer any right to detain them? Surely, no clearer case for granting indemnity could be suggested. He knew what he should have done on such an occasion. He would have pursued the very same course that had been adopted. When persons taken into custody were delivered on recognizances, it had been usual to bind them to answer, from time to time, in the King's-bench. If that were illegal, it had been illegal ever since the law of the country had been administered. He had himself had the honour of filling the offices of attorney and solicitor-general—he should say, perhaps, unfortunately for himself; for no situation was so pleasant as that of a private barrister, and none so full of anxiety as that of solicitor or attorney-general; but he was always in the practice of going from term to term, and respiting recognizances; and no persons had ever sat in the courts of justice who understood the laws better than those who presided during the time he alluded to. He could give no better answer than he had done to the question of the noble lord; but he owed it to the kindness of the house, and to the indulgence he always experienced, to give on all occasions the best answer in his power. If it were explained to him, and he were satisfied he was wrong in what he had stated, he should be ready to give any further information in his power.

The house then resolved itself into a committee, when

The *Lord Chancellor* proposed, that their lordships should consider the preamble first, instead of postponing it as usual, because it was closely connected with, and referred to by, the enacting part of the bill.

The Earl of *Lauderdale* observed, that if the house were to set aside all precedents, and rely on the argument of the learned lord, he must say that that argument had no great weight with him. The meaning of a preamble was, to explain the object of a bill to the public; but how could it assume to do this, before it was decided of what clauses the bill should consist? Here the learned lord, contrary to all usage and meaning, called on the house to consider the title and preamble of the bill, before the various clauses had been agreed to. The learned lord had professed a readiness to explain, and here was sufficient cause to call for explanation, when he must himself consider this a departure from the ordinary rule.

Lord *Redesdale* denied that there was any thing singular in this mode of proceeding. He had himself, on other occasions, insisted that the preamble should be considered first, because it referred to the enacting clauses.

The Earl of *Carnarvon* said, the question was, whether the committee should first see the spirit of the enacting clauses, and then frame the preamble in conformity to them, or decide the preamble first, and then be tied down by mere form of words. The bill was of the greatest importance to the country, and their lordships ought not to decide hastily; they ought to exercise great caution on the point, or they might surreptitiously, as it were, be led to sanction enactments, the spirit of which they disapproved; and this would be the case if they were, in fact, pledged to support the words of the preamble.

The *Lord Chancellor* said, that, in many acts, the preamble was a mere form, reciting the object of the enactments that were to follow; but the present was so materially connected with the substance of the bill itself, as to render its postponement inconvenient. How, for instance, could they decide upon the propriety of the clause which referred to tumultuous assemblies without looking to the preamble to see what was meant by tumultuous assemblies? Every meeting which took place in the course of the last two years was not to be concluded as necessarily of a tumultuous character. The preamble, therefore, in which the precise description was marked out, would seem to come naturally in order before those parts of the bill which would require to be referred back to it, in order to be understood.

Lord *Grenville* observed, that the committee had a complete discretion, whether they would postpone the preamble or not. When they were called upon to depart from the usual orders of the house, a strong ground should be made out by those with whom such a proposition originated, and, particularly, when it was brought forward in a question like the present.

He was not aware of any advantage that would arise from it in this instance, either with regard to perspicuity or accuracy. Supposing the preamble to be postponed, as was the usual practice, the enacting clauses might, and no doubt would, still be considered with reference to it, though it was not yet agreed to; but supposing it to be agreed to, as they did not actually know what the clauses would be, or how they might be modified in their progress, considerable inconvenience might be felt from having previously agreed to a preamble which affected to describe accurately what was yet undetermined. It would be better, therefore, to adhere to the usual mode of giving time to consider the various enactments, and then, and not till then, to affix the necessary and appropriate preamble.—With regard to the substance of the bill, it was really a matter of very little importance which course they took; but it was of some moment, that the preamble should be so framed, as to lay the general purport and purview of the bill distinctly before the magistrates, and the people at large.

Lord *Redesdale* said, it was only for the convenience of the committee, that he proposed the immediate consideration of the preamble. If the general feeling were in favour of its postponement, he should not object to the adoption of that course.

The question was then put for postponing the preamble, and carried without a division.

On the first clause of the bill being read, enacting, that the indemnity should commence from the 1st of January, 1817,

The Earl of *Lauderdale* moved as an amendment, that the 4th of March should be substituted as the period to which the operation of the act should extend. In stating his reasons for proposing this amendment, his lordship observed, that the noble duke who introduced the bill had described it as a species of corollary, dependent on the suspension act. It was true that a noble earl (Liverpool), had attempted to explain away the expression, but not in a manner satisfactory to his mind. What he wanted now to understand was, whether the indemnity bill was a consequence of the suspension of the habeas corpus? If the noble earl said that it was, the indemnity should extend only to the period at which the suspension had commenced, and not as the present bill was drawn, to a period long before it. The suspension act was passed on the 4th of March, but this bill was dated from the 1st of January. If such bills were to pass in this kind of latitude, they would render the suspension of the habeas corpus act altogether unnecessary; for here was a bill, which not only legalized all acts done under the suspension act, but many that were not countenanced by that measure.

The Earl of *Liverpool* said, he should not now enter into the reasons why he differed from the noble lord in his application of the expressions used on a former night; but, with respect to the amendment, he would ask, whether it was not probable, that many acts might have been done while the suspension bill was in progress, to which it might be proper to extend the indemnity now proposed? The habeas corpus act could only be suspended in cases of serious and important danger. The very circumstance of its necessity, the very danger which obliged ministers to come to parliament and ask for such an extraordinary measure, might render it incumbent on them to act, in the interval, on their own responsibility. For this reason, it appeared to be but fair, that the act should have some retrospective effect, that it should not be rendered strictly coeval with the measure, but rather with the necessity. He called upon their lordships to recollect what had passed on the first day of the session, when a dreadful outrage was committed against the sacred person of an illustrious individual. Might it not have been necessary to arrest some persons suspected on that occasion? When also they remembered the subsequent acts on which this measure of suspension was adopted by parliament, would they not admit that it might be necessary to take some steps for the apprehension of those concerned? But, abandoning the particular case, he should make his stand upon the general principle, that government might, upon its own responsibility, under circumstances of imminent danger, take steps for the general security of the kingdom, before parliament had passed the bills which it would afterwards be bound in strict justice to recognize. However, as he was not aware that any acts of this nature had been done antecedent to the meeting of parliament, he should have no objection to limit the operation of the bill to the 26th of January.

Lord *Lauderdale* replied, that if the suspension act had really been necessary, which was the only reason advanced for carrying the indemnity so far back, parliament might have been called together at an earlier period for that purpose; but this had not been done, though many of the disturbances so much relied on had taken place in the November preceding. This shewed that the supporters of the present bill were afraid at that time to meet parliament on such grounds.

The amendment for limiting the operation of the bill to the 26th of January was then agreed to.

On the clause, indemnifying magistrates for imperfect discharges granted to those who had been apprehended, being read,

Lord *Holland* suggested, that if the house meant to indemnify those who had granted improper or insufficient discharges, they ought also to frame a clause, providing, that the parties so discharged should be deemed to have been sufficiently discharged, the same as if they had been discharged by due course of law.

The Earl of *Liverpool* replied, that two principles were applicable to the bill: one, to prevent the disclosure of testimony on which the magistrates had acted; the other, to indemnify them for certain steps which they had taken when the country was in a state of insurrection. In Derby-

shire, a large body of men had assembled to proceed towards the metropolis. Now, no man, whatever his opinion might be respecting the suspension, could say that it was not the duty of the magistrates, under that act, to prevent such a purpose, and, in furtherance of the act, to detain individuals, and afterwards to release as many as they could without danger to the public tranquillity. The question, therefore, was, whether, under such circumstances, they could properly discharge such as had been arrested, without further proceedings, though, perhaps, such discharge might not be strictly legal? If any question were more clear than another, he thought it was the propriety of the apprehension of these persons in a moment of considerable danger, and the release of them as soon as was consistent with the public safety. For this reason, he considered the clause in question to be the least exceptionable part of the bill.

Lord *Holland* agreed, that this was the least exceptionable part of the bill; but the house had now heard it avowed, for the first time, that this bill was *not* passed for the sole purpose of preventing unpleasant disclosures of evidence, but really to cover acts in themselves strictly illegal. The noble lord announced his opinion, that the magistrates, in these discharges, might have acted illegally (and there he (Lord Holland) perfectly agreed); but if they had done so, parliament, it was alleged, ought to bear them out. This was no answer to the question he had put respecting the situation of persons so illegally discharged. Those persons could not bring an action for damages, without averring on the record, that they had been duly discharged, so that they were at present deprived of the very right of seeking for redress. If they were discharged at all, they ought to have received their discharge in a way that would give them the rights that all Englishmen ought to possess. If these rights could be secured to them by any clause, he (Lord Holland) was ready to indemnify the magistrates; but if not, he thought the magistrates ought not to be protected at the expense of those who had been aggrieved. The only way in which the latter could regain their rights, was by an action in a court of law, to question the regularity of the proceedings in their committal; and, if they were not regularly discharged, a clause must be introduced to give them the benefit of such a discharge before they could proceed at law. Should such a proviso be framed, would the noble lord object to it?

The Earl of *Liverpool* said, that, when the clause was framed, he should be more competent to give an opinion on it.

Lord *Erskine* expressed his conviction, that the magistrates had acted in the late instances, as those respectable persons had in all other instances, with the greatest lenity towards the unfortunate men who were arrested—that they had discharged many, whom they might have detained longer, and, therefore, that they were entitled to the protection of parliament. All his noble friend wished to know was, whether the individuals who were thus irregularly discharged from custody, were, in all respects, in the same situation as if they had been discharged in due course of law? If that were not the case, he proposed to relieve their disadvantages by the adoption of some proviso, which should have the effect of placing them in that state—a proposal in every respect entitled to the deliberate consideration of the house.

The *Lord Chancellor*, after re-stating the nature of the grievance explained by the noble lord (Holland), agreed, that if that noble lord would frame such a clause as he had suggested, it must meet with the concurrence of the house. (*Hear, hear.*)

The Marquis of *Lansdown* moved the omission of those words in the bill, which went to extend indemnity to magistrates for having arrested persons in tumultuous assemblies. The principle of the bill was, to indemnify for acts dangerous in themselves, but justifiable for reasons of state, which could not be disclosed in evidence. Could any of the arguments that rested on this necessity of secrecy, be applicable to the case of persons taken in tumultuous and disorderly meetings? Why should the magistrate be prevented from proving his own justification in this case? He would admit that the magistrates who acted last year were entitled to protection, but he was sure that they would rather defend themselves in an open and avowed manner, where it could be done with safety to the public, than shelter themselves behind that pall which the act proposed to throw over them.

The *Lord Chancellor* observed, that such an exemption might expose the magistrates to 10 or 12,000 actions, for so many persons had been collected at some of the meetings. Besides, the magistrates would have a right in their defence to enter into the information they had received as to the objects of the meeting, which would lead to improper disclosure.

The Marquis of *Lansdown* observed, that very few persons had been committed for such an offence; the cases, therefore, could not be so numerous as was apprehended, and the mere proof of the fact that it was a tumultuous assembly, would be a sufficient justification of the magistrate, without any further disclosure.

The *Lord Chancellor* said, that many might represent more force to have been used than was necessary to disperse the meeting, the only means of rebutting which would be to enter into a disclosure of its nature and objects.

Lord *Holland* observed, that if the argument of the noble and learned lord were good, whenever a tumultuous assembly was dispersed, the magistrates by whom they were so dispersed must have recourse to parliament for an act of indemnity. He denied the principle, as it would go to overturn the whole law of the country.

The *Lord Chancellor* said, that the bill before their lordships was not general, but contemplated a case of an extraordinary and special nature,

and it was indispensable to protect the magistrates who were connected with it.

Lord *Holland* allowed, that an extraordinary and special case ought to be decided on its own merits, but maintained, that the former argument of the noble and learned lord was applicable to the case of all magistrates who dispersed tumultuous assemblies.

The Earl of *Liverpool* admitted, that, in the act of 1801, there was no provision of the nature under consideration, the reason of which was, that, although many persons had been taken up on suspicion of high treason, and not afterwards brought to trial, parliament thought right to pass an act of indemnity to protect ministers; yet, in that period, there was nothing like insurrection which demanded a measure of this nature with reference to magistrates. In the late occurrences, not only had persons been apprehended under the warrant of the secretary of state, but insurrections of a formidable nature had taken place, which required the interposition of magisterial authority. Large bodies of people were taken up by order of the magistrates—in one place no less than 250— with a view to prevent the further progress of the meetings of the 10th of March. This having been the state of the country, would parliament act fairly by the magistrates, if it did not protect them from vexatious suits? Their lordships should never forget that the preservation of the public peace depended on the voluntary efforts of those respectable gentlemen, who were generally unpaid, and who came forward independently to discharge duties of the highest importance, attended in many cases with great personal risk, and which, therefore, entitled them to the protection of the legislature.

The Earl of *Carnarvon* observed, that the arguments of the noble earl and of the noble and learned lord, went to prove, that an act of indemnity was necessary on every occasion in which the magistrates exerted themselves to preserve the peace of the country. Did the noble earl mean to say, that the magistrates last year exceeded their powers, and that they, therefore, came to parliament for indemnity? If so, and if the necessity were manifest, that indemnity parliament would not refuse. But he denied that it was to be taken for granted, that when magistrates exerted themselves in the case of tumultuous assemblies, they necessarily violated the law, and must have an act of indemnity to protect them. He supported his noble friend's amendment, not because he thought indemnity unnecessary, but because in this, as well as in other parts of the bill, their lordships were legislating in the dark.

The motion was then negatived without a division.

Lord *Erskine* rose for the purpose of adding a proviso of some importance to one of the clauses of the bill. He admitted the necessity of protecting magistrates who acted to the best of their judgment, but parliament had always shewn itself reluctant to go beyond a certain point. Thus, before the 41st of Geo. III. was passed, if a conviction were had before a magistrate, and that conviction were afterwards quashed, the magistrate was liable to an action, even though he acted *bona fide:* that statute had now settled the contrary; the legislature taking care, however, to insert a clause which expressly excepted actions upon the case, where it could be shewn that the magistrate had acted maliciously, and without reasonable or probable cause. In the same spirit, his lordship proposed the following proviso to be inserted in the bill upon the table:—"Provided always, &c. that nothing herein contained shall extend, or be construed to extend, to any act, matter, or thing, &c. where it shall appear that any person or persons shall have been committed maliciously, and without reasonable or probable cause." His reason for introducing this provision, was to provide against cases, if such existed, where magistrates had atrociously and infamously abandoned or exceeded their authority for purposes of oppression, by interfering among assemblies where the people would, perhaps, have quietly dispersed themselves. The only objection that could be made to it on the other side, would be founded upon the words of the preamble, that the magistrate was to be protected on the ground that injurious or dangerous disclosures might be made. Surely such a pretext could not avail at a time when there was no pretence for saying that the country was not in a state of the most profound tranquillity. The committee would no doubt recollect former acts passed to give magistrates extraordinary powers, at a time when large meetings were held for parliamentary reform; perhaps ten times as many persons had there been collected as in these mighty insurrections, as they were ostentatiously called, yet no act of indemnity had been afterwards passed to protect magistrates who might have exceeded the authority entrusted to them. Alderman Kennett (for whom his lordship had unsuccessfully appeared as counsel) was convicted on one occasion of not having gone far enough. He was charged with being too backward in his endeavours, and the verdict against him proceeded upon the ground that, in that respect, he had not acted *bona fide.* His lordship insisted, that no magistrate ought to be indemnified, if it did not appear that his acts had been perfectly conscientious, and directed to the preservation of the public peace.

The *Lord Chancellor* said, if the proviso suggested were adopted, it would nullify the whole of the measure. If the house would not pass any bill of indemnity, let it be so said distinctly; and magistrates and others would know to what they had to trust; but if the proviso were introduced, it would be a mere mockery to call this a bill of indemnity. The noble lord had referred to the case of Alderman Kennett, whose cause he had unsuccessfully pleaded, a circumstance not very usual with the noble lord, in his

practice at the bar. The noble lord could not, however, have forgotten, that that gentleman actually died of a broken heart, in consequence; so deep an effect had it had on his mind—yet the noble lord was unwilling to concede any thing to spare magistrates from the distress and vexation, and innumerable suits against them, which, if ending in conviction, might perhaps lead to a similar catastrophe. The large meetings to which the noble lord had referred were, under pretence of a parliamentary reform, to effect a revolution, and on this account it was, that magistrates were armed with such large powers.—His lordship contended, that, in the former bills of indemnity, not even in those of the time of King William, could any such exception be found; and though he was most anxious to protect the liberties of individuals who might, in some instances, have been slightly aggrieved, yet he thought that the general welfare demanded, that this bill should be passed in its present form.

The Earl of *Rosslyn* said, he could not consent to the sacrifice of the rights of so many persons for the sake of protecting a few magistrates from actions. It seemed admitted that some alteration in the preamble was necessary, inasmuch as it did not state the true object of the measure, which was not merely to prevent disclosures, and to protect those who gave evidence on which magistrates had acted, but also to cover with a shield the magistrates themselves, however unwarrantable and illegal had been their proceedings. The noble and learned lord had given no sufficient answer to what had fallen from the noble mover of the proviso, who was anxious not to expose magistrates who had acted *bona fide*, but to open the courts of justice against those who had availed themselves of their authority to oppress and imprison individuals. The noble and learned lord had stated most truly, that, by the indemnity acts of William III., of 1715, of 1745, and those that had passed since, illegal acts which had been committed were indemnified. It was the only justification of an indemnity bill, that when, to preserve the peace of the country, the law had been violated in particular instances, those who, from a sense of public duty, had committed the violation, should be protected against the consequences of their conduct; but, in this case, it had been averred that no illegal acts were done, and that an indemnity was intended only to prevent actions, which, if proceeded in, might lead to disclosures inconsistent with the public safety. Where, therefore, malice was offered to be proved against magistrates pretending to act for the public good, no indemnity should be allowed to prevent the plaintiff from proceeding, or shut the doors of justice against him. In the first Irish indemnity act, this principle was recognized, and the distinction between illegal and malicious arrests or detention was established, though the act had been afterwards altered.

The amendment was then negatived without a division.

The Marquis of *Lansdown* proposed, as an amendment, to omit the word "Ireland," and to retain only the words "in that part of the United Kingdom called Great Britain." The provisions of the suspension act did not extend to Ireland, and that country should, therefore, be excepted from those of the indemnity bill.

Lord *Sidmouth* said, that the indemnity had no reference generally to Ireland, but the name of that part of the united kingdom was necessary to be retained, to meet a special case. A suit might be instituted in the courts of that country, at the instance of a person who was apprehended there for acts done in Great Britain, and it was necessary, therefore, to protect the magistrate who had executed the warrant of arrest.

The Marquis of *Lansdown* remonstrated against such a general introduction for a particular purpose, and that without any communication to parliament of its nature.

Lord *Sidmouth* said, that he had no difficulty in alluding to the case. A warrant had been issued against an individual, who had fled to Ireland. He was apprehended in that country, and therefore, unless Ireland remained in the bill, the magistrate who executed the warrant would be liable to an action.

Lord *Holland* objected strongly to the clause as it stood. Let the particular case be named, however objectionable, rather than leave the exception general. He believed that the magistrates of Ireland, like the magistrates of Great Britain, were active, and generally exemplary, in the discharge of their duty; he did not mean to speak of them with the slightest disrespect; but he too well knew the state of that country, not to feel that a general bill of indemnity for acts done by the magistrates in Ireland, would be a bill of indemnity for many acts of atrocious outrage. After the act of indemnity in Ireland, which followed the suspension of the habeas corpus in 1797, an action was brought in that country by a person of the name of Doyle, against an individual whose conduct he (Lord Holland) had had the misfortune to bring under their lordships' consideration, a Mr. Judkin Fitzgerald, accusing him of acting in his magisterial capacity with malicious motives; and, although the act of indemnity was in force, Doyle obtained a verdict, and sentence was about to be pronounced. In order to save this gentleman, if gentleman he could be called, another indemnity bill, with a sweeping clause, was passed by the Irish legislature. He (Lord Holland) knew not if the bill then before their lordships would screen such acts as that to which he had just adverted. But when it was notorious that for the last five and twenty years there had not been a year unproductive of deviations from law on the part of some of the magistrates of Ireland, their lordships ought to be cautious how, for the purpose

of meeting an unknown and conjectural case, they agreed to a clause which might deprive the Irish people of their redress for such injuries. The remedy ought not to extend beyond the evil, and the indemnity ought to be confined to the particular case in question.

The Earl of *Liverpool* did not think that the principle of indemnity would be construed so broadly as to include any case but the one contemplated. He should, however, have no objection to an amendment, on the third reading, that would limit the operation of the act as it regarded Ireland to the special case in question. The history of that case was as follows:—A man of the name of Benbow, whose petition had been laid on their lordships' table, had fled to Ireland, with the hope of obtaining there the means of being conveyed out of the country, or of finally making his escape. A warrant was issued from this country for his arrest; and he was taken up in Ireland for acts done here, and not for any acts performed there. The magistrate who had executed the warrant in Ireland was liable to an action in the courts of that country. It was necessary, therefore, for his protection, that Ireland should be introduced into the provisions of the present bill. This clause, however, extended no indemnity to magistrates in Ireland, where the suspension did not operate, for any arrest which they might have authorized for acts done there.

The Marquis of *Lansdown* said, that all this proved the necessity of making the clause special. There was no objection to grant indemnity to the magistrate who apprehended Benbow; but if the clause stood as it was, it would introduce many inconveniences, and might be taken advantage of to protect other magistrates from the consequences of their illegal arrests. The preamble of the act alluded to a conspiracy in the kingdom generally, and except the clause were limited, so as to exclude Ireland, the indemnity might be construed to extend to that part of the empire.

The Earl of *Liverpool* said, that the first clause had no reference to Ireland. It was never pretended that any conspiracy existed there.

The Earl of *Lauderdale* concurred in the amendment, and said, that Scotland ought likewise to be excluded from the indemnity bill, as, it was said, that the powers of the habeas corpus suspension had not been exercised in that country. The act of last session merely suspended the *wrongous imprisonment* act; but, as the law of treason was the same in Scotland as in England, it could not operate in that part of the united kingdom.

After some further conversation between Lord Redesdale, Lord Holland, and the Lord Chancellor, the latter of whom proposed that the clause should extend to the cases of persons apprehended in Ireland for acts done in Great Britain, the amendment leaving out Ireland was passed, on the [illegible] it, on the bringing up of the report, a special clause should be inserted embracing the case alluded to.

The Earl of *Carnarvon* protested against the payment of double costs by the plaintiffs in such actions as might have been already commenced, without any anticipation of this act. He proposed that the infliction of double costs should be confined to all actions brought after the passing of the act. This would not interfere with the indemnity.

The *Lord Chancellor* said, it was his intention to propose that the plaintiffs in any actions which had been commenced before the 27th February, should not be liable to any costs.

Lord *King* was desirous that the infliction of double costs should be entirely withdrawn from the bill. Why, in addition to the evil of a deprivation of redress, were the unfortunate individuals who had been illegally treated, to be punished with the penalty of double costs? Suppose a person were apprehended on a malicious and groundless information, that he suffered a long imprisonment, and was utterly ruined in consequence. This was not an imaginary case. It was that of an individual in Ireland, who had been already alluded to, of the name of Doyle, on whom the most horrid tortures were inflicted by Mr. Judkin Fitzgerald, against whom he brought an action; but, in consequence of a second act of indemnity (the first not having been found sufficiently operative), he was defeated, and cast in 750l. costs, which proved his utter ruin. Conceiving that the words 'double costs,' conveyed as much injustice as two words could import, he moved to omit the word 'double.'

The *Lord Chancellor* observed, that the next provision of the clause enacted, that those who had commenced actions, but who stayed proceedings, would not be liable to any costs. The double costs were to be imposed only on those who, notwithstanding parliament had taken from them the ground of action, still proceeded.

Lord *Holland* allowed that the provision just described by his noble and learned friend was commendable; but contended, that the principle of inflicting double costs in such cases was unjust in itself. In an act like that under consideration, and which was extorted from parliament only by necessity, they should be cautious not to go one tittle beyond that necessity.

Lord *King*'s motion was negatived without a division.

The *Lord Chancellor* then proposed his amendment, to exempt those from the payment of any costs, who might have commenced their actions before the 27th February.

The Earl of *Carnarvon* wished that the exemption should reach to the passing of the act.

The *Lord Chancellor* thought, that it would be sufficient to let it extend to the time at which the bill began to operate.

In that form the noble and learned lord's amendment was agreed to.

The Earl of *Carnarvon* proposed a new clause, framed for the purpose of limiting the operation of the bill to those cases in which the interference of the legislature was indispensably necessary. It was stated in the preamble as the ground of the measure, that the production of evidence in defence against actions, might be dangerous to the parties who had given the information, as well as to the general safety. The object of his clause was, to deprive any person of a right of action, whenever the secretary of state should make an affidavit before a judge, that the action could not be defended without danger to individuals, and injury to the public service. The way in which he intended to effect this was, by enacting, that before the commencement of a suit the solicitor of the party should give notice to the secretary of state, and if the secretary of state made no affidavit, such as he had described, in the course of a month, the information should be produced, and the proceedings should not be stayed; but that if the secretary of state made the affidavit within the month, then the action should be immediately stopped. Unless some proposition of this nature were adopted, the most oppressive acts would escape with impunity, even when not the slightest ground could be alleged for preventing an action.

The Earl of *Liverpool* replied, that the effect of the noble earl's clause, if passed into a law, would be to subject all the magistrates in the country, and all persons who had acted under them, to the discretion of the Secretary of State, to determine whether or not actions might be brought against them. Nor was this the only evil. The act for suspending the habeas corpus vested in the privy council, as well as in the Secretary of State, the power of granting warrants for the apprehension of suspected persons. The privy council, therefore, would also be subject to a similar discretion on the part of the Secretary of State. And who was the Secretary of State? His noble friend might not always be in that office. One of the noble lords opposite, in the event of any change in his Majesty's councils, might fill that situation, and it would then be to be submitted to that noble lord, whether actions might be brought against his noble friend! Parliament had adopted the only proper course under such circumstances, by appointing committees, who had investigated all the cases of apprehension that had occurred. He was persuaded that his noble friend had, in no instance, issued his warrant for the apprehension of any individual, which he would not readily submit to the examination of any parliamentary tribunal, acting under the seal of confidence, in order that they might determine whether or not he had been actuated by motives of public duty alone.

The Earl of *Carnarvon*, in reply, contended, that unless his clause were acceded to, the evils growing out of this act of indemnity would be much greater than the benefits resulting from it. The noble earl had said, that if the Secretary of State were changed, the direction would rest with another individual. Certainly, and so it ought, for the secrets of the office would be in the possession of that other individual. It was only by the adoption of some provision such as that which he had proposed, that he could be brought to consent to the great anomaly in British jurisprudence, of shutting the courts of justice against the injured and oppressed. He would not, at present, trouble the committee by pressing his clause, but he gave notice that he would introduce it again in the ultimate stage of the bill.

Their lordships then proceeded to the consideration of the preamble of the bill.

The Earl of *Rosslyn* proposed, in imitation of the precedent of 1801, after the word 'whereas,' to insert the words 'an act was passed in the last session, enabling his Majesty to secure and detain such persons as his Majesty suspected were conspiring against his person and government.'

The *Lord Chancellor* did not think it necessary to follow the precedent of 1801. In 1801, there had been only the existence of treasonable conspiracies; whereas, last year, serious insurrections had occurred, which rendered it necessary for the magistrates to act. The bill, therefore, was founded not on the suspension of the habeas corpus alone, but on that measure, and on the means which had been taken to suppress actual disturbances. He should prefer the precedent of much older acts of indemnity, the preambles of which contained no such recital as that suggested by the noble earl.

The Earl of *Rosslyn* replied, that the recital for which he moved described one of the grounds on which the bill was founded, and he left it to the noble and learned lord to supply the deficiency, by proposing an additional recital which should describe the other ground.

The amendment was negatived without a division.

The Earl of *Lauderdale* then rose and said, he did not expect that the amendment which he was about to propose would meet with a better fate than those which had preceded it; he would, however, persevere. Notwithstanding the observation of the noble and learned lord, he could not help thinking, that, as the report was in fact the ground and origin of the bill, so the language of the latter should be in conformity with that of the former. With this view he had selected a passage from the report, which he would beg leave to substitute for the first clauses of the present preamble. The sentences which he would read were not filled with all the words of unnecessary recital which incumbered the report itself; but he pledged himself that he had not added one word of his own. Instead of the language of the preamble, as it now stood, namely—"Whereas a traitorous conspiracy was formed for the purpose of overthrowing, by means of a general insurrection, the established government, laws, and constitution of this kingdom: and whereas divers persons have tumultuously, unlawfully, and in a disor-

derly manner assembled together, under pretence or for the purpose of proceeding to London in such numbers as greatly to disturb and endanger the public peace and tranquillity, and to cause terror and intimidation in the minds of his Majesty's loyal and peaceable subjects: and whereas, in order to secure the internal peace and tranquillity of the country, and to counteract such traitorous conspiracy, it has been deemed necessary," &c. he would beg to read as follows (keeping in only the word whereas):—" Whereas, on the 9th of June last, a rising took place in Derbyshire, and the insurgents were not formidable for their numbers *(a laugh)*; and whereas it was pretended that the state of Nottingham was favourable to their designs *(a laugh)*; and whereas some persons, about 100, were on that night assembled on the race-course near Nottingham; and whereas some of them were armed with pikes or poles; and whereas they dispersed about 2 o'clock *(a loud laugh)*; and whereas the Derbyshire insurgents proposed to surprise the military in their barracks, and to become masters of the town of Nottingham; but, in the course of their march, some threw away their pikes, and retired before the military force appeared; and on the first show of that force the rest dispersed, their leaders attempting in vain to rally them (*a loud laugh*); and whereas a committee of inquiry having delivered it as their decided opinion, that not only in the country in general, but in those districts where the designs of the disaffected were most actively and unremittingly pursued, the great body of the people remained untainted even during the period of the greatest distress, (*hear, hear,*) it has been deemed necessary to apprehend, commit, imprison, detain without trial, &c." (*a laugh, and hear, hear.*) Their lordships would perceive, that he had used no words that were not in the report; and he, therefore, moved, that an amendment so constructed, and in every syllable warranted by their own secret committee, might be adopted, instead of the unauthorized preamble now before them.

The amendment was negatived.

The Earl of *Lauderdale* rose again. He said that the reception of his last amendment was not very encouraging, but he must venture another. Instead of the words " whereas divers persons, &c. assembled in such numbers as greatly to disturb and endanger the public peace and tranquillity, and to cause terror and intimidation," &c. he would recommend that the passage should run thus: " whereas divers persons assembled in such numbers as *would*, unless they had been immediately and easily dispersed, have disturbed the public, and *would*, if they had not instantly disappeared, have caused terror, &c." (*A laugh.*) Their lordships would see that this language was more in conformity with the report, and with the events themselves, than the sentence as it at present stood.

This amendment was also negatived.

Lord *Holland* rose to protest against the principle involved in the following passage:—" And whereas, in case the acts, &c. of the several persons employed in apprehending, committing, imprisoning, seizing, and searching as aforesaid, should be called in question, it may be impossible for them to justify or defend the same without an open disclosure of the information given, and the means by which the said traitorous designs and unlawful purposes were discovered; and it is necessary, for the safety and protection of the persons by whose information and means the same have been discovered, and for the future prevention of similar practices, that such information and means should remain secret and undisclosed." His lordship contended, that this paragraph sanctioned a principle unknown to English law, and dangerous to the constitution, to which secret tribunals had ever been a stranger. He thought also, that if this passage stood, something should be added in order to make the object of the bill more distinct and specific. At present, there was not a word that clearly expressed the real intent of the measure, or fairly met its origin and occasion.

The Earl of *Lauderdale* followed, and expressed a similar opinion.

The *Lord Chancellor* was ready to allow, that it would be better to be more specific; and with the permission of their lordships he would suggest a few words, which might be added after the word " undisclosed." His addition, if adopted, would be as follows:—" And whereas some of the said acts done may not have been strictly justifiable in law, but being done for the preservation of the public peace and safety, it is fit that the persons doing the same should be saved harmless in respect thereof."

Lord *Holland* said a few words on the inconsistency of adopting part, and rejecting part, of the precedent of 1801.

The amendment of the Lord Chancellor was then carried.

The Earl of *Lauderdale* rose once more to propose what he thought right, but what, he feared, would not be adopted. He should move, that, after the addition already made, the following words should be inserted: " Notwithstanding, there were some instances of instigators who provoked and excited the mischief they were about to reveal, &c."

This amendment was rejected.

Lord *Holland* then brought up the following clause, which was read and agreed to. " And be it further enacted, that all and every person and persons discharged out of custody as aforesaid, although he shall not have been discharged according to law, shall be deemed and taken to have been legally discharged out of custody."

The bill, with its amendments, was then ordered to be reported to-morrow.

HOUSE OF COMMONS.

Tuesday, March 3.

POOR LAWS.] Returns were presented of the money levied throughout England and Wales for the maintenance of the poor.

Mr. *D. Gilbert* said, that, about three years ago, he brought in a bill for the purpose of obtaining the information now presented, in the hope of drawing the public attention to the most important subject which ever, perhaps, came before either house of parliament. Unless some limit could be set to the rapid progress of the poor-rates, the ruin of the country was inevitable. Since that period, a committee had been appointed to inquire into the subject; and he hoped, that they would not confine themselves to mere matters of regulation, but grapple with the main question itself. As an opportunity would soon be afforded for entering into this subject, he should not occupy the time of the house at present, but merely move, that the papers be printed.

Sir *Charles Monck* said, the country would not be satisfied, unless government came forward, and adopted some radical measure for relieving the people from the intolerable evil of the poor laws.

Mr. *Calcraft* was at a loss to know what gentlemen meant by some radical measure. If they meant that government ought to come forward, and propose the abolition of the poor-rates, he, for one, would enter his protest against such a doctrine. No such measure ought to be proposed, either by the government, or by any other body of men in that house. The poor-rate was an evil, no doubt; and that evil was still greatly increased by the manner in which the poor laws were administered. But this great evil arose chiefly out of taxation; and if the hon. gentleman who moved the printing of the papers, would but lend his aid to diminish the amount of taxation—to check the extravagance of government, he would contribute more effectually, perhaps, than he possibly could do in any other way, to the reduction of the poor-rates. The mal-administration of the poor laws, which no man could more regret than he did, was no argument against a legal provision for the poor. But, had not the poor-rates been gradually diminishing? From having seen them so high, and from seeing them fall, he was convinced that they would again be low. Gentlemen would have their corn bill—they wanted to have a high price for corn, labour low, and a moderate poor-rate. All these things they could not possibly have at the same time. If corn were high, labour could not be low, without there being heavy poor-rates. The labourers and their families must eat. Low labour was, no doubt, a great advantage in agriculture and manufactures; but it ought never to be so low as not to afford subsistence for the labourer and his family, in a style suitable to his condition in life. Whether his wages were 10s., 15s., or 20s. a week, he cared not, if it procured for him that degree of comfort to which he was entitled. If they wished to check the evils arising out of the system of the poor laws, no man could go farther than he was willing to go; but if it were intended to go against the principle of the act of Elizabeth, he, for one, should protest against such an innovation.

Sir *C. Monck* said, he did not mean that the house should go against the statute of Elizabeth, but that they should endeavour to remedy the abuses in the administration of the poor laws.

Mr. *F. Lewis* deprecated all discussion on this subject, at the present moment, as premature, and stated, that he should not imitate the conduct of the hon. gentleman, by going into the question. The subject was of the highest importance, being neither more nor less than the happiness or misery of a vast mass of the population. The committee had nothing so much at heart as to conduct the investigation of this matter in the most dispassionate manner, and to avoid coming to a hasty determination. Perhaps they would be blamed for their dilatory manner of proceeding; but it was better that they should err on the side of caution, than on the side of precipitation. The hon. gentleman (Mr. Calcraft) had asked, whether by setting themselves against the system of the poor laws, it was meant suddenly to withdraw from the people that relief which they had derived from the poor-rates? It was utterly impossible that any man in his senses could entertain a wish to get rid of the poor-rates altogether. Government, however, and the house, ought to set themselves against the existing system of the poor laws. The poor-rates, if they were allowed to go on increasing as they had done, would gradually absorb all the rents and produce of the country. When he said, therefore, that they ought to set themselves against the system, he said, he hoped that they would take such steps as would prevent this ruin, even to the paupers themselves. He should not enter into the subject at present; but, in the mean time, he had no hesitation in saying, that the people of this country would have been incomparably happier, from the highest to the lowest, if the statute of Elizabeth had never been enacted. When he said this, he did not mean to give an opinion that relief to the poor ought to be discontinued. With respect to what the hon. gentleman had said as to the country gentlemen wishing to have high prices for their corn, and low rates for labour, he wished to assure that hon. gentleman, that there was nothing they were less anxious to see than high prices of corn and low prices of labour. If there were any thing they were more anxious to do than another, it was to effect such a connection between the price of food and the price of labour, as would enable the lower classes to maintain themselves without any assistance from the poor-rates. (*Hear, hear.*) They had had but too many instances before them of the detestable system of paying the wages of labour out of those rates. They had had instances before them of farmers paying sixpence a day to their labourers, and paying them ten shillings and upwards out of the rates; thus taking from others nearly the whole of the wages of such labourers. A most mischievous

practice had prevailed among some persons in this country; he meant that of manufacturing goods for exportation at a lower rate than that at which other persons could make them. This was done by charging part of the wages of the manufacturer on the land, which reaped no benefit from a trade of which it paid the cost. He would not have said a word of taxes, had it not been a second time urged, that the increase of the poor-rates arose out of the increase of taxation. Nothing in his opinion was less satisfactorily made out than the position, that taxation influenced the number of paupers, or the amount of the sums distributed to them. (*Hear, hear.*) He denied that this position had ever been satisfactorily proved. He had heard persons maintain, that the country was so impoverished by taxation, that it was unable to pay for labour. But the effect of taxation was only to take money, which already existed, from the pockets of one class of people, to put it into those of another. It merely altered the channels of expenditure,—it did not destroy the expenditure. That which was taken from the producer, and went into the hands of government, was laid out in the employment of soldiers and sailors, of persons who manufactured gunpowder, or muskets, or other warlike stores. Taxation merely changed the form and shape of the community. If they traced the money raised in taxes through the different channels of society, they would find that government was as large an employer of labourers as individuals would have been, if the sums paid by them in taxes had never been withdrawn from them. To take, for instance, the 27 millions annually paid into the hands of stockholders. There could be no doubt that this interest of stock employed as much labour as if it had not been withdrawn from the agricultural and other classes. They had all witnessed the distress which was felt throughout the country, by the want of a demand in many branches of industry, when government ceased to be a purchaser. He said, then, it ought not to be taken for granted that taxation was the cause of the great increase of the poor-rates. He did not mean to say, that there would have been so great an increase in the rates altogether, if the present accumulation of taxes had not existed; but, that the mere accumulation of taxes was by no means the principal cause of the increase of the poor-rates. Taxation rather changed the description of labourers, and the description of employers, than the amount of employment.

Mr. *Brougham* said, the hon. gentleman who had just sat down had deprecated all premature discussion of a subject of such importance as the poor laws, and promised to avoid imitating, in that respect, the example of those who had preceded him. In like manner he should begin by deprecating all premature discussion of this question, and promising to avoid entering into such a discussion. But there would be this difference between himself and the hon. gentleman,—that he would keep his promise; whereas, immediately after the deprecation of the hon. gentleman, it had seemed good to him to enter into a most delicate and difficult topic, which had not any connection with this important question. And having thus discussed the subject of the poor laws at considerable length, as if he had not sufficiently redeemed his pledge to the house, the hon. gentleman then entered into another subject, almost as important, namely, that of taxation. The discovery which the hon. gentleman had made on this occasion, was not, indeed, so self-evident as that which he had lately made,—that the country banks issued paper. The present discovery, however, though not so self-evident, was certainly highly curious; namely, that taxation had no effect whatever in increasing the number of paupers, or the sums necessary to be distributed among them; that is—it is of no consequence whether 1000*l.* were laid out in the employment of productive labour, or whether this 1000*l.* should be withdrawn from productive labour, and given to a sinecure lord of the admiralty, who did no work whatever. (*Hear, and a laugh.*) He had taken this instance, which might serve as a specimen of the doctrines of the hon. gentleman on this subject. But he would keep to his promise, and not enter into any discussion of this subject. He begged, however, to protest, in the first instance—for this was the first time he had heard this doctrine maintained in that house—against all and every part of it; and he should undertake to shew—when the time came for entering into such a discussion—with respect to what the hon. gentleman seemed to consider a great and important discovery, though, by the bye, it was not a new discovery, any more than that of the existence of country bank paper—that there never was a proposition more fallacious or more dangerous to the country; he should then shew, that the falsehood of this proposition was as demonstrable as the self-evident nature of his last discovery.

Mr. *F. Lewis* explained. He had never meant to say, that taxation had no effect in increasing the poor-rates: what he had said was, that the increase of paupers was not occasioned by taxation alone.

Mr. *Brougham* said, he had never heard it said by any persons, except the Spenceans, that pauperism was occasioned by taxation alone.

Mr. *Calcraft* said, the increase of pauperism might not be owing to taxation alone, but taxation was clearly an ingredient.

Mr. *Curwen* observed, that one twenty-fifth part of the wages of every labourer was taken for a single duty—that of salt.

The papers were then ordered to be printed.

PARLIAMENTARY REFORM.] Sir *M. W. Ridley* presented the following petition of several inhabitants of Newcastle-on-Tyne.—" That the petitioners cannot, without the most lively con-

cern, contemplate the present calamitous situation of his Majesty's subjects of the United Kingdom, fully convinced as they are (in common, they believe, with the great mass of the intelligent part of the community) that the wide-spreading distress which prevails throughout his Majesty's dominions, originated in, and proceeds from, a still accumulating load of national debt, with its consequent burthen of taxation, entailing poverty, pauperism, and crimes on the community to an extent unparalleled in the history of this or any other country; that the petitioners are fully convinced that there is no means of averting impending national ruin and bankruptcy but by an immediate and radical reform of the Commons House of Parliament; that the practice of placing the lives, liberties, and property of his Majesty's subjects at the disposal of, or subject to, the caprice of a minister of state by the suspension of the constitution, is totally subversive of all law and justice, and from the numerous recent instances of the abuse of such power vested in the hands of ministers, the petitioners, and the country at large, are fully convinced of the necessity for a full, free, and fair representation of the people in parliament, as the only means to prevent the recurrence of such very abhorrent abuse of power in future; that the petitioners are convinced that there are no human means of preventing the total subversion of their once glorious constitution, and the establishment of an inquisitorial despotism, or of redressing the people's wrongs, unless by calling the collected wisdom and virtue of the community into council by the election of a free parliament; and the petitioners humbly pray, that the house will not grant any bill of indemnity to his Majesty's ministers to protect them from the vengeance of the insulted laws of the country in their late abuse of power, but, on the contrary, recommend it to his Royal Highness the Prince Regent to dismiss them from his councils as for ever unworthy his or the nation's confidence; that, through the usurpation of a corrupt borough faction, the petitioners, and nine-tenths of the people, have been basely put out of a condition of even assenting to taxation; and considering, that until their sacred right of election is restored no free parliament can have existence; wherefore the petitioners cannot conceive themselves any way responsible for the discharge of debts to the contraction of which they were not even allowed to consent; the petitioners therefore pray, that the house will be pleased without delay to pass a law for putting the aggrieved and much-injured people in possession of their undoubted and inalienable right to a representation co-extensive at least with direct taxation, to an equal distribution throughout the community of such representation, and of parliaments of a continuance according to the constitution, namely, not exceeding one year."

Ordered to lie on the table, and to be printed.

TITHES LAWS AMENDMENT BILL.] Mr. *Curwen* presented the following petition of several owners or occupiers of lands in the parish of Saint Cuthbert, in the county of Cumberland.—"That great uncertainty at present prevails respecting the validity of compositions, moduses, and prescriptive payments in lieu of tithes, which are and have been from time-immemorial paid in respect of lands, both in the county of Cumberland and other parts of England; and that this uncertainty is the cause of much expensive litigation between land owners and both ecclesiastical and lay proprietors of tithes; that many districts which had from time immemorial been exempted from the payment of tithes in kind, by moduses and prescriptive payments, have been by various decisions at law again subjected to such tithes, in consequence of which estates which have been purchased at high prices in confidence of the validity of such moduses or prescriptive payments, arising from their immemorial continuance, have been much deteriorated in value, to the great detriment of the present proprietors; that some amendments in the laws relating to tithes, and particularly for the protection and establishment of moduses and prescriptive payments, are highly necessary for the encouragement of agriculture, and that the bill for amending the laws relating to tithes, brought into the house during the last session, will, in the judgment of the petitioners, be beneficial for that purpose; and praying, that the said bill may be passed into a law, subject to such alterations and other provisions as may to the house seem expedient."

Ordered to lie on the table, and to be printed.

LIBERTY OF THE SUBJECT.] Mr. *Bennet* said, he held in his hand a petition to which he wished to draw the attention of the house. It was the petition of Jonathan Buckley Mellor, of Warrington, in the county of Lancaster, who had not been imprisoned under the suspension of the habeas corpus act. The act of which the petitioner complained was one of those measures which the noble lord, the Secretary of State for the home department, as head of the police of the country, had chosen to inflict on the country. The house would recollect the circular letter of the noble lord to the lords lieutenants of counties, directing magistrates to hold persons to bail who might be charged with selling libellous publications. Whatever might be the intention of the noble lord as to the degree of mildness or severity with which persons so arrested should be treated, the petitioner had been treated with a degree of cruelty hitherto unknown in the practice of this country. He trusted, therefore, that the house, however indifferent they had hitherto been to the grievances of the people, would, on this occasion, shew, that they would not allow individuals to be made the victims of most wanton, unnecessary, and unjustifiable cruelty.

The petition was then brought up, read, or-

dered to lie on the table, and to be printed. It was as follows:—"That the petitioner has for some time undertaken the sale of books, with a view to enable him to support himself and family in a more comfortable way than his wages as a servant would allow of; that, amongst the books and pamphlets which he received from his agent in the way of business, was a quantity of copies of a work styled 'The Political Litany;' that, upon the publication of Lord Sidmouth's circular, Mr. Thomas Lyon, junior, in February, 1817, sent one Mary Scholefield to purchase two copies of the litany from the petitioner, for the purpose, as it subsequently appeared, of having the petitioner arrested for the sale of this work; that Mr. Thomas Lyon, junior, notwithstanding his pretended alarm for the interests of religion, instituted no proceedings until the quarter-sessions in April had ended; his motive for this delay was solely to gratify his malice by subjecting his victim to a longer period of imprisonment; as soon as the sessions were over, he deputed Paul Caldwell, the constable, to arrest the petitioner; when taken into custody, the petitioner demanded to see the warrant upon which he was apprehended; the constable produced a pair of handcuffs, and with them securing the hands of the petitioner, replied they were his warrant: the constable took the petitioner to a public-house, and delivered him in charge to Mr. Thomas Lyon, junior, who was there waiting to know the success of his measures; the constable then returned to the petitioner's house, which he searched, and carried away from thence about seventy books and pamphlets in a sack, amongst which were Rollin's Antient History, Wynne's General History of America, Law's Serious Call to a Devout and Holy Life, the Evangelical Magazine for two years, some Numbers of the Liverpool Mercury, a few of Cobbett's Registers, and other miscellaneous publications; Law's Serious Call, with some other books thus forcibly carried off, have never been returned; not one parody was found in the house, the one sold to Scholefield was the last sold by the petitioner, for, on learning that the Political Litany was considered by his Majesty's ministers to be blasphemous, he declined to sell any more, although strongly urged to do so by persons, who, he has reason to believe, were emissaries of Mr. Thomas Lyon, junior; soon afterwards, the petitioner destroyed every copy which remained: the petitioner was confined all night in the Bridewell, a dirty loathsome dungeon; he was then taken before the magistrates, Richard Gwyllym and Isaac Blackburne, Esquires, and by them ordered to be confined in the Workhouse, where he continued all night chained by the leg to a sixty pounds weight, without either bed or straw; the next day he was again examined before the same magistrates, who offered to liberate him on his procuring two sureties in the penalty of 50*l.* each, and himself in 100*l.*; the petitioner, not being provided with sureties, was again removed to his former situation for two nights more, with a similar appendage to his leg, and again without bed or straw; he was then conveyed in irons to the House of Correction at Preston; here he was, for six weeks, denied pen, ink and paper; he was confined at Preston fifteen weeks, from whence he was conveyed in irons, at twelve o'clock on a very wet night, in an open cart, to the quarter-sessions then holding at Ormskirk; there he was confined two days and nights, all the time in irons, in a dirty room crowded with prisoners, without any convenience to ease themselves from the burthens of nature except an open leaky tub in a corner, and without even straw to lie upon; on being brought into court, Mr. Peter Nicholson, the attorney for the prosecution, said he had a writ of certiorari to remove the business to the King's Bench; the petitioner was then conveyed back to Preston, handcuffed and ironed, along with convicts sentenced to transportation; in about four weeks more, he was, in consequence of a letter from Mr. Nicholson to the Governor of the House of Correction, discharged on his own recognizance to appear at the Court of King's Bench, in compliance with which, not having received any notice to the contrary, he went to London at a considerable expense of time and money, and, having appeared in court, he was ordered to appear at Lancaster at the March assizes, 1818; the petitioner, unconscious of having infringed upon any existing law, has, by these cruel and illegal proceedings, been imprisoned upwards of nineteen weeks, been conveyed like a criminal seventy miles, from Preston he had to return home, to travel to and from London at great expense, whilst his wife and family have been dependent on the scanty aids of parochial relief and the contributions of the benevolent, and he has lost a situation which, before his arrest, contributed materially to his support; the petitioner humbly prays that the house will take into their consideration the statement now submitted, and that they will adopt measures best calculated to secure the liberty of the subject, and to prevent a recurrence of the arbitrary, unjustifiable, and severe sufferings endured by the petitioner, from the magistracy, or any their inferior officers and agents."

Mr. *Bennet* then presented the following petition of Samuel Pilling, of Warrington:—"That on the 23d of April, 1817, Paul Caldwell, the deputy constable of Warrington, along with other persons, entered the petitioner's dwelling-house, and told him they were come to search for Cobbett's books, and though the petitioner did not in the least resist the search of his drawers and boxes, but offered to find them the key of one box which was locked, the deputy-constable ordered him away by one of the persons who accompanied; this person took the petitioner to the workhouse, adjoining to which is the prison of the town, a damp un-

wholesome place; the petitioner was not thrust into this hole, but was permitted to sit on a wooden sofa by the kitchen fire, with a chain locked round his leg, to which was fastened a 60lbs. weight; in this situation the petitioner was kept till the following day, and he was then taken before Richard Gwyllym and Isaac Blackburne, esquires, two magistrates for the county of Lancaster, before whom he was charged with selling to one John Scholefield, on the 8th February, 1817, a seditious and blasphemous pamphlet called 'The Political Litany;' John Scholefield not being present, the petitioner was ordered back to the workhouse, where he was chained to the 60lbs. weight as before, and was taken the next day before the aforesaid magistrates, where John Scholefield's wife deposed, that she bought the Political Litany from the petitioner on the 8th of February, 1817; John Scholefield deposed, that he received the said pamphlet from his wife, and delivered it to Thomas Lyon, junior, esquire; Thomas Lyon, junior, esquire, deposed, that he received the pamphlet so purchased from John Scholefield; on these depositions the petitioner was committed to the House of Correction at Preston, by the warrant of the aforesaid magistrates, there to lie till delivered by due course of law; that on the 26th of April the petitioner was taken like a felon with chains round his legs, fastened to the bottom of a caravan, and conveyed to the House of Correction at Preston, and was there put into confinement along with felons, and kept to hard labour till the quarter-sessions, held at Ormskirk on the 4th of August; to that place, a distance of 18 miles, the petitioner was removed during the night in an open cart, exposed to incessant rain, with chains on his legs, locked to persons charged with felonious acts; when the petitioner arrived at Ormskirk he was put into a room, and was kept there three days, locked to felons, and had nothing to lie on but the room floor, though he was at that time in a bad state of health, and he was there informed, that a writ of certiorari was come from the Court of King's Bench, and that he was to be tried at Lancaster, the Spring assizes; the petitioner was removed from Ormskirk to the House of Correction at Preston, in the same manner he had been conveyed thither, where he was kept five weeks longer in prison, during which time, being unwell with a stoppage of urine, and not being able to go to his daily work, he was severely treated by one of the turnkeys named Anderson, who threw him down, kicked him, and otherwise very much abused him, giving him two black eyes, because forsooth he was unable to work through illness; after being detained a prisoner at Preston for nineteen weeks, the petitioner was liberated on his own recognizance to appear at the Court of King's Bench, to be held at Westminster on the 6th November, 1817; there he appeared, and pleaded not guilty to the charges brought against him, upon which he was bound over to make his appearance at the next assizes to be held at Lancaster, where he will have to appear, a distance of about fifty-two miles; that the petitioner, on his return from Preston, found that Paul Caldwell, the deputy-constable, on the day of his apprehension, had seized the greatest part of his books and papers, many of them not of a political nature, carrying them off in a large basket belonging to the petitioner; and although the petitioner has applied to Isaac Blackburne, esquire, one of the aforesaid magistrates, who promised to speak to Mr. Peter Nicholson, the solicitor who managed the prosecution against the petitioner, to deliver them up, and although the petitioner has repeatedly applied to the said Mr. Nicholson, and to Paul Caldwell, the deputy-constable, they have not been returned to him; and the petitioner humbly conceives the first seizure of his books to be illegal, as well as the present detention of them; that the petitioner suffered very much from anxiety of mind, on account of a wife and two helpless children, who were left in a great measure destitute by his imprisonment; and he humbly prays the house will take into their serious consideration the cruel, unjust, and illegal treatment which he has received, and that they will adopt such measures as they in their wisdom may judge the best calculated to secure the liberty of the subject, and prevent a recurrence of the same cruel, unjust, and arbitrary treatment, which has been received by the petitioner from the magistrates and their subordinate agents, in consequence of Lord Sidmouth's circular."

On the question, that the petition do lie on the table,

Mr. *Bennet* rose and asked, whether it was the intention of the Attorney-General to bring these men to trial, after the three acquittals of Mr. Hone, the principal publisher of the parodies; or, whether he did not feel it his duty to discharge the recognizances under which they were bound to appear at the next assizes?

The *Attorney-General* apprehended there was a mistake in the supposition that the recognizances bound these men to appear at the next assizes. The recognizances, he believed, bound them to await the judgment of the Court of King's Bench. Unless they received notice of trial, they would not be bound to appear at the assizes.

Mr. *Bennet* said, the hon. and learned gentleman had not answered the question, whether he did not feel it his duty to discharge the recognizances? He certainly had no right to demand an answer.

The *Attorney-General* said, he had no hesitation in declaring, that, because a person had been acquitted for the publication of certain libels, he did not feel it therefore his duty to discharge the recognizances of persons under prosecution for publishing transcripts of those libels. (*Hear.*) Whether he should proceed

in the prosecution of these men would be determined by a variety of other considerations; but he did not feel it his duty to forego the prosecution of what appeared to him to be a libel, because a person had been acquitted for publishing a similar libel in another place. He knew it had happened, that, in one place, a person had been acquitted of a libel on the publication of a paper, which, at another time and place, had been declared to be a libel by another jury, to the satisfaction of those who heard the trial. It was not for him to say on what grounds the jury acquitted Mr. Hone. He wished to cast no reflection on that verdict: it was right that the defendant should have the benefit of it. But he would take leave to say, that it did not satisfy him, that these publications might be ever after circulated with impunity. There were many circumstances which might have weighed on the mind of the jury in the case of Mr. Hone. Mr. Hone had proved, that, after a certain time, when he found those publications were disapproved of by many persons, he ceased to sell them. He thought it extremely likely that, considering this, and considering how, in former times, similar publications had passed without reprehension, they might have acquitted Mr. Hone, though they thought his publications mischievous. But did it follow that men vending this publication, which, if not a libel, was literally poison, (*hear*) through the country, should be suffered to proceed—to circulate it at the corner of every street? Did it follow, that the law officers should let this pass without animadversion? Since Mr. Hone had ceased to publish the parodies, other persons had re-published them, nearly at the same place in which they were first vended. They professed, that they had a right to do so, and desired, that the subject should be brought before a court of justice; and so valuable did they conceive these publications to be, that they talked of bringing actions for the copyright. Whether, in these individual cases, he should think it his duty to prosecute, would depend upon other considerations than the acquittal of Mr. Hone. The petitioner had been indicted at the Alston quarter-sessions, and he had thought fit to remove the cause to the Court of King's Bench, because, while the case of Mr. Hone was depending before a superior court, he did not think it fit to bring on a similar case before an inferior court.

Mr. *Lyttelton* said, he was glad that an opportunity had been afforded him of expressing his opinion on these detestable libels, for so, notwithstanding the verdicts of the juries, he should call them. He did not think that those verdicts, however conscientiously given, could, or ought, to alter the opinion of any man in the country. If he had been enabled at an earlier period of the session to express that opinion, he would have done it, not that he thought it of any importance that his opinion should be declared, but, because he looked upon it to be the duty of every man to contribute his mite towards correcting the mischief that might be produced by the verdicts which the juries had given in the case of Mr. Hone.—He thought it right to make an observation on these cases. Inquiries had been refused upon many petitions which detailed circumstances that, if true, reflected the greatest dishonour and disgrace upon the country, and the government, but which, if false, ought as soon as possible to be disproved. The hon. and learned gentleman (the Attorney-General) might consider whether, with all the hardships that had been endured by the persons from whom the last petitions had been presented, he would bring them to trial: but he agreed with him in one point—that if they should be tried, the verdict might happen to be given against them, though the cases were the same in outward form as that of Mr. Hone. He had stated his opinion on that; but he might say, that the effect of further prosecutions would, in his mind, rather augment than abolish the evil. The great cause of Mr. Hone's acquittal was, he thought, another and more important consideration than had been mentioned. He would take the liberty of submitting, whether the juries might not have been indisposed towards any state prosecutions, on account of the measures under which the people had been smarting (*hear, hear,*) and the manner in which other state prosecutions had been conducted: and it would be a question, how far such a state of mind might exist, when the bill of indemnity should be proposed to the house. (*Hear, hear.*)

Mr. *Brougham* said, he thanked the hon. member for Worcestershire (Mr. Lyttelton) for an opportunity also of expressing his opinion on this subject. Notwithstanding the three verdicts, he should express his unqualified disapprobation of those reprehensible, and, in every point of view, disgusting publications. But he should not make any remark in disparagement of the verdict of the juries. Had he been upon those juries, considering the impunity of former publications of the same nature, he should have felt himself bound in conscience to have returned the same verdict. They were justified in the view they had taken of the case; they might, and he dared to say they did, consider that the prosecution was the effect of political craft, and not of religious zeal; that if ten times as much blasphemy, if ten times as much could be brought together in a publication, had been published on the other side of the question, they would not have been called upon to condemn the author as a libeller. They felt, that they would do their duty better, and serve religion more truly, by marking, with unqualified disapprobation, those who studiously prosecuted these performances on the one side, and who as studiously avoided those on the other; than by making themselves parties to an attempt to use religion as a cloak for political purposes. He spoke not lightly, when he spoke of things

of the same nature from another quarter. There had been publications which appeared more disgusting and more disgraceful even than these; parodies not merely of the liturgy, but of large portions of Scripture. He alluded to those which had been published when the noble lord, and the bulk of his present colleagues, entered into office. At that time, parodies were in the course of publication, not by a few obscure individuals, or by a few dozen copies at a time, but circulated in great numbers under the special protection of those very persons who had carried on these prosecutions. Had they prosecuted those parodies? No. Because they were against their own political adversaries, and to serve their own political ends. He would say, that nothing could do so much harm against religion, as to make it a handle for political convenience, and that he was the worst enemy of religion who made a show of dealing out justice for its protection, and, in reality, acted on political grounds, and for political interests. But, it seemed, a man might blaspheme, he might send forth as much irreligion as he thought proper, as long as he meddled not with the conduct of government—he might abuse the ministers of religion unpunished, so long as he refrained from speaking ill of the ministers of the king—he might say, or publish, what he chose, so long as he was of the right stamp—he might take what liberties he pleased in the affairs of the church, so long as he left temporal subjects unprofaned. He had a most complete dislike of such publications themselves; but religion, he thought, for its own sake, ought never to furnish means for the expression of political displeasure. Was it to be wondered at that juries should condemn such a system, and declare by their verdicts, that the same measure of justice should be dealt out at all times, and to all persons?

Lord *Castlereagh* protested strongly against the doctrine which he had heard from the hon. and learned gentleman. He had never heard a doctrine which would be more fatal, if it were sanctioned, than this—that juries, acting on their oaths, should travel out of the question before them, and erect themselves into a political tribunal to judge of the motives of prosecutions. This would be fatal to every principle of law and justice. The parallel which the hon. and learned gentleman had mentioned, of publications of this kind, did not hold good. Writings of this nature, and very reprehensible ones, might have been published; but when they were not circulated among the lower orders, for the purpose of deluding them, and eradicating all feelings of religion—he did not know the publications to which the hon. and learned gentleman referred, but they were not addressed to the lower orders of the country. ("In newspapers," said Mr. Brougham.) But there was not that systematic circulation of them, in cheap publications. However, he would not go into that subject; he should now merely protest against the doctrine, that the jury should travel out of the question before them.

Mr. *Brougham* said, that the doctrine which the noble lord had imputed to him, was no doctrine of his. His doctrine had been, that, under peculiar circumstances, a jury could not act otherwise than as he had stated. When they found that libels of the same description as that they were trying had passed unpunished, when they found, that there was nothing to distinguish the cases, except the different politics of the writers—they would not punish the one, while the other was allowed to enjoy complete impunity.

Lord *Castlereagh* appealed to the house, whether the hon. and learned gentleman had not directly re-stated the doctrine which he had complained of.

Mr. *Wilberforce* was very glad that the hon. member for Worcestershire, and the hon. member for Winchelsea, (Mr. Brougham) had so decidedly expressed their opinions against parodies. He was himself entirely ignorant of the libel of which they had spoken. There was certainly a difference between libels which were widely circulated, and those which were not. He remembered a case of prosecution, in which a noble lord (Lord Erskine) had been particularly engaged. In that case, the question of prosecution and not prosecution was fully considered. It was, on the second part of Paine's Age of Reason; and, at that time, it was proved, that the circulation was such amongst all classes of society, that it could not be brought into greater publicity. The real question was, whether such publications had not a tendency to desecrate those things which a man ought to conceal in his bosom, and venerate in secret. And, if such were the conclusion, it might be recollected, that it was the office of the law, it was a part of the law of the land, that religion should be defended. Sir Matthew Hale, a great and excellent lawyer, had established that principle, and he was very glad to see that it was still maintained. He could not but feel grateful to his hon. friends that they had expressed such sentiments on the subject as he had heard from them, and he could not but express it as his opinion, that the officers of the crown would not have done their duty, if they had not exercised the authority of the law against the publications which had been mentioned.

Lord *Cochrane* said, that the origin of the grievances complained of arose from political motives, although those motives were not stated. The prosecutions were carried on under the pretext of protecting the interests of religion. This convenient handle was laid hold of, for the purpose of oppressing individuals who attempted to expose the conduct of his Majesty's ministers, in the manner which appeared to them most effectual. He hoped that the house would listen with attention to the prayer of the petition laid upon their table; and that, if the

grievances complained of were found to be true, and supported by evidence, they would not screen the guilty from punishment.

The petition was then ordered to be printed.

SCOTCH BURGHS.] Lord *A. Hamilton* presented the following petition of the conveener of the trades, deacons of incorporations, burgesses and guild brethren of the royal burgh of Ayr, "That the petitioners address the house with feelings of profound respect and confidence in their inclination to restore to them their long-dormant, but inherent rights and privileges, as burgesses and guild brethren of the burgh of Ayr; that the town of Ayr was erected by William king of Scots, into a free burgh royal, with all the accustomed privileges, and, for upwards of three centuries, the burgesses and guild brethren enjoyed, in common with the burgesses of other burghs, the invaluable right and privilege of electing yearly their magistrates and council by a majority of their votes, which right and privilege they were deprived of by an act passed during the minority of James the third, in the year 1469; which act, although framed with the best intentions, unfortunately gives a power which was not intended, but uniformly and tenaciously exercised by the magistrates, of re-electing themselves, and their friends and relations, at pleasure; and not being subject to control or removal from office by any court of law at the suit of their fellow burgesses, they have, without the concurrence of the burgesses, assumed and exercised the power of contracting debts, disposing of the common revenues, and alienating almost the whole of the common property and common lands of the burgh, although these lands and revenues appear to have been granted to the burgesses at large by the express terms of the charter; that, besides the serious grievance of misapplication and mismanagement of the common property and revenues of the burgh of Ayr, and the contraction of debts to a considerable extent, for which the petitioners are, in one shape or another, ultimately liable; the petitioners have also to complain to the house of other serious grievances, such as the want of a superintending jurisdiction over the public accounts, and the establishment of juntos in the councils, and the numerous instances of certain individuals or families having continued in the magistracy for a long tract of time, by which means they obtain an undue influence and power over their fellow citizens, and by which all the evils now complained of are exercised, and will be continued in full force, to the utter destruction of the prosperity and well-being of the good and loyal burgh of Ayr, unless a remedy be applied by the house; that the petitioners feel deeply their total deprivation of any share in the election of their magistrates and town council, and they now respectfully and humbly express to the house their firm conviction that the grievances now complained of would be almost wholly removed by restoring to them their ancient, inherent, and invaluable right and privilege of electing yearly their magistrates and town council by a majority of their votes, thereby rendering the magistrates and town council subject to the control, and removable at the pleasure, of those persons who are liable for their public debts and deeds; that the petitioners humbly entreat the immediate and most serious consideration of the house to the grievances herein detailed, and the unjust restrictions under which the petitioners labour, and that they will restore to the petitioners their ancient, inherent, and invaluable right and privilege of electing yearly their magistrates and town council, by passing a law enacting that the guild brethren, members of the incorporated trades, and inhabitant burgesses, who reside in the burgh of Ayr, excluding non-resident burgesses, or town servants, shall assemble themselves at the ordinary time for electing magistrates and town council of the burgh of Ayr first happening after the passing of the law, then and there to elect fit persons, not exceeding nineteen in number, properly qualified in terms of the set and usage of the said burgh, to be magistrates and town councillors of the same, the election to be made in the following manner; that is to say, the guildry and burgesses, who are not craftsmen, to elect fourteen resident guild councillors, the guildry at large to choose one of the fourteen guild councillors to be dean of guild, who shall, *ex officio*, be a member of council, and also to choose six members of the guildry to be his council; and the nine deacons of the incorporated trades who meet and are then acting as such, and the nine second deacons as at present established, to elect one of themselves to be deacon conveener, who shall, *ex officio*, be a member of council; and the whole burgesses who are craftsmen, and of the incorporated trades, shall then elect, from among the aforesaid deacons, other four trades councillors; the whole of which five trades councillors may be guild brethren being always operative craftsmen, the persons electing them having no vote for the guild councillors in the same election; and the whole members of council, so elected as aforesaid, to choose the provost, two baillies, and treasurer, from among the guild councillors, and a trades baillie from among the trades councillors; and that the persons so to be elected by a majority of the persons aforesaid shall continue, from the date of their election, magistrates and councillors, till the ordinary time for election in the following year; and further to enact, that, after the said general poll election, the set or constitution of the burgh of Ayr shall, in all time coming thereafter, be as follows: that the town council shall consist of nineteen persons, including in the said number the provost, two baillies, trades baillie, dean of guild, and treasurer, of which nineteen fourteen shall be resident guild brethren, and five shall be resident craftsmen, including the deacon conveener for the time; that, at the election to be made at the Michaelmas next ensuing, the said poll election, and at all future elections, the

six eldest councillors for the time from the guildry who have not served in any of the offices after-mentioned for the year preceding, and the whole five councillors from the craftsmen, shall go out, but shall nevertheless be re-eligible if their respective constituents think fit; that, upon the Monday of the week immediately preceding Michaelmas in each year, the magistrates and council shall meet and declare the names of the six guild councillors who go out in rotation, and also what vacancies have arisen during the preceding year by death, non-acceptance, or otherwise, in the number of the guild councillors: that on the following day, being Tuesday, the guildry shall assemble at their ordinary place of meeting, and shall first elect their dean of guild, and six members of the guildry as his council, for the ensuing year, and the person so chosen as dean of guild shall, in virtue of his office, be a councillor of the burgh; and the said guildry and burgesses who are not craftsmen shall then proceed to fill up the vacancies in the number of guild councillors occasioned by rotation, non-acceptance, death, or otherwise during the preceding year; that the whole burgesses who are craftsmen, and of the incorporated trades of Ayr, shall assemble together in one place, on the said Tuesday, and the nine present deacons and nine old deacons shall first elect their deacon conveener, who shall, in virtue of his office, be a councillor to represent the trades; and the whole burgesses who are craftsmen, and of the incorporated trades, shall then proceed to elect from the foresaid deacons other four, in the room of those who retire from office, and that the five trades councillors so to be elected may be guild brethren, being always operative craftsmen, and the persons electing them shall have no vote for the guild councillors in the same election; that the council shall meet on the Wednesday immediately preceding Michaelmas, unless Michaelmas day shall happen to be upon Wednesday, in which case they shall meet on Michaelmas day, and conclude the annual election for the ensuing year, by continuing the *ex officiis* members, electing the remanent members of council who do not go out by rotation, and receiving the new members from the guildry and trades; and after such election, and receiving the new councillors, the members both of the old and new council shall choose a provost, two baillies, and treasurer, from among the guild councillors, and a trades baillie from among the trades councillors; that the provost and baillies shall not be continued in their office more than two years together, but they, with the dean of guild, shall remain *ex officiis* members of the council, for the year immediately following that in which they shall have served in these offices respectively, but the treasurer may be re-elected annually if his constituents incline; that the petitioners, while humbly intreating from the house the enactment of a law as to the election of their magistrates and town council in the above terms, at the same time beg to express that they confine their views solely to an alteration of the set or constitution of their ancient and loyal burgh, as above respectfully pointed out to the house, in order that they may regain those rights which were enjoyed by their ancestors until the passing of the act made during the minority of James the third above-mentioned; an act which may have been requisite on account of the particular political state of the nation at that time, but now in its consequences has become extremely hurtful and prejudicial to the interest and prosperity of the petitioners, and of the burgh of Ayr, and other burghs, and the commerce and manufactures of Scotland; and that the petitioners humbly intreat and crave from the house the enactment of a law in the terms herein respectfully submitted to their consideration, as a remedy to cure the grievances complained of."—Ordered to lie on the table, and to be printed.

PARLIAMENTARY REFORM.] Sir *Samuel Romilly* said, he had 46 petitions to present of inhabitants of the city of Bristol, each of them signed by 20 persons, praying for annual parliaments and universal suffrage. The persons who had signed these petitions laboured under a great mistake. They imagined, that there was a law which prevented petitions from being presented by the people to their representatives, if signed by more than 20 persons. There was no such law; and the mode now adopted would surprise those who had seen petitions presented, which were signed by hundreds and thousands. There was an act of parliament, indeed, passed soon after the restoration, (13 Car. II. c. 5.) which declared that "it had been found by experience, that *tumultuous* and other *disorderly soliciting* and *procuring* of hands by private persons to petitions, had produced great confusions;" and, therefore, it enacted, "that no person should *solicit, labour* or *procure* the getting of hands, or other consent, of any persons above the number of twenty or more, to any petition, unless the matter thereof had been first consented unto and ordered by three or more justices of the county, or by the major part of the grand jury of the county, or division of the county, where the matter should arise, at their public assizes, or general quarter-sessions, or, if arising in London, by the lord mayor, aldermen, and commons in common-council assembled:" but no law had been passed, and, he hoped, the house of commons would never consent to pass any law, to prevent the people from *coming forward* to sign petitions, *peaceably and quietly*, however numerous they might be. Indeed, such a law, combined with the rejection of printed petitions, would make it hardly possible that the sense of the people should be taken*. The

* The fifth article of the Bill of Rights declares, "that it is the right of the subject to petition the king, and that all commitments and prosecutions for such petitioning are illegal."—Sir William Blackstone says, that the right of the subject to petition, as declared by this statute, is under the regulations of the

gentlemen who had signed these petitions had done him the honour to entrust him with them, on the supposition that he would present them fairly, for he had formerly declared, in the clearest terms, that his sentiments did not accord with the plan of reform here proposed.

The petitions were ordered to lie on the table.

Lord *Cochrane* then presented a great number of petitions on the same subject: viz. fifty-two from Bristol; ninety-nine from Leeds; four from St. Margaret's; twenty-four from Tunstal; five, from Manchester, Newcastle-upon-Tyne, Ladywell, Ashton-under-Lyne, and Newcastle-under-Lyne.—Ordered to lie on the table.

GRIEVANCES UNDER THE SUSPENSION ACT.] Lord *Cochrane* presented the following petition of Robert Thom, of Camlachie, Glasgow.—The noble lord urged the necessity of inquiry, and dwelt on the inadequacy of any member's assertion to satisfy the country on these subjects.

"That the petitioner, actuated by a deep sense of the lively interest which the house has uniformly evinced in behalf of the unjustly oppressed, and that genuine sympathy for the distress of the sufferers so repeatedly displayed, in a manner so characteristic of this nation, approaches the house with sentiments of the most profound reverence, to submit a brief statement of those accumulated grievances to which the petitioner has been subjected in consequence of the suspension of the habeas corpus act, and relies with confidence that the house will take the peculiar hardship of his situation into consideration, and award that redress and indemnification which may be deemed commensurate with the injuries he has sustained; the petitioner begs leave to state, that on the 22d day of February last he was most unexpectedly arrested by certain sheriffs' officers, and committed instantaneously to prison, without the exhibition of any warrant to that effect or any preceding examination; for a period of five days did the petitioner remain cooped up in a close cell, without being allowed any aliment, exposed to all the horrors of famine, and the most imminent danger of perishing from the extreme inclemency of the season, reduced, as he was, to solicit some relief to his sufferings by an attempt at repose on the rusty bars of the iron bedstead, without bed-clothes or covering of any description; when at length he procured a few coals, the vent was so foul that, amidst the smoke which then prevailed in the cell both night and day, the health of the petitioner was seriously affected, and at intervals his existence endangered, and even posterior to his liberation, the petitioner was for upwards of two months utterly incapable of pursuing his usual occupation, and, in consequence, his family of a wife and four children reduced to a state of absolute mendicity; for upwards of eight days the petitioner was interdicted from any communication with his kindred, nor was the attendance of the gaol surgeon permitted; his constitution of course suffered severely, and subjected him to the disease called the bleeding piles, which apparently will adhere to him through life; the sole sources of support which were furnished the petitioner on the fifth day of his imprisonment was the insignificant sum of eight pence per day, from which, after the indispensable deductions for fuel and other necessaries, there remained only one shilling and five pence weekly to support existence; that the petitioner's humble situation precluded the possibility of his being in any respect accessary to the treasonable practices erroneously laid to his charge; there was not only no species of evidence adduced against the petitioner by his wanton oppressors in vindication of their proceedings, but he was eventually released on the 15th day of April last in consequence of bail being found, but this recognizance has never been acted on, or the petitioner called to appear in court; from these circumstances, so replete with calamity and distress to the petitioner, he perceives himself involved in ruin, and from his debilitated state of body rendered incompetent to provide for the sustenance of his family, who depend solely on his exertions to preserve them from the keen sufferings of chilling penury, or the degrading resource of precarious mendicity; on that philanthropy and generosity of character which even the most inveterate foes of England have been compelled to venerate as the brightest attraction of a British senate, the petitioner reposes with confidence an appeal against the un-

13 Car. II. Now, it is submitted, that the declaration contained in the Bill of Rights virtually repealed the 13 Car. II. Upon the trial of Lord George Gordon, Lord Mansfield and the court declared, that they were clearly of opinion that this statute was not in any degree affected by the Bill of Rights. With all due submission, it may be doubted, whether that opinion be correct. Mr. Dunning, (see New Annual Reg. for 1781.) and the editors of Co. Litt. (p. 257. n. 1.) are authorities on the other side, and it must be observed, that if the Bill of Rights did not repeal the 13 Car. II. then it did nothing; for even that statute allows, that, by the law of the land before, it was the settled and undoubted right of the subjects of England, to apply themselves to the king, or to either or both houses of parliament, by petition, to have their grievances redressed. One of the articles against Lord Strafford was, that he issued out a proclamation and warrant of restraint, to inhibit the King's subjects to come to the fountain, their sovereign, to deliver their complaints of wrongs and oppressions. (See Rushworth.) Henry VIII. told his subjects, when in arms against him in Yorkshire, that they ought not to have rebelled, but to have applied themselves to him by petition. (Burnet's Hist. of Ref. vol. i. p. 231.) It was said, even in the court of *Star Chamber*, "This court hath no intent to discourage the meanest subject of his lawful appeal to his Prince, for that were to disinherit the people of law, and the King of the intelligence of the oppression that might fall upon his people." (See Rawley's Life of Bacon, p. 117.) Holloway, justice, on the great trial of the seven bishops, said, "It is the birthright of the subject to petition."

disguised persecution to which he has been exposed; and as his case presents no tale of simulated distress, he awaits, with deference and submission, that corresponding redress and indemnity which the house may adjudge it in their wisdom expedient to award; and praying the house to undertake the consideration of the preceding statement, and afford such redress as may be deemed commensurate to the distress which the petitioner has so long undergone."

Mr. *Finlay* said, that neither this person, nor any other in Scotland, had been taken up under the suspension act. Their treatment in prison, he had reason to believe, was mild, and their families were better provided for, than if they had been at large.

The petition was ordered to be printed.

Lord *Cochrane* then presented petitions of William Irvine, weaver in Glasgow, and of John Buchanan, weaver in Bridgeton, Lanark, complaining of the operation of the habeas corpus suspension act.—They were ordered to lie on the table.

COPY-RIGHT ACT.] Sir *E. Brydges* moved for leave to bring in a bill to amend the 54th of the king, c. 156. which enacts, that eleven copies of every work shall be given to the universities, and different public libraries.

Lord *A. Hamilton* said, he should not oppose the introduction of the bill, but if it were of the same nature as that proposed last year, (see Vol. i. p. 1480) he should not approve of it.

Mr. *Peel*, Lord *Palmerston*, and Mr. *Forbes*, severally declared, that they should oppose the bill, when brought in.

Leave was then given.

ARMY ESTIMATES.] Mr. *Arbuthnot* brought up the report of the committee of supply.

Mr. *Lyttelton* begged to call the attention of the house to a subject which he had, in the course of the last session, felt it his duty to bring under their notice, and against which, he thought, the secretary at war had adduced very inadequate grounds of objection—he meant with regard to the affidavit which half-pay officers are compelled to make, to entitle them to receive their half-pay, namely, that they derive no other emolument from, nor hold any other employment under, the crown. This he considered a very harsh restriction. He thought, that all officers were entitled to half-pay as a matter of right, in remuneration for their services; and, considering the inadequacy of that remuneration for the maintenance of a gentleman, he deemed it peculiarly ungenerous that an officer should be deprived of it, unless he swore that he had no civil employment whatever under the crown, from which he could derive any additional means of subsistence. These were the grounds upon which he resisted this restriction in the last session; and, if he remembered correctly, the reasons assigned for its continuance were very insufficient. The noble lord (Lord Palmerston) had said, that this regulation was necessary, in order to keep up the military character, and to prevent officers from engaging in civil pursuits, which might unfit, or indispose, them for the resumption of military habits; so that, according to the noble lord, the return of a soldier to the habits of a citizen, or the engagement of an officer in any civil office, was so likely to degrade his mind, or to estrange him from the feelings of the military profession, that, in the event of a new war, it would be difficult to bring him back to the military character. Without dwelling upon a principle so novel, and, as he apprehended, so unconstitutional in England, he should only say, that it was unfounded in practice, and that it formed no valid ground for excluding half-pay officers from any employment which the government might think proper to confer upon them. For, after all, it would depend upon the government to decide whether any such officer should be appointed to a civil office; and, unless it were thought that the possession of a civil office was calculated totally to corrupt a soldier's mind, there could be no good ground of objection to the making of such appointments. He could not, indeed, imagine any principle of justice, or expediency, that should wholly disqualify half-pay officers from the acceptance of such appointments. He objected, therefore, to this affidavit, and to the extraordinary restriction which it imposed. The removal of such a restriction would, in his judgment, be rather a measure of wisdom; because, the more a military man was allowed to partake of the bounty of his country, the more he would feel an interest in its fate, and be disposed to contend for its security. It was, besides, to be considered, that many—very many of those officers were quite unable to support themselves upon the small pittance of half-pay. He appealed, therefore, to the liberality of the house, and to that of the government itself, in favour of a body of gallant men who had served their country amidst so much danger, and with so little profit (*hear, hear, hear!*); and he appealed with the more confidence of success, because the removal of the restriction to which he objected would be attended with no additional expense to the country, while the government would still have the discretion of appointing any military man to a civil office. But, it was quite unjust, that the discretion of the government to make such an appointment should be fettered by the restriction to which he referred.—There was another point to which he felt it his duty to call the attention of the house. He understood, that a circular had been issued, or was about to be issued, from the war-office, stating, that no widow of any officer who had died since December last, should be entitled to the pension of an officer's widow, if it appeared, that, from any source whatever, she derived an annuity equal to double the amount of such pension. This arrangement appeared to be extremely unjust, because, it might happen, that the annuity, which was thus to deprive a widow of her pension, might be the effect of an insurance upon her husband's life, which insurance was paid for, per-

haps, by a material sacrifice of the means of subsistence by both husband and wife. Would that house, then, consent, upon the ground of such an annuity, to exclude an officer's widow from her pension? Yet the circular alluded to would have that effect. The whole charge for widows' pensions amounted to 90,000*l.* and, possibly, the circular, if carried into execution, might produce a saving of 20,000*l.* But would the house, for such an object, acquiesce in an act of obvious injustice? As to the point upon which he had remarked, with respect to half-pay, the adoption of his view would not produce any saving at all, but would be consistent with justice. He was among the warmest advocates of retrenchment and economy in that house: but such retrenchment as that which he had mentioned, respecting widows' pensions, was not the kind of economy for which he looked, or which the country desired. On the contrary, he believed that the people would unanimously wish that the widows of their gallant defenders should be liberally provided for. Ministers could not, therefore, calculate upon gratifying any class of the community by the arrangement to which he objected: on the contrary, such an arrangement was likely to give rise to invidious comparisons between the treatment of those poor widows, and the extraordinary gratuities bestowed on others who happened to be nearer the source of favour, to the commissary-in-chief, for instance. (*Hear, hear.*) He felt that it was the duty, and, he hoped, it was the inclination of the house, to interpose its authority upon such an occasion.

Lord *Palmerston* observed, that the affidavit was required by a section in the appropriation act. He denied the justice of the hon. gentleman's statement, that half-pay belonged to an officer, as a matter of right: it was granted merely for the subsistence of officers during the cessation of their services, and as a retaining fee for their future services, whenever it should become necessary to call upon them for the defence of the country. It was felt, and justly felt, that if officers were allowed to accept of civil appointments, it would be difficult to recal them to military duties, whenever occasion should require. There was, indeed, reason to believe, that officers might become so much engaged in civil pursuits as to be disqualified for, or indisposed to, the resumption of military habits. On those grounds, then, the affidavit objected to by the hon. gentleman was deemed necessary. But, after all, it was nothing more than persons connected with other departments of the public service were called upon to make; for, those who enjoyed superannuation, or retired pensions, were obliged to make the same affidavit, namely, that they had no other emolument under the crown. It was also to be recollected, that the requisition of this affidavit was not an innovation, —it was the old established system. As to the circular letter alluded to by the hon. gentleman, the regulation to which it referred did not originate with government, but was recommended by the finance committee, who were of opinion, that the same rule which prevailed in the other departments of the public service should be applied to the army.

Mr. *Lyttelton* said, that as to the noble lord's reference to other services, he thought it only an aggravation of the principle to which he had objected, that it should be extended to the army; and, as to the alleged antiquity of the practice, with respect to half-pay officers, he could not admit that that antiquity afforded any defence for such practice.

The first resolution of the committee was then read; viz. that the army for the present year be 113,640 men.

Sir *Wm. Burroughs* insisted that so large an army was inconsistent with the promises of ministers, the expectations of the country, and the state of Europe. Our army was now proposed to be 113,640 men, the third year after hostilities had ceased, and while we were at peace with all the world. This establishment was not only greater than the finances of the country would support, but than its exigencies required. It had been said, that the year 1792 was not a period at which a fair comparison could be instituted of the force necessary in a time of peace, on account of the difference in the internal state of the country. Now, in 1792, a revolutionary spirit was general; there was not a state in Europe uninfected with the poison of its principles. It had pervaded every part of England, and had excited actual rebellion in Ireland. The alarm was so deeply felt, that his majesty's ministers thought it necessary to call parliament together in an extraordinary manner. France, too, at that time was menacing us with war; a rupture seemed unavoidable; and all concurred in the propriety of making provision for it. France was now debilitated in force, and impoverished in finance, whilst a part of her territory was occupied by an army of our own, amounting to 22,000 men, besides the armies of our allies. In the year 1792, when our political situation presented such a contrast, in point of security, with the circumstances of the present year, the whole force for Great Britain was 15,000 men, and for Ireland 12,000. Thus the total force in 1792 was only 27,000, while, for the present year, it amounted to no less than 56,270:—thus creating an excess of 29,270, or forming more than double our peace establishment in 1792. But, in addition to this excess, we had at present a yeomanry force of 23,800 for Great Britain, and 41,000 for Ireland. Thus we had, in the aggregate, an excess of force, at present, beyond that of 1792, amounting to no less than 94,000 men. But it had been said, that as 1792 was the last year of rather a long peace, a comparison of that period with the present was not admissible. He would take, then, the next year, 1793, which was the first year of the war in which we were engaged with France, and how stood the ac-

count? In 1793, the force voted for Great Britain was 17,000 men, and for Ireland 16,000, which, with the volunteers in both countries, formed a total of 70,520 men. This force, then, compared with the numbers proposed for the present year, would leave an excess of 11,121. Such being the excess between a year of actual war and the third year of universal peace, both internal and external, he could not imagine how the noble lord and his colleagues could account for the difference. It might be said, that the militia of Great Britain and Ireland were called out in 1793, and their numbers exceeded 53,000 men. Thus the total amount of force at that period might be estimated at about 123,000 men, but even this number, compared with that of the regular army and the yeomanry of both countries for the present year, would leave an excess of no less than 23,307. The noble lord had pointed out the reductions in the regular force, employed for the home service, since the last year: and what was the amount? Why, only 1959 men. The circumstances of the country were, however, very different, according to the shewing of ministers themselves. At the beginning of the last year, they alleged, that the state of the country was so very alarming, from the existence of plots, conspiracies, and insurrectionary movements, that they thought it necessary to call for the suspension of the habeas corpus act. The history of that year was, however, pregnant with evidence to shew, that a large military force was not necessary to preserve the peace of the country. For even the great rebellion at Derby was suppressed by one magistrate, one officer, and eighteen dragoons. (*A laugh.*) Yet this was the only insurrection in the country in the course of that year, to quell which any recourse was had to the aid of the regular army, for the rebellion at Huddersfield was put down by the yeomanry. It appeared, indeed, that, on that occasion, one yeoman was fired at when he was seen alone, but the corps to which he belonged had scarcely presented itself when the whole of the Huddersfield insurgents, or rioters, immediately fled. And what was the case with respect to the insurrection in London? Why, that the lord mayor, seconded by one alderman, took possession of the baggage and standard of the insurgents before any military force had appeared—nay, the Royal Exchange, of which the insurgents. it seemed, took possession, was surrendered to those two municipal officers, unsupported by any military force whatever. (*Hear, hear, hear.*) The hon. baronet, after repeating his astonishment at the system of military expenditure which ministers appeared disposed to pursue, concluded with moving, as an amendment, that the number of men be 103,640, instead of 113,640.

No person rising from the ministerial benches,

Mr. *Curwen* expressed his astonishment, that none of his majesty's ministers should consider it their duty to reply to the able arguments of his hon. friend. It appeared to him that this course of proceeding was extremely well calculated to convince the country of the necessity of some parliamentary reform. If any measure of retrenchment were practicable, the public had a right to be satisfied that it had not been left unattempted.

Lord *Palmerston* observed, that if what had passed that night in the house was calculated to shew the necessity of a reform of parliament, he presumed it was from the very scanty attendance which the opposite benches exhibited on the discussion of so important a subject. If reproach were applicable any where, it was to those whom some persons considered as the great defenders of the public purse, and who, it appeared, had no time to employ in an investigation of the army estimates. (*Hear.*) He should think himself fully justified were he to abstain from making any reply to the arguments of the hon. baronet. He meant no personal disrespect, but he could see in his observations no one new point, nor one consideration urged, which had not been already stated and discussed. The speech of the hon. baronet was made up of threadbare references to the establishments of 1792, and it really appeared to him, that an allusion to the period of the Saxon Heptarchy would be as applicable to the present circumstances of the country. To retrace a comparative view of this nature would be an idle waste of the time of the house. He considered it sufficient to recal to their attention generally the prodigious changes which the events of war, and the operation of various causes, had introduced into the internal situation of the country. Let them look at the internal increase of our population, and the consequent increase of turbulent spirits. (*Hear, and a laugh.*) He could recognize no one point by which any identity could be established between the circumstances of the two periods. The additional charge upon the revenue was created by the increased pay and allowances, and he had not understood that any hon. member was prepared to recommend any reduction in those branches of expenditure.

Mr. *Calcraft* regretted, as much as the noble lord, the thin attendance of members on a question of so much public interest as the army estimates. The reproach applied generally to both sides of the house, and he should be sorry were a division to exhibit their scanty numbers to the observation of the country. He must contend, that no satisfactory answer had been given to the objections to the amount of the estimates for the service of England and Ireland, and he had no hesitation in declaring his belief, that the reduction of ten thousand men was practicable. When measuring the extent of an establishment, how could they proceed without adopting some basis, and what better one could they select than the peace establishment of 1792—unfortunately the last year of general peace which could be adverted to? (*Hear, hear.*) But to this the noble lord replied, that the year 1792 was not the year 1818; and that, therefore, there could be no

similarity, or point of comparison, between the two periods. The only cause assigned for not making larger reductions was the present system of reliefs; but against this, which he admitted to be an advantage, it was but fair to set the operation of the recruiting service. With regard to the increase of pay and allowances, the charge thus created was only an additional reason for scrutinizing the establishment, which could not be separated from the consideration of our finances. He observed, too, that the security which we derived from the army of occupation in France had not been adverted to, and yet he apprehended that this force would gradually return, and that it could not be disbanded immediately upon its return. Ireland was now completely tranquil; but, in 1792, a large body of united Irishmen were in correspondence with the French government. He had himself proposed reductions in a former year, which had not been assented to. In one instance, he recommended a diminution of 2,000 men on a foreign station, and he was described as an ignorant, prejudiced, person, who entirely misconceived the matter, although, a short time after, his counsel was adopted, and the reduction actually took place. What he then urged, applied only to the service of the year; and he trusted, therefore, that similar recommendations of retrenchment would be attended to. He was not one of those who felt any despondency with respect to the financial resources of the country, but he put it to the noble lord (Castlereagh), whether he and his cabinet conclave of fourteen were not bound to press down the expenditure to the lowest point that was consistent with public security? When the house considered the great number of battalions of infantry, and of regiments of dragoons and dragoon guards, of which the establishment consisted, it would be seen that the reduction proposed by his hon. friend, when applied equally to the whole force, would occasion but a small diminution of numbers in any particular corps. It should be recollected, that our present system of finance was, as it were, living from day to day; that the Chancellor of the Exchequer, the great stockjobber for the country, was, in the ordinary course of gambling, taking advantage of every little variation in the interest of the paper which he was enabled to throw into the market. That paper, consisting of unfunded exchequer-bills, amounted to 56,000,000*l.*; and although he did not wish to speak harshly of the transactions of the Stock Exchange, they formed but an inglorious pursuit for the government of a great country. All the success, however, of which the right hon. gentleman could boast in his dealings, was the reduction of 3,000,000*l.* upon 800,000,000*l.* of debt, a boast which, he apprehended, would but little mitigate the pain that a right hon. gentleman who sat beside him (Mr. Huskisson) must feel, after the solemn appeals which he had once made to him on the urgent necessity of bringing the expenditure within the income.

Mr. *Peel* observed, that, with respect to Ireland, there were two counties still subject to the insurrection act; but the circumstances of that country were greatly improved, in regard to the preservation of the peace. He did not think, however, that the military force could be reduced beyond the scale which was now proposed, and it was pleasing to find, that all those who knew the state of Ireland, concurred in that opinion. Two hon. members had expressed their conviction, that a smaller force would be sufficient: but one of them (Mr. Calcraft) had no personal knowledge of the country, and the other (Sir W. Burroughs) had not set his foot in it since his return from India. *(Hear, hear.)* Under these circumstances, he could not consider them to be competent judges. He would repeat what he had said on a former occasion, that the force to be maintained in Ireland depended on the opinion of the government, and that opinion had not been controverted by any person on whose judgment he could place any reliance. (*Hear, hear.*)

Sir *John Newport* said, that, differing as he did from the right hon. gentleman (Mr. Peel) on many subjects relative to the administration of the affairs of Ireland, he thought him entitled to the highest praise for bringing that country back, as speedily as the nature of the case would allow, to that system which had been acted upon in England. He thought that some measures should be adopted with respect to the distillation; and, generally speaking, he was sure that the house would do best by retracing its steps with respect to that country.

Mr. *Marryat* observed, with reference to the colonies, that they were not in a situation of contributing to the maintenance of the troops, with the exception of Jamaica. He did not think that a smaller force could be voted for their protection and safety.

Mr. *Brougham* said, it became the Commons of England—as many, at least, as were then assembled there—to insist, that the number of troops to be maintained, especially in this country, should not exceed what it was in 1792. In a year of permanent peace, and when all danger of internal commotion was allowed to have ceased, it was for ministers, and not for those who sat on his side of the house, to shew why the force should be increased beyond what it was at that period. The people of England had a right to be governed at the smallest possible expense; and if he shewed that the state of the country did not require any extraordinary measures, the *onus* was on ministers, to establish, step by step, the necessity of maintaining every battalion, and every troop of the line, which they now proposed to the house. The noble lord (Palmerston) had said, that there was a great increase of population, and, of consequence, a great increase of turbulence in the country, but did he mean to say, that because the population was increased to the amount of five or six hundred thousand, that the army must be kept up

to the present numbers? In that case, allowing his position to be true, instead of an increase in the army of ten per cent., it would be increased to, at least, one hundred per cent. (*Hear, hear.*) What was there in the state of the country so different from what it was in 1792, as to justify the necessity of augmenting the army in this degree? Was the year 1792 more particularly tranquil than the other years which had succeeded it? He would maintain, that if ever there was a period in which the constitution of this country was exposed to danger, it was in the year 1792. France was then threatening us with sowing discord and sedition in the country, and great apprehensions were entertained for our external and internal welfare. But the terrors which the French revolution excited were now at an end—that revolution, indeed, had long fallen into disrepute among the nations of Europe, and the danger which it was said to have inspired was now on the other side. The danger which now existed was, not a danger to be apprehended from the people—it was a danger that arose out of the doctrine of legitimate governments, to be maintained and supported by military force—it was a danger that the governments would go too far in trampling on the rights and liberties of their subjects. And yet, this was the time at which the ministers of the Crown thought proper to desire so considerable an increase of the standing army, compared with what it was in the year 1792. It was admitted, that Ireland was the most disturbed part of our dominions, and that England was the most tranquil; but, in framing the estimates, this view of the empire had been entirely overlooked, and the increase of the army in England was much greater than the augmentation which ministers had made for the sister country. If they wished to remove the discontent which unfortunately existed in that part of the empire, if they were desirous of governing Ireland, not by the sword, but by the laws, they would turn their attention to those subjects which formed the principal grounds of murmur. It was scarcely necessary, at this time of day, to observe, that standing armies were utterly inconsistent with the spirit of our free constitution; but he would venture to say, that it was one of the most calamitous signs of the times, that, in every country, armies were kept up for the purpose of spoliation, and of exciting terror in the minds of the people. (*Hear, hear.*) If any change in the affairs of the world had rendered it necessary for England to deviate from her ancient policy with respect to a standing army, that change took place previous to 1792; and, therefore, he again placed his foot on that year as the standard which ought to govern our proceedings, and he called on the noble lord to shew what there was in the state of Europe, which could warrant him to propose the present enormous establishment. He was persuaded, that it was quite preposterous, and unnecessary; and he lamented, that so little attention had been paid to the discussion of the estimates this year. He would freely admit, and he regretted to observe, that the little attention which had been devoted to them, did as little credit to those who sat on his side of the house as to those who sat on the other; but, he hoped, it might arise from some accidental circumstances which would never occur again. Having stated thus much, he should merely add, that he most heartily approved of the amendment of his hon. friend.

Lord *Castlereagh* observed, that this was a subject of great importance, and deserved the most serious consideration of the house; but he was confident that, if the house had not been satisfied that every possible reduction had been made, there would have been a fuller attendance of members on this occasion. Arguments had been urged which could not be contradicted, and, therefore, it was unnecessary that they should be repeated. He must protest, however, against taking the year 1792 as the standard for the present year; he was prepared to prove, that the very history of the year 1792 would be an argument on the other side: it was an argument against hasty reductions of our military establishments, as dangers might arise from a state of too great security. The policy pursued by Mr. Pitt in 1792, in reducing the military establishment, had been pregnant with evil, and had, in the end, entailed a greater expense on the country. In the very next year we were at war, not merely for the purpose of opposing the danger of French principles within, but from the necessity of coping with French principles from without. The hon. and learned gentleman had not made proper allowance for the change in the internal situation of the country since the year 1792; such as the increase of population and the enlarged state of the metropolis. Considering the necessity of providing reliefs for the different stations, ministers could not make any further reduction with safety to the country.

Mr. *Bankes* defended the reductions made by Mr. Pitt in the year 1792. What man could have calculated on the strange aspect which presented itself after the breaking out of the French revolution?—He thought the present vote larger than it ought to be, on account of the change which had taken place in the internal situation of the country. Some reduction might be made in the number of troops to be maintained in Great Britain, and a gradual reduction should be made in Ireland.

The house then divided on the amendment of Sir W. Burroughs.

Ayes	27
Noes	51
Majority . . .	24

Mr. *Brougham* then moved, that the report of the committee of supply be taken into further consideration on Friday next.

Lord *Palmerston* observed, that the first and most important resolution, determining the

amount of the force to be kept up, had already been agreed to. He could, therefore, see no reason why the consideration of the other resolutions, which were comparatively of minor importance, should be postponed.

Mr. *Brougham* consented to withdraw his motion, and the remaining resolutions were severally read and agreed to.

MUTINY BILL.] A bill "for punishing mutiny and desertion, and for better payment of the army and their quarters," was brought in, and read a first time.

BANK DOLLARS AND TOKENS.] The *Chancellor of the Exchequer* brought in his bill "to amend an act of the last session of parliament, for preventing the further circulation of dollars and tokens issued by the governor and company of the Bank of England."—Read a first time.

LIST OF THE MINORITY.

Althorp, Viscount	Lemon, Sir W.
Brougham, Henry	Lyttelton, Hon. W.
Bankes, Henry	Monck, Sir C.
Babington, Thomas	Newport, Sir John
Curwen, J. C.	Ord, William
Duncannon, Viscount	Sharp, R.
Douglas, Hon. F. S.	Smyth, J. H.
Fazakerley, Nicholas	Smith, William
Gordon, Robert	Symonds, T. P.
Grenfell, Pascoe	Warre, S. A.
Hurst, Robert	

TELLERS.—Sir W. Burroughs, and John Calcraft.

HOUSE OF LORDS.

Wednesday, March 4.

INDEMNITY BILL.] This bill was reported, and the amendments made in the committee yesterday were agreed to.

The *Lord Chancellor* introduced a clause, to obviate the objection made by the Marquis of Lansdown, in the committee, to that part of the bill which included Ireland. This clause extended the indemnity for arrests in Ireland only to cases in which arrests had been made for offences charged to have been committed in Great Britain. This clause was agreed to, and the word 'Ireland' was struck out of the former part of the bill.

The bill was then ordered to be read a third time to-morrow.

HOUSE OF COMMONS.

Wednesday, March 4.

MISCELLANEOUS ESTIMATES.] On the motion of the *Chancellor of the Exchequer*, the house resolved itself into a committee of supply.

The right hon. gentleman then moved, that the sum of 500,000*l.* be granted to his Majesty, to provide for such expenses of a civil nature in Great Britain, as do not form part of the ordinary charges of the civil list.

After some observations from Mr. *Tierney*, on the new practice of calling for grants before their necessity had been ascertained, so that it was quite useless to discuss the matter after the money had been voted,—an amendment was moved by the Chancellor of the Exchequer, restricting the sum to 250,000*l.* as being all that was immediately necessary for this branch of the public service.—This sum was agreed to.

Mr. *Arbuthnot* moved a grant of 20,000*l.* for making and repairing roads and bridges in the highlands of Scotland.

Mr. *Gordon* said, he was at a loss to understand why a sum should annually be voted for this purpose.

Mr. *Arbuthnot* said, the house were in some degree pledged to this expense, by the 43d of the King, c. 80. The civilization and improvement of the Highlands had been greatly promoted by the communications which had been opened through them.—This sum was then agreed to.

Mr. *Arbuthnot* moved a grant of 60,000*l.* towards defraying the expense of building the Penitentiary at Milbank.

Mr. *Gordon* observed, that very large sums had been already expended on the Penitentiary House at Milbank. But this house had been so built that it was necessary to have several of the towers taken down and rebuilt.

Mr. *Lockhart* said, no less than 71,000*l.* above the sum at which the expense of this prison was originally estimated, had already been voted; and, as a prison, it had totally failed to produce the effect which the house had in view, namely, to deter from the commission of crime. It might, indeed, have produced the amendment of the criminal; but that was of small importance, compared with the object of deterring from the commission of crime. It might be Christian-like to endeavour to reform these people, and to send them into the world in a more comfortable condition than they were in before. The world, however, could dispense with them; for, he believed, the chasm in society, occasioned by the removal of culprits, could always be soon filled up. Notwithstanding all the sums expended by the country in prisons, and establishments of various descriptions, they found that crimes were perpetually increasing, instead of decreasing. There were other means to which they ought to turn their attention. A vigilant police ought to be established. The metropolis ought to be divided into districts, and a stricter watch set over those individuals who were habituated to crimes, and who were known not to obtain their living by honest means. It was said, that our prisons were nurseries of crime; that the comparatively innocent, from associating with hardened criminals, returned to society much worse members than when they entered the prisons. Why, he would ask, in the prisons of this metropolis, should persons, whose guilt was not established, be kept five or six weeks in the company of hardened criminals? At present, instead of the criminals being punished, society was punished; and society was punished because it was so idle and inattentive to the subject.

Mr. *Long* said, the objections to the Peniten-

tiary at Milbank ought to have been stated at an earlier period. It ought to be recollected, that the Penitentiary was adopted by parliament after a great deal of discussion. He was astonished that the hon. gentleman who spoke last should consider the amendment of the persons in that prison a secondary object. The hon. gentleman had said, what was perfectly true, that innocent persons, from mixing with hardened criminals in prison, came out depraved. Did he mean to say, then, that a system by which the amendment of prisoners was promoted, was not worth the attention of the house? It was true that one or two towers had been pulled down and rebuilt. Those who planned and superintended the building had not the choice of the situation, which was pointed out by act of parliament. A small part of the building had given way, but the cause was known, and from the means which had been adopted, no further apprehension was entertained. All who had visited the building agreed, that it could not possibly be constructed on a plan better calculated to answer the object in view. The system appeared, as far as they had yet had any experience of it, to answer the purpose of those who projected it. This was very much owing to an hon. friend of his (*hear, hear*) who had devoted all his time to this object (Mr. Holford.) Without a constant vigilance and superintendence, the hopes of the house from this prison would be frustrated; for it would otherwise soon relapse into a common prison.

Mr. *Lockhart* explained.—The right hon. gentleman had very much misunderstood him, if he supposed that he considered the amendment of prisoners a secondary consideration. He had merely said, that it was secondary with reference to the greater consideration of preventing crime.

Mr. *Arbuthnot* appealed to the hon. member for Shrewsbury (Mr. Bennet) as to the melioration in the conduct of the prisoners in the Penitentiary.

Mr. *Bennet* bore testimony to the excellent manner in which the Penitentiary was conducted.

Mr. *Wynn* said, when they considered the great expense which the transportation of offenders occasioned to the country, and how little satisfactory the result had been, particularly in the case of females, they could not fail to view the Penitentiary as most beneficial to the country.

The grant was then agreed to.

The following sums were successively voted:

A sum of 11,048*l.* 12*s.* 2*d.* "to defray the expense of the establishment of the Penitentiary house, from the 24th day of June 1818, to the 24th day of June 1819."

A sum of 25,000*l.*, "to defray the expense of law charges for the year 1818."

A sum of 89,368*l.* 14*s.* 10*d.* "for defraying the expense attending the confining, maintaining, and employing convicts at home, for the year 1818."

A sum of 6,000*l.* "for defraying the expenses that may be incurred for prosecutions, &c. relating to the coin of this kingdom, for the year 1818."

A sum of 3,000*l.* "to defray the expense of the National Vaccine Establishment, for the year 1818."

A sum of 17,000*l.* "to defray the charge for printing acts of parliament for the two houses of parliament, for the sheriffs, clerks of the peace, and chief magistrates throughout the United Kingdom, and for the acting justices throughout Great Britain, also for printing bills, reports, evidence and other papers and accounts for the House of Lords, for the year 1818."

A sum of 427*l.* 3*s.* 3*d.* "to make good the deficiency of the grant of 1817, for printing 1750 copies of the 71st volume of Journals of the House of Commons."

A sum of 1,415*l.* 15*s.* 7*d.* "to make good the deficiency of the grant of 1817, for defraying the expense of printing bills, reports, and other papers, by order of the House of Commons during the last session."

A sum of 2,200*l.* "to defray the expense of printing the votes of the House of Commons during the present session of parliament."

A sum of 6,821*l.* 7*s.* 1½*d.* "to make good the deficiency of the grant for the year 1817, for reprinting journals and reports of the House of Commons."

A sum of 1,969*l.* 6*s.* 3*d.* "to defray the expense in the present session for printing 1150 copies of the General Index to sixteen volumes of Journals of the House of Lords, from the 20th to the 35th volume both inclusive."

A sum of 2,777*l.* "to defray the expense of confining and maintaining criminal lunatics, for the year 1818."

A sum of 12,500*l.* "for the relief of American loyalists for the year 1818, and that the said sum be issued and paid without any fee or other deduction whatsoever."

A sum of 1,750*l.* "to defray the charge of the superannuation allowances or compensations to retired clerks and other officers formerly employed in the office of the commissioners for auditing the public accounts, for the year 1818."

A sum of 336*l.* 10*s.* "to defray the charge of the superannuation allowances or compensations to retired clerks and other officers formerly employed in the lottery office, for the year 1818."

A sum of 620*l.* "to defray the charge of the superannuation allowances or compensations to retired officers formerly employed in his Majesty's mint, for the year 1818."

A sum of 266*l.* 13*s.* 4*d.* "to defray the charge of the superannuation allowance or compensation to one of the late paymasters of Exchequer Bills, for the year 1818."

A sum of 12,150*l.* "for defraying the charge of the civil establishment of the settlement of Sierra Leone in Africa, from the 1st day of January to the 31st day of December 1818."

A sum of 13,440*l.* "for defraying the charge of the civil establishment of the province of

Nova Scotia in America, from the 1st day of January to the 31st day of December 1818."

A sum of 12,605*l.* "for defraying the charge of the civil establishment of New South Wales, from the 1st day of January to the 31st day of December 1818."

A sum of 10,800*l.* "for defraying the charge of the civil establishment of the province of Upper Canada in America, from the 1st day of January to the 31st day of December 1818."

A sum of 6,757*l.* 10*s.* "for defraying the charge of the civil establishment of the province of New Brunswick in America, from the 1st day of January to the 31st day of December 1818."

A sum of 5,185*l.* "for defraying the charge of the civil establishment of the island of Newfoundland in America, from the 1st day of January to the 31st day of December 1818."

A sum of 3,760*l.* "for defraying the charge of the civil establishment of the island of Saint John (now called Prince Edward Island) in America, from the 1st day of January to the 31st day of December 1818."

A sum of 3,301*l.* 10*s.* for "defraying the charge of the civil establishment of the Bahama Islands, in addition to the salaries now paid to the public officers out of the duty fund, and the incidental charges attending the same, from the 1st day of January to the 31st day of December 1818."

A sum of 2,190*l.* "for defraying the charge of the civil establishment of the island of Cape Breton in America, from the 1st day of January to the 31st day of December 1818."

A sum of 600*l.* "for defraying the charge of the civil establishment of the island of Dominica, from the 1st day of January to the 31st day of December 1818."

A sum of 80,000*l.* "to defray the amount of bills drawn or to be drawn from New South Wales for the year 1818."

A sum of 1,092*l.* 14*s.* 2¾*d.* "to pay off and discharge exchequer bills issued per acts 7 and 11 of Anne, remaining in the chests of the tellers of the exchequer, together with the interest due upon them outstanding and unprovided for."

A sum of 4,655*l.* 2*s.* 5*d.* "being the amount of the annuity granted to the trustees of her late Royal Highness the Princess Charlotte Augusta and his Serene Highness Leopold George Frederick Prince of Cobourg, which would have accrued from the 10th day of October 1817 to the 6th day of November following, the day of her Royal Highness's death.

The *Chancellor of the Exchequer* moved a grant of 725,681*l.* 12*s.* 3*d.* "on account of the sum of two millions to be applied by his Majesty, in concert with his Majesty the King of the Netherlands, towards improving the defences of the Low Countries, by virtue of the Convention concluded on the 13th of August, 1814."

Mr. *Warre* observed, that, by the treaty of 1815, there was to be set apart 60 millions of livres, out of the 125 millions of livres which was to be paid by France to the Netherlands, for the reparation of the fortresses on the Flemish frontier. The whole expense of the reparation of these fortresses was estimated at 137 millions of livres. He did not know whether these 60 millions had already been expended by the King of the Netherlands towards the repair of the fortresses; and he could wish to receive some information from the noble lord on this subject.

Lord *Castlereagh* said, the house would recollect, that Holland had made over certain colonies to Great Britain, and England had contracted to support the fortifications upon the frontiers of Holland. The 60,000,000 of livres alluded to were to be applied to the same purpose. We were to support the fortifications on the important line he had mentioned; the plans were furnished by the engineers, and subjected to the inspection of the Duke of Wellington; and it was necessary that they should have his approval. A great part of the contributions, settled to be applied to the fortifications, had been applied to those works; and what his right hon. friend now proposed to the house was to be employed for the same purpose. In all cases, the funds had been applied as fast as they were furnished, but the whole 60,000,000 had not been applied, as they had not been received. The stipulation had been, that this country was not to expend more than 2,000,000*l.* upon the whole.

Mr. *Warre* thought, that in one article of the treaty there was a clause of very ambiguous meaning. We there expressed our determination, and took upon ourselves, to maintain the King of the Netherlands upon his throne, and the family of Orange, binding ourselves to 3,000,000*l.* Upon the whole, he wished to know how far we were liable to be called upon for that third million.

Lord *Castlereagh* said, the whole sum that we were bound to pay could not exceed 2,000,000*l.* for supporting the fortifications, as appeared on the face of the treaty.

Mr. *Warre* said, he would read the clause to which he alluded. (The hon. gentleman then read the clause, which declared, that we should bear "such further charges as might be agreed upon, towards the final and satisfactory settlement," &c. as he had stated, "not exceeding, in the whole, the sum of 3,000,000*l.*") The house had been told about 2,000,000*l.*, but here there was evidently a sum of 3,000,000*l.* mentioned.

The *Chancellor of the Exchequer* was very confident, that the sum never was intended to exceed 2,000,000*l.*; but, from what the hon. gentleman observed, he recollected that there was a provision respecting a cession, for which a sum of 1,000,000*l.* was stipulated. The concluding article, which, as the hon. gentleman had observed, was not very clear, had no other intention than had been stated. The meaning of the whole was, that the total charge should not exceed 3,000,000*l.*, it being understood that

2,000,000*l.* was to be the extent of the sum for the fortifications.

Mr. *Warre* said, the clause was certainly not very perspicuous, for the million which the right hon. gentleman had mentioned was a fourth million. The first additional article stipulated the payment of 1,000,000*l.* sterling to Sweden, "for satisfaction aforesaid." 2,000,000*l.* were then stipulated for fortifications; and the third clause, which was not very clear, was the clause that might bring the charge of a fourth million on the country. The third clause of the additional article was "that Great Britain do bear equally with Holland such further charges as may be necessary," &c.; and it afterwards proceeded "for maintaining the family of Orange on the throne, &c." not exceeding 3,000,000*l.* to be defrayed by Great Britain.

Lord *Castlereagh* said, he could assure the hon. gentleman, that that part of the treaty relative to the fortifications was fully understood, as well as the other parts.

Mr. *Tierney* said, he supposed, that, besides the 2,000,000*l.* for the fortifications, we were bound to provide, as far as might be required, towards the 3,000,000*l.*

The resolution was then agreed to; the house resumed, and the report was ordered to be brought up on Friday next.

INCOME-TAX RETURNS.] Mr. *Brougham* rose to submit a proposal to the house for carrying into effect a measure in which, he supposed, they would not be unwilling to second him—the destruction of all that remained of that odious and inquisitorial impost, the property tax. He supposed that the house would so little hesitate upon the subject, that he should scarcely detain them by saying one word in support of his motion. The right hon. gentleman (the Chancellor of the Exchequer) had given assurances, that steps should be taken for the destruction of all the income-tax returns, which had been preserved, throughout the country. It appeared, however, that his instructions had been so tardily complied with, that the returns were every where to be found. They were sold as waste paper, and so widely dispersed, that a man could hardly go into a shop in some parts of the country without seeing his name at full length, with an account of his property, and all the detail of his circumstances. A circular letter had been written from the tax-office, to direct all persons who had the keeping of those returns, before destroying them, which they were to do, to take and preserve copies for the purpose of having them sent to, and kept in, the office in London. After the communications which had been made with the right hon. gentleman, no notice had been taken of the business, till, on application from some friends, he was induced to ask whether the copies were preserved, or whether any returns were yet in the hands of persons in different parts of the country? It was plain that it mattered very little whether the copies or originals were destroyed, provided other copies were preserved. The Chancellor of the Exchequer had replied, that copies were kept, but the names were left out; in other respects, accurate copies were preserved: but if an accurate copy was kept, it was evident that any man who saw his neighbour's return, from seeing it would know as well, almost, that it was the return of A. B., as if he saw A. B.'s name at the head of it, or it was signed by him. What, then, was the necessity for keeping copies at all? It was, he believed, for checking returns of another kind in connexion with county-rates. But would not one single sum, a single line, shewing that the sum assessed upon some district was so and so, be sufficient; would it not do to state the assessment upon the riding, or, if not, upon the parish, and to allow all the particulars to be destroyed? The object would be fulfilled as well by that mode as by any other. If persons who had been written to had not complied with the letter of the tax-office, it shewed that that office had no power. The mode which he should propose for coming at the end he had in view, would be, to appoint a committee for the purpose of seeing what steps had been taken. He trusted that no objection would be made to this; indeed, the proposition was so reasonable in itself, that he could not think it would be objected to. He could not think that the circular would have its effect, judging as he might from the slow manner in which all returns were made by a certain office to that house. He by no means intended to impute any thing to his hon. and learned friend at the head of it; but there was something apparently in the very nature of the office that made them very tardy in expediting any returns that might be ordered by the house. As far back as the 3d of February an account had been moved for, which was very important. By the discontinuance of the property-tax many officers had become sinecure placemen. Either nine commissioners had received 1,100*l.* per annum, or eleven commissioners 900*l.* per annum, he was not certain which. The object of the motion was, to discover what pensions those persons had, or what others had, connected with them, and whether they had any other places. For this information, it had been considered expedient by the hon. member for Shrewsbury to move for returns on those particulars. Notice had been given for a particular day, but the motion was postponed. On the 3d of February, however, it came on, and the return was ordered one calendar month before the time he was speaking, and it had not yet been laid before the house. If the motion had been for returns from the treasury, they would have been made long ago; indeed, in an ordinary way it might have been made in half the time. It was very much the order with the department of taxes to dislike the interference of the house, as having a tendency to impede their taxing operations; and the house were in no favour with them any more than they were two years ago with the treasury. Ever since the discontinuance of the property-tax, they had been looked on with a suspicious eye. A house, or

part of a house, had been taken, he believed, and, if he understood rightly, was still in occupation for the preservation of the returns which formed the subject of his motion. There were no names, it had been said, on them; but a stroke or two of the pen drawn over the names, an attempt at erasing them, would not prevent people who had eyes half as sharp as those who were accustomed to such papers, from seeing whose returns they really were. A person had not long ago sent for some goods to a chandler's-shop, and they were transmitted to him, with what he certainly did not expect, a return of his neighbour's property. On mentioning that, he was told, "Oh, if you will go to such a place, you may have the return of every man's property in the neighbourhood: such a man is dead—such a man was a bankrupt, and all his waste-paper was sold:" and the greater part of that waste-paper happened to consist of property-tax returns, by which means exposures were made of what certainly ought to have been concealed. The property-tax was done away; but its destruction was evidently a matter of regret in a certain quarter, though nine in ten throughout the country had loudly declared against it, and he believed that 99 out of 100 were of the same opinion. He should therefore move "that a committee be appointed to inquire into the steps which have been taken to destroy the returns of bodies corporate and individuals under the income-tax acts."

The *Chancellor of the Exchequer* said, he doubted whether any benefit could possibly arise from the appointment of such a committee. The hon. gentleman was mistaken in his imputation on the tax-office; the return to the motion concerning inspectors of property-tax was made on the 10th of February. With respect to the property-tax, he had no wish to enter into its general merits, as he had no intention to propose to parliament to renew it, during the continuance of the peace. It was one of those measures which, in time of war and danger, had been found necessary and advantageous; but which would be highly objectionable, and, he hoped, would be found unnecessary, during the continuance of peace. (*Hear.*) The object of the hon. and learned gentleman's motion was, that all papers of the description which he had alluded to, should be destroyed indiscriminately; but this could not be done, as some of them were absolutely necessary for the recovery of certain arrears of the property-tax. Orders had been given for the destruction of every paper that was not necessary for the recovery of arrears and the detection of fraud. All returns of commercial property, included in schedule B, were such as, from the circumstances of such property, ought certainly to be destroyed, excepting such as were necessary for the recovery of arrears. The returns of landed property ought to be preserved. Two acts of parliament, passed in the year 1815, referred to those papers for the purpose of settling county rates and assessments, and as the value of landed property would never be a matter of secrecy, it would be useful to keep them as a sort of *Cadastre**.

Mr. *Brougham*, in explanation, stated, that he could find nothing in the book upon the table, which recorded the motion, to signify that that motion had been complied with.

The *Chancellor of the Exchequer* observed, that the learned gentleman would have found, upon referring to the vote office, that his conception was incorrect.

Mr. *Brougham* said, he did not feel it his duty to refer to the vote office upon subjects of this nature; there was no record in the book before the house.

Mr. *Grenfell* said, he rose to express his entire concurrence with the opinion of his hon. and learned friend as to the refractoriness evinced by the different offices connected with the department of taxes in complying with the orders of the house, but he could not agree with him in excepting the gentleman at the head of that department. He knew, however, that no blame could attach to the secretary, whose conduct was, in every respect, highly creditable to himself.—But he rose more particularly to express the satisfaction which he felt in hearing the declaration of the Chancellor of the Exchequer, that the country was not again, with his consent, to be afflicted with that odious imposition, the property-tax. (Not in time of peace, said the Chancellor of the Exchequer.) Upon this declaration, even as it was explained by the right hon. gentleman, he was ready to congratulate the country.

Mr. *C. Calvert* hoped, that some measures would be taken to guard against the vexation to which several persons had been recently subjected, under the system for collecting the assessed taxes. In the course of the last five years, a survey had been made of the houses in his neighbourhood, by which they were assessed at a rack-rent. Notwithstanding this, an assessor lately appeared, who thought proper, without any new survey, to increase the assessments, some 100, some 80, some 70 per cent. And he begged to add, that of 100 appeals for surcharges, only one had been repealed.

Mr. *Brougham* in reply, said, that the sole object of the motion was, the appointment of a committee to inquire what returns, or papers, connected with the property-tax, had been destroyed, or could be destroyed without injury to the public service. The right hon. gentleman had, on a former occasion, stated, that an order had been issued from the proper office for the destruction of such papers, and was it not rather calculated to excite suspicion as to the execution of this order, to find the present motion so resolutely resisted? But there were some circumstances connected with this motion which he felt it his duty to explain to the house, as they

* The Cadastre is a public register, kept formerly in some provinces of France, and now ordered for the whole of the kingdom, in which the quantity and value of landed property are inscribed in detail. It serves as a guide in the imposition of taxes.

appeared to manifest much less candour than he was generally disposed to ascribe to the right hon. gentleman. The secretary of the treasury had applied to him, in the early part of the evening, to know what motion he meant to bring forward. To this application he made a prompt and frank reply, by giving the right hon. secretary a copy of his intended motion, which copy, or a paper very much resembling it, he saw immediately afterwards put into the hands of the Chancellor of the Exchequer. The secretary of the treasury returned to him with this information—that the Chancellor of the Exchequer had no objection to his motion; adding, that the only difference was, as to the nomination of the proposed committee. He had, therefore, concluded, that there would be no objection to the motion for the appointment of the committee to-day, provided he postponed the consideration of the names, which were to compose that committee, until to-morrow. Such being his conclusion, he communicated to several friends, who felt an interest, and were likely to speak upon the subject, that the business would terminate in five minutes, no division, or discussion, being expected. These gentlemen had accordingly left the house, and having thus brought them into a scrape through his reliance upon the Chancellor of the Exchequer, as that right hon. gentleman's inclination was reported to him, he found himself under the necessity of moving the postponement of the discussion until to-morrow, or Monday.

Mr. *Lambton* expressed a hope, that the Chancellor of the Exchequer would give some explanation respecting the circumstances alluded to by his learned friend, for he could say, that his understanding with respect to the result of the negotiation was the same as that of his learned friend.

The *Chancellor of the Exchequer* said, that he had no objection to the postponement of the discussion, for the accommodation of the learned gentleman and his friends. An application was, no doubt, made to the learned gentleman for a copy of his motion, and such application was in conformity with the practice usually resorted to for the occasional accommodation of each side of the house. He had thus obtained a copy of the learned gentleman's motion, but, understanding that the learned gentleman insisted upon proposing the nomination of the committee, to which he could not assent, the treaty was broken off.

Mr. *Brougham* assured the house, that he had treated with the ambassador of the right hon. gentleman in perfect good faith, and he was led to think there would be no objection to his motion for the appointment of a committee; but it now appeared from the language of the Chancellor of the Exchequer, that if he himself were allowed to name the committee, he should not oppose the motion.

Mr. *Lambton* said, that, according to his understanding, the Chancellor of the Exchequer had expressed no objection to his learned friend's motion, until he found, from seeing the names of the committee which his learned friend proposed, that the majority were not very likely to support his views.

The further discussion of the motion was then adjourned till Tuesday next.

PARLIAMENTARY REFORM.] Mr. Alderman *Wood* presented a petition of inhabitants of Leeds, praying for reform. This petition, he felt it his duty to state, contained some expressions of a peculiar character: but as he understood that other petitions containing similar expressions had been received by the house, that which he held in his hand would not, probably, be objected to. Still, he thought it right to state the expressions to which he alluded, namely, that the system by which that house was constructed being the bane of the state, the only antidote was a reform, according to the principles of annual parliaments and universal suffrage, upon the adoption of which it would be an honourable house. The petition also prayed for the impeachment of the ministers, by whom the suspension of the habeas corpus act was proposed, and the powers created by that suspension so grossly abused, adding, that unless reform were acceded to, the petitioners would not be able to pay the inordinate taxes to which they were subjected.

The petition was ordered to lie on the table, as was a petition to the same effect from George Edmonds, the chairman of a meeting consisting of 20,000 persons, at Birmingham.—The latter petition prayed the house to take its stand between a despotic ministry and an enslaved people.

Sir *M. W. Ridley* presented two petitions of inhabitants of Newcastle-upon-Tyne, each signed by 20 persons, praying for reform, and deprecating any indemnity act. The hon. baronet, in presenting these petitions, thought it right to state, that he could not concur in the wishes of the petitioners for the establishment of universal suffrage and annual parliaments.—Ordered to lie on the table.

BANK OF ENGLAND.] Lord *A. Hamilton* rose to submit a motion on the subject of the Bank. At a time, he observed, when it was evidently intended to continue the restriction of cash payments, it was, in his opinion, the duty of the house to look to the conduct of that establishment with peculiar care, as well as to the proceedings of the minister, who was so intimately connected with it. With a view to understand the conduct of the Bank, he felt it necessary to move for copies of the notices issued by it for the payment of certain of its notes in cash within the last year. A pretty general impression prevailed, that those notices were issued merely for the purpose of delusion, and to induce a belief that the Bank was in possession of the means, and was in the progress of preparing to resume its payments in cash. The house would recollect, that the minister professed to be desirous, and the Bank professed to be both desirous

and ready, to resume cash payments. These notices were held forth to the country, as a preparatory step—or rather, as a partial incipient resumption. It was therefore due to the character of the Bank, as well as to the satisfaction of the country, to explain not only the motive and object of these notices, but also their practical effect—their tendency to facilitate, or to accelerate, the great end in view. It was now clear that there was no intention of resuming cash payments, at the period prescribed by the existing act. A plea was advanced for postponing that desirable measure arising out of certain negotiations for foreign loans; but this he believed to be a mere pretence. It was known that there was a great deal of cash afloat in this country about two years ago, but now, comparatively, little was to be found in circulation, notwithstanding the boasted issue of cash from the Bank. This issue was, however, he apprehended, but very trifling; but trifling or not, its disappearance as fast as it was issued, evinced the lamentable fact, that the existing legal coin, and the existing legal paper could not circulate together; and that the country had not much reason to rely upon the professions, or promises, of either the Directors of the Bank or the Chancellor of the Exchequer, as to the probability of the removal of the restriction upon cash payments. But it was for the Bank to shew whether any, and what beneficial effect had arisen from the steps it was reported to have taken to prepare for the resumption of its payments in cash. This was the object of his motion, and that motion could not be resisted by any such arguments as were advanced by the Chancellor of the Exchequer towards the close of the last session. It was then opposed as unnecessary, because the Bank were about to resume payments at a fixed and stated time—that time, it now appeared, was again to be postponed, and, therefore, it could not be, now, consistently resisted, unless it were shewn that some injury would result to the Bank from its adoption. The noble lord concluded with moving for a "copy of any notice given by the Directors of the Bank to the public in the year 1817, respecting any payment of their notes in specie; together with an account of the amount of specie which in consequence of such notice the company of the Bank became liable to pay, and the amount actually paid, to the latest period the same can be made out."

The *Chancellor of the Exchequer* said, the noble lord might easily have anticipated his objections to this motion, if he had recollected the grounds upon which he resisted a similar motion in the course of the last year. Those grounds were, that nothing would be so unadvisable on the part of that house, as to interfere with the conduct of the Bank in a case of this nature; that such interference was of all things most likely to derange the proceedings of that body, and to impede those preparations so essentially necessary for that final resumption of cash-payments, which it was the wish of that house, and of the country, to witness.—Yet the noble lord would deem it safe and convenient to bring those preparations into general notice, and for what purpose he could not divine. The best plan to pursue, was, to allow the Bank to proceed silently and cautiously in the progress of its preparations. That it had taken up a vast number of notes, and issued cash to a considerable amount, in consequence of the notices referred to by the noble lord, was a fact which, he presumed, no one would venture to deny. It was also indisputable, that those notices were issued with a view of paving the way for the complete resumption of cash-payments. With respect to the circumstances which had since occurred, or which were likely to occur, to postpone that resumption, he was not then disposed to enter into them, but he would maintain, that the Bank had, in the notices alluded to by the noble lord, given a pledge of its sincerity, and preparation to resume cash-payments. The Bank, then, was intitled to confidence for the rectitude of its conduct, and the candour of its disposition, to comply with the wishes of parliament and the public, as soon as it should be deemed advisable to remove the restriction. He could not, therefore, sanction any measure which implied doubt as to this institution, and he felt it his duty to oppose the motion.

Mr. *Grenfell* observed, that this motion was more interesting to the cause of the Bank than to that of the public; and, therefore, he was surprised to find that no director had risen to speak upon it, especially as he had lately seen no less than four directors in the house. But he remarked, that the Chancellor of the Exchequer was always ready to step forward as the champion of the Bank, without the aid of a single speech from any of the directors of that institution; of the votes of all of whom, however, he was of course fully assured, especially upon any question connected with their own interest. The right hon. gentleman had had those votes whenever he (Mr. G.) brought forward any motion with respect to the Bank. But the right hon. gentleman was not ungrateful, for when he (Mr. G.) objected to the allowance of half a million per annum to the Bank for performing the office of bankers for the public, and also to the grant of 300,000*l.*, for managing the payment of the interest upon our public debt—when he protested against such improvident, such inordinate grants, the Chancellor of the Exchequer always stood forward as one of the contracting parties, urging that, whatever the members of that house, or the people of the country, thought of these grants, the Bank rendered such services to the public as formed an ample compensation; but what those services were he had never accurately defined. As to the motion of his noble friend, the Chancellor of the Exchequer's objections were the same, he perceived, as those which he had advanced to a similar motion in July last. The case of the country, as well as of the Bank, was, however,

rather different at the present time. The Chancellor of the Exchequer observed in July, that to accede to the motion would only serve to gratify an idle curiosity, as the Bank had virtually resumed its payments in cash. But this was a statement which the right hon. gentleman would hardly venture to make on the present occasion. The motion of his noble friend, against which the right hon. gentleman had advanced neither fact nor argument, was such as the house ought to adopt, especially with a view to obtain such information as was peculiarly necessary to guide its judgment on the subject of the resumption of payments, on the 5th of July next.

The house then divided.

Ayes	11
Noes	34
Majority	23

Mr. *Tierney* then rose and said, he did not intend to enter at length into the grounds of the motion, of which he had given notice, respecting the amount of Bank notes in circulation. The house had already before them an account of the outstanding notes to the 3d of February last; he meant now to move for a similar account for four weeks more, down to the 3d of March. His reason was, that he was anxious, if possible, to see his way upon this subject. He should refer the points connected with the general management of the Bank, and involving the whole question of the resumption of cash-payments, to a future occasion, and a fuller house. But, unless gentlemen had made up their minds upon the subject, and were satisfied that cash-payments would not be resumed at the period fixed by parliament, they must feel an impatience to see whether, during the interesting period between this and the 5th of July, the Bank would do all that was possible for the purpose of resuming cash-payments. The Bank might be collecting great quantities of gold. He had no doubt that they were doing so, but the great increase of notes might counteract their efforts. He believed most sincerely that many, very many, of the Bank directors were anxious to prepare for the resumption of cash-payments. He believed this to be particularly the desire of the governor of the Bank (Mr. Harman), a gentleman of great experience and high character, a thorough bred English merchant of the old school, who knew the value of a wholesome state of the circulation to the commercial world. It was a most singular thing, that the right hon. gentleman, too, in the month of June last, had most peremptorily affirmed that there was not the smallest doubt of the Bank resuming cash-payments at the period fixed, and that it had virtually resumed them at that time. Now, if the Bank were really to resume cash-payments, it could not be doubted that a considerable reduction must be made in the number of their notes in circulation. Two opinions could not exist on that point. That, then, was the cause of his alarm. He felt that it would be inconvenient to withdraw a large proportion of notes suddenly from circulation, and he should deprecate, therefore, any sudden and extensive reduction in the quantity circulated. He was anxious not to be misunderstood on this point. If, on the 5th of July, the Bank should be obliged to withdraw one half of their notes, in order to resume cash-payments, he should be very sorry that they should be obliged to withdraw so much. But, to prevent the necessity of withdrawing any large quantity of notes, it was reasonable to expect that they would gradually withdraw, that they would gradually narrow, their issue of notes. If, then, the intention of resuming cash-payments were really entertained, some reduction in the issue must have taken place. How must the house be surprised to find, that they had acted in a manner directly contrary to this natural expectation, and that, in six months after parliament had been prorogued—that is, from July to December last—they issued more notes than had previously existed for several months. This would appear by looking at the issues for the last eighteen months, taking them in three periods of six months. The issue was,—

From July to Dec. 1816, 26,300,000*l.*
From Dec. to July 1817, 27,400,000*l.*
From July to Dec. 1817, 29,256,000*l.*

He was happy that he had made this statement in the presence of hon. directors, who would explain this extraordinary increase of issue, when a decrease was so reasonably expected. There was an increase of not less than 2,000,000*l.* in twelve months, and during the time that such strong assurances of cash-payments were given. How could they have acted more dexterously, if their object had been to prevent the resumption of cash-payments? Some gentlemen would explain this proceeding. The Chancellor of the Exchequer had said, that nothing in the state of the finances at home would prevent the resumption of cash-payments. Would he now say that this increased issue was not of the greatest use possible to his plans of finance? Would he say, that it did not contribute most materially to enable him to make the flattering—(he did not wish to use an invidious term)—the flattering statements he had brought before the house? Would he say, that he could have made his arrangements respecting exchequer-bills, if this increase had not taken place? The extraordinary issues of the Bank were either in accommodation to the government, or to the public, or (a third purpose which he was scarcely at liberty to mention) to purchase exchequer-bills. They had accommodated government with ten millions; but 19 millions of their issue in the last six months still remained to be accounted for. Was the increase, then, for the accommodation of the public? It evidently was not; for the amount of discounts was from 1,500,000*l.* to 2,000,000*l.* This was easily accounted for, as the rate of interest at the Bank was so high

as five per cent., while the rate of interest elsewhere was lowered by the immense issues of the Bank. This subject was not very entertaining at that hour of the night, and in so thin a house; he would, therefore, abstain from going into all the points connected with it; but there was one point which he would mention, and which he begged the house to attend to; it was, that it became very necessary to watch the Bank. They increased their issues so enormously, either to amass profit to themselves, or to accommodate the government. If they had entertained any intention of resuming cash-payments, some reduction would have been observed in their issues during the last four weeks, and would be found in every period of four weeks till the 5th of July; for he would call for similar accounts at the end of every four weeks, and if no reduction took place, he would bring the subject in a different form before parliament. The danger of foreign loans was not the object of inquiry. His object was to restore the circulation to a wholesome state. If, during the restriction, notes were issued with moderation, and as the state of the country warranted, he should have no objection to it. No man could be desirous of hoarding guineas while there was no panic in the state. But restriction led inevitably to profusion and ruin. He most confidently affirmed, that the personal property of this country was in the greatest jeopardy. This was not a hasty opinion; it was the result of much discussion, of mature deliberation, and long time devoted to the inquiry. He was fully convinced that some dreadful calamity was inevitable, if the present system of finance were persisted in. He did not allude to the extraordinary fluctuations of the funds, and other interesting sources of alarm which the country owed to Mr. Pitt. The whole question was, whether the notes circulated in this country could ever become convertible into metallic currency. The Chancellor of the Exchequer had said, with a due quantity of parentheses, that it would be no inconvenience to the government, if the Bank were to resume cash-payments. But let the Bank, then, state to him, why they had increased their issue. If no explanation were given; if the Bank remained in profound silence, sheltering themselves under the right hon. gentleman's majority of votes, and leaving him to fight their battles, he must suspect all that could be suspected. Just at the moment when reductions were expected, they had increased their issue, and thus created an insuperable bar to the resumption of cash-payments. The right hon. gentleman concluded by moving for "an account of the total weekly amount of Bank notes and Bank post bills in circulation from the 3d of February to the 3d of March 1818; distinguishing the Bank post bills, the amount of notes under the value of five pounds, and stating the aggregate amount of the whole."

The *Chancellor of the Exchequer* said, he did not intend to oppose the production of this account, nor did he think the present a fit period for entering into a consideration of the general question. He should only say, therefore, that he agreed for the most part with the principle maintained by the right hon. gentleman, that the reduction of the issues of the Bank was a necessary means and preparation for enabling them to resume their cash-payments. He had some limitations, however, to suggest to the broad proposition that it was the only means, which limitations had been very clearly explained in the work of a deceased friend both of his and of the right hon. gentleman—he meant the late Mr. Henry Thornton.

Mr. *Manning* denied that the Bank had ever sought to shelter itself behind the Chancellor of the Exchequer. The directors were prepared to justify every part of their proceedings. The right hon. gentleman had accused the Bank of enlarging their issues immediately after the last session of parliament, as if the operation of the funds, and the payment of the public dividends in July last, did not sufficiently account for an increased quantity of paper in circulation at that period. He could not at that moment, not having expected to hear the right hon. gentleman's statement, mention the other circumstances which might have contributed to an extension of their issues; but he disclaimed, on the part of the Bank, any wish to extend them at that particular time. He had no intention to oppose the motion, and had never, when filling the chair of the direction, been averse to afford the house all the information which, in its vigilance or jealousy, it might require.

Mr. *Grenfell* remarked, that the increased issues alluded to by his right hon. friend had taken place, not at one period, but had continued during the whole half-year ending in December of last year. The average circulation for that period exceeded by a sum of between 2,000,000*l.* and 3,000,000*l.*, the average circulation of the corresponding six months of the year preceding. He would go further, and assert, that the amount of circulating paper issued by the Bank of England for the last six months, was greater than at any former period of equal duration since the year 1797. He wished the house to understand that the extent to which gambling in the funds was carried on at the present moment was without precedent or parallel. (*Hear, hear.*) He did not say that the right hon. gentleman was desirous of producing such an effect; but the system on which he acted had an inevitable tendency to create and encourage the evil. It had, in fact, caused a greater degree of fluctuation in the value of the funds than had ever before been known; and it might be traced in some measure to the uncertainty that existed on the subject of renewing the restriction act. He entreated the right hon. gentleman to put an end to this uncertainty by openly declaring his intentions, or, if the event depended on a contingency, to state what that contingency was. It was due, in justice to the public, that those who stood nearest

to the right hon. gentleman should not, by becoming first acquainted with the secret, possess themselves of very considerable advantages. The right hon. gentleman was a moral man, and, he was sure, was not aware of the effects of the present vacillation of the funds, or of the number of those who daily became its victims. The same uncertainty prevailed with respect to the right hon. gentleman's plan of finance for the year, and whether it was in his contemplation to fund exchequer-bills. He could not conceive any adequate reason for all this concealment; and he again entreated the right hon. gentleman, either now or at some early opportunity, to give the public some information on the subject.

The *Chancellor of the Exchequer* said, he felt himself called upon to say a very few words, after what had fallen from the hon. gentleman. He denied, and challenged the hon. gentleman to shew, that any thing he had ever uttered with relation to the finances of the country, had led to the encouragement of gambling in the funds. He likewise denied that any persons had received, or would receive, private information from him of what financial arrangements he proposed to submit to parliament for the service of the year; and he treated the insinuation, therefore, with the contempt which it deserved. (*Hear, hear.*) He did not think it consistent with his public duty to make the disclosures suggested by the hon. gentleman, and he should leave it to the house to judge, whether he was not more likely to promote gambling by any premature or partial declarations than by preserving a perfect silence on the subject.

Mr. *Tierney*, in reply, observed, that the country was entitled to look to the Bank for the protection of its currency; it was the condition of their charter, and the tenure by which they enjoyed all their advantages. If he should, therefore, observe, that they failed in making those timely and gradual preparations which alone could enable them to restore the circulation to a sound state, his only course would be to draw the attention of the house and the public to their conduct. He should then contend that the Bank had forfeited their claim to any further confidence. The hon. director (Mr. Manning) smiled, but he must repeat, that the Bank were, on this question, bound to act separately and independently of the right hon. gentleman (the Chancellor of the Exchequer). If the Bank neglected to take those necessary and precautionary measures which must precede their return to cash payments, happen when it might, the responsibility would belong to them, and not to the government. With regard to foreign loans negotiated in this country, it could not be pretended that they would be facilitated by the resumption of cash-payments. The house certainly did not know how far the right hon. gentleman might wish to see our allies accommodated; but however that might be, with this the Bank had nothing to do. They had a plain, simple course to pursue. He could not help thinking that the hon. director, who had twice passed the chair, must, with his experience, be able to state the cause of the increased issues subsequent to the last session of parliament. As he would not, however, give any reason, he (Mr. Tierney) must find one for himself. He entertained much private friendship for the hon. director, but he could not forego his public duty; and if he should find in April next that the Bank were still proceeding in their present career, he should move certain resolutions, declaratory of the opinion of parliament, for the purpose of giving that security to the property of the country which he conceived it would, under such circumstances, require.

Mr. *Grenfell*, in explanation, observed, that he had not imputed, or meant in the most distant way to impute, any corrupt or dishonourable practices to the right hon. gentleman (the Chancellor of the Exchequer), of whose personal purity no man was more satisfied than himself.

The motion was then put, and carried.

Ways and Means.] The house went into a committee of ways and means. The account of Exchequer bills issued under act 51 Geo. 3. (presented on the 12th of February) was referred to the said committee, and the following resolution was agreed to. "That, towards raising the supply granted to his Majesty, there be issued and applied the sum of 21,448*l.* 12*s.* 6*d.* paid into the Exchequer, pursuant to an act of the 51st year of his present Majesty, for enabling his Majesty to direct the issue of Exchequer bills to a limited amount, for the purposes and in manner therein mentioned, and which remains for the disposition of parliament."

Copyright Bill.] A petition of the University of Oxford against this bill, was presented, and ordered to lie on the table.

Mutiny Bill.] This bill was read a second time.

Mutiny Act Mistake Bill.] Lord *Palmerston* moved, that the Mutiny Act, 55 Geo. 3. c. 108. be entered as read. This being done, the noble lord brought in a bill "to rectify a mistake in an act passed in the 55th year of the reign of his present Majesty, for punishing mutiny and desertion, and to indemnify certain persons in relation thereto."—Read a first time.

Marine Mutiny Bill.] Mr. *Croker* brought in a bill "for the regulating of his Majesty's Royal Marine Forces while on shore."—Read a first time.

HOUSE OF LORDS.

Thursday, March 5th.

Bank Restriction Act.] The Earl of *Lauderdale* rose to move for a variety of accounts, in order that the house might have before it accurate information respecting the effects of the Bank Restriction, which, in some shape or other, must soon come under discussion.—The noble earl moved first, for an account of the market

prices of gold and silver of different denominations, and the rates of exchange at Hamburgh, Lisbon, and Paris, from the 1st of January 1818, up to the latest time at which they could be furnished.—The noble earl then observed, that there was a difference in the price of Spanish dollars and silver in bars, owing to the difference in the quantity of alloy. The quantity required to the ounce was 480 grains, but there were 20 grains more of pure silver in the ounce of standard silver than in dollars. It was very singular, however, that, according to the accounts which had been presented to the house, the article which had 20 grains less of pure silver should be described as the highest in price. From the evidence which had been given by the refiners, it appeared that the price, however small the difference might be, was invariably regulated by the quantity of pure silver in the ounce; but there was a very suspicious circumstance in the account which had been produced. It appeared that in all the accounts before the bullion committee, the word "standard" had been added to silver; but in the account to which he alluded, the word "standard" had been omitted. There was, therefore, no knowing what degree of alloy the silver in question might contain, and, of course, no means of making a comparison. He therefore moved, that there be laid before the house an account stating the number of grains of pure silver and alloy in the ounce of bar silver and in dollars.

The noble earl then moved that there be laid before the house an account of the average amount of bank-notes, and bank post bills, in circulation during each half year, from January 1797 to January 1818, inclusive.—The whole of these accounts were ordered.

NEPAUL WAR.] The *Lord Chancellor* stated, that he had received a letter from the marquis of Hastings, governor-general and commander-in-chief of his Majesty's troops in India, dated at Cawnpore, in September last, acknowledging the receipt of the Lord Chancellor's letter, communicating the thanks of the house for his conduct in India, (see vol. 1, p. 111), and expressing his high sense of the honour thus conferred upon him.

Ordered to be entered upon the Journals.

INDEMNITY BILL.] The Earl of *Liverpool* moved the third reading of the indemnity bill.

Lord *Auckland* said, that notwithstanding the alterations which had been made in this bill, many of which he acknowledged to be improvements, he could not bring his mind to accede to it. His objections to it appeared to him insurmountable, but he should endeavour to comprise his statement of them in as few sentences as possible. At the same time he must observe, that, great as his objections to the measure were, he did not mean to propose a motion which should be a direct negative to it. What he should recommend was, that the bill be recommitted, with a view to its being divided into two bills in the committee. Only one ground of defence had been laid for the measure when it was brought forward, namely, that ministers or magistrates might have arrested persons improperly, through mistake or from zeal for the public good, and it was proper that parliament should protect the magistrates who had ordered such arrests. As far as this defence fairly went, he should be willing to admit the application of the bill, though he could not but regret that so very small a portion of information on the subject had been laid before their lordships; and that, with regard to the necessity of this protection of the magistrates, their lordships had nothing before them but assumption. The noble and learned lord on the woolsack had, on a former night (see page 678.) supposed the case of a magistrate, dismissing a tumultuous assembly of 12,000 persons; and had asked, would their lordships allow that magistrate to be exposed to 12,000 actions? Now, it so happened, that a magistrate in the situation supposed was already indemnified by the 24th of Geo. 2; for, according to that act, no action can be maintained against a magistrate, unless it be brought within six months after the arrest. If, then, there were any actions which had been commenced within the time specified for such cases, it might be reasonable to call on their lordships to provide for them, but not for others. In fact, nothing could be more absurd and inconsistent than the grounds on which it had been attempted to support this bill. Their lordships had been told by the noble duke who introduced it, that it was a necessary consequence of the suspension of the habeas corpus; but this ground, even after all the explanations which had been given, appeared unintelligible. The defence seemed to resolve into this—that when, in consequence of the suspension of the habeas corpus, a number of arrests had been made by magistrates, the circumstance of those magistrates having acted with a view to the public good under the existing law, rendered it necessary that they should have an indemnity; but, in the preamble of the bill, there was no reference to the acts of the last session, nor to any actions brought against magistrates. The other ground of defence, the necessity of not disclosing information, was equally unstable. It was to the real circumstances of the case their lordships had to look, in considering whether ministers had established any ground for passing this bill. Now, what were the circumstances? A committee of secrecy had been appointed, under the pretence of inquiring into the state of the country, and the conduct of ministers under the suspension of the habeas corpus, but, in fact, with the sole view of stifling all effectual inquiry. What did the report of that committee contain? What could it be expected to contain? When it was brought forward, their lordships had found it merely a sort of newspaper abstract of the proceedings at Derby, terminating with a pompous encomium on the conduct of his Majesty's ministers, and the magistrates who had carried the habeas corpus suspension act into

execution. The bill, however, did not confine its protection to these highly commended ministers and magistrates, but extended the indemnity to every menial agent who had been employed under them, to all the base informers and spies, at whose instigation every act which was really criminal appeared to have been committed. Why were these men to be protected? On innocent men, at least men against whom no charge could be preferred in a court of justice, a mark of infamy was allowed to remain. It was most unjust that this protection should be given to concealed evidence. Such a practice was perfectly hostile to the spirit of English jurisprudence, which required that the accuser should not be heard in secret, but should be confronted with him against whom he brought his charge. This sanction given to secret information was deeply to be deplored, and he almost equally regretted that their lordships had, in the committee, given their sanction to the preamble of this bill, which was so inconsistent with all the grounds on which it was pretended to be introduced, and the purposes to which it was proposed that it should be applied. For these reasons he should move, "that the bill be re-committed."

The *Lord Chancellor* put the question, that the words "now read a third time" stand part of the motion.

Lord *King* said, he thought it necessary to say a few words on the motion made by his noble friend for re-committing the bill. In the shape in which the measure came before their lordships, it obviously extended the protection of indemnity too far, and much farther than any of the grounds on which the bill was pretended to be introduced warranted. In fact, it was proposed to extend indemnity as fully to him who did not deserve it, as to him who did. It not only indemnified the magistrate who had acted in good faith under the suspension act, but the spy who had provoked the disorders which afforded pretexts for that law. That this protection of informers had been in view, from beginning to end, was evident from the manner in which the clause proposed for excepting these persons from the operation of the bill had been opposed and rejected. It appeared clear that it had, from the first, never been intended to confine the bill to ministers and magistrates; but to make it give a sweeping protection to the lowest agents. With respect to the preliminary measure, the report of the committee, which preceded the bill, it was notorious that the evidence on which that report was founded was altogether *ex parte;* for their lordships had refused to refer to the committee any of the numerous petitions presented from persons who stated themselves to have been aggrieved, or seriously injured, by the suspension of the habeas corpus. It was undeniable, that many persons had had to endure solitary confinement for a great length of time. Why did not the committee inquire into their cases? The report of a former committee admitted, that the spies employed to discover treasonable designs had instigated to acts which they were only employed to detect. Did not this warrant the suspicion that many of the persons who complained of the operation of the habeas corpus suspension, had suffered innocently? The last report laid before their lordships stated, that, up to a certain period, it had been intended to bring the persons in custody to trial. He should be glad to be informed, when that intention had been abandoned? He believed that the true reason of refraining to try them was, that ministers had no evidence against them, except what they had procured from their spies and informers. But, after the result of the proceedings on a charge of treason in Westminster-hall, where almost the whole case rested on the evidence of an informer, he did not think it probable that any trial on such evidence could have been again contemplated. The period at which the intention of trying the persons detained had been abandoned, was, therefore, in all probability not very recent. When the bill was in the committee, their lordships had been told, that it was necessary to protect persons who had given information of illegal designs. Here he could not help asking himself, whether he was living in a country governed by law? Was it possible to conceive, that, in England, it had now become dangerous for a man to do his duty to the public? Was it meant to be said, that if a man performed his duty, by giving evidence, tending to the punishment of crimes, he was liable to assassination? To this extent the supposition on which the protection was called for went; but he never could be brought to think so ill of the people of England, as to believe there could be any ground for such a calumny. In what part of the world were witnesses so secure as in this country? Their security rested on a solid foundation—on the publicity of all legal proceedings—on the excellent practice of confronting the accuser with the accused. Witnesses were safe, because there were no secret tribunals to excite the jealousy and indignation of the people. The way to bring witnesses into danger was the very practice which had been resorted to—the throwing a veil over their evidence—the taking of informations without confronting the accuser with the accused. This was precisely the principle on which the inquisition acted. The holy office could, like his Majesty's ministers, assign very plausible reasons for not making public the evidence on which its victims were consigned to dungeons and torments. This principle was the most dangerous ever introduced into this country, and, if allowed to take root, would destroy every vestige of liberty. If bills of indemnity of this sort were to become the consequence of the suspension of the habeas corpus act, a most fatal encouragement to the abuse of power would be afforded. If all the base agents employed during the late unfortunate period, all the infamous spies, were to have protection and

reward, hosts of those iniquitous beings would be created. The country would soon abound with such wretches as that Judkin Fitzgerald of whom their lordships had heard so much. When ministers were asking for the power which was put into their hands, they called upon parliament to give it them upon their responsibility but, after obtaining that power, and exercising it, they shrunk from their boasted responsibility by refusing all inquiry. But this was not all they would, by the passing of this bill, establish a most dangerous precedent, and the act of 1818 would be quoted in support of future encroachments on the law and constitution; for it was impossible that any indemnity of a more extensive and sweeping nature could ever be proposed.—The public had been disgusted within these few days, with reports of persons employed by the police exciting individuals to commit crimes, in order that they might obtain the blood-money consequent upon the disclosure of those offences which they had themselves excited; and what was the difference between the practices of persons of this description exciting others to the commission of offences for the sake of obtaining a reward, and the practices of individuals employed by the government, who excited to acts of treason, in order that they, too, might obtain their reward? When Brock, Pelham, and Vaughan, and wretches of that description, obtained a pardon, was it not to be apprehended that the same crimes would be again excited for the sake of the rewards which their prosecution produced, and if informers, such as Oliver and his associates, were to obtain impunity, would it not be a consequence, that treason would again be excited, and that discontent would be increased? The system of employing spies had led to all the mischief on which this bill of indemnity was grounded: it was that system which promoted the proceedings that were made a pretext for suspending the habeas corpus. To grant an indemnity to such men, must strike at all confidence in public justice, a confidence which greatly, if not mainly, contributed to its support. The suspension was had recourse to last year in a period of profound peace: there was as much reason for its adoption four years ago, when the Luddites were creating disturbances. The only difference between the two periods was, that it was asserted last year, that the disaffected were connected with clubs in the metropolis; but this rested only on the evidence of Oliver, and if his evidence were taken away, there was nothing else to support the allegation. If, then, these spies had promoted the measures that led to the suspension, and if they were afterwards the only evidence on which that suspension was so unnecessarily continued, it became the house, at least, to except them from the operation of the present bill. He doubted not that his Majesty's ministers might be able to bear an inquiry; but unless these informers were excepted from the operation of the bill, it would look as if they shrunk from all inquiry: he should therefore oppose the bill, unless the indemnification were confined to magistrates, and spies were altogether excluded from its operation.

Earl *Bathurst*, after stating the nature of the motion before the house—that it was not to reject, but to re-commit, the bill, for the purpose of dividing it into two parts, so that his Majesty's ministers, and the magistrates acting under them, might be protected, and informers exposed to punishment, or at least be excepted from the proposed indemnity—observed, that the intention of the bill was not to protect informers, but to save his Majesty's ministers from the dilemma of giving up the names of the persons from whom they derived their information, or being obliged, if they refused to do so, to remain without defence. The noble mover himself had no objection to protect the magistrates who had acted conscientiously in discharge of their duty; but let the house look to the other parts of this case. Their lordships were aware that all cases of suspensions of the habeas corpus had been followed by bills of indemnity, and those bills had been granted without an inquiry, or without any appointment of a committee, on the notoriety that the powers granted under the suspension had not been abused. The only exception to this practice was in 1801; and the circumstances of that period were very different from those of the present. At that time there had not been merely a single suspension, but a series of suspensions from year to year; and an inquiry had then been instituted to ascertain, whether the powers confided during so long a period had been properly exercised; and if it was found that no abuses had been committed, a bill of indemnity was considered as the consequence of the inquiry. On the present occasion, the conduct of ministers had been referred to the inquiry of a committee; the committee had found, not merely that no abuses had been committed—the committee did not, as it had been asserted, conclude its report with a few compliments to ministers—but that no warrant had been made out except on information on oath. That was different from the language of the report of 1801. He did not say that this was the standard by which ministers were to be tried, or the rule by which they were in future to guide themselves in the exercise of extraordinary powers: he had reason to know that, in other times, those powers had been exercised on very different grounds, and such times might come again, when it would be impossible for ministers to discharge their duty honestly by such means. It was not, therefore, that he conceived the secretary of state bound to abide by such a rule, but that, abiding by it, he had succeeded in saving the state from all the horrors of anarchy. This afforded the strongest presumption, that the powers confided to him had been well and properly exercised. It had been objected, that the evidence was all *ex-parte*. But, after the report of the committee, were

there any noble lords who would deny that parties had been detained on oath, and that their conduct had justified that detention? Of what, then, did the noble lords opposite wish to be informed? Did they say, that they wished to know the character of those who had furnished information to ministers, that they might then consider whether it were proper to conceal their names? What then, in order to know whether the names of these persons ought to be concealed or not, they would begin by a disclosure of their names! This was extraordinary reasoning indeed. But their real object in wishing to obtain the names of the informers was this:—that they might be able to shew, that, in fact, no traitors and no conspiracy had existed, and that, therefore, the act of last session ought never to have passed. It was not now the time to inquire whether that act should have been passed or not, but whether the powers granted under it had been properly exercised. It was not now the time to inquire whether dangerous designs and treasonable practices had existed, but whether the means adopted to repress them were such as were warranted by the extraordinary powers confided for their suppression. The argument of the noble lord was most extraordinary; for he brought forward facts of the most contradictory nature, to shew that such an act should never have passed. If the act was justified on the ground of disturbances having existed, of what use was the act, said the noble lord, when disturbances had existed four years before, and the same measure was never applied to them? If it was shewn that the country was now restored to a state of tranquillity, the noble lord said, the quietness that now prevails is a proof that the act was uncalled for. If it was urged that trials had taken place, and criminals had been found guilty, those criminals, according to the noble lord, were led into a conspiracy by spies and informers. If the result of some trials had been a verdict of not guilty, the noble lord urged it as a proof that no conspiracy existed. It would be just as reasonable to say, that a verdict of not guilty on a trial for murder was a decisive proof that no murder had been committed by any one. This, then, was the state of the case—the noble lord could not dispute that dangerous designs had been checked in their progress; but he disapproved of the means that had been adopted for that purpose, and, therefore, vented all his invective against the persons on whose information the warrants had been granted; and what did these invectives mean? That if any well disposed, any good and loyal person, knew of dangerous designs and conspiracies directed against the government and peace of the country, it was not his duty to come forward and disclose them as quickly as possible. Would the noble lords opposite say, that when parliament itself found and proclaimed the dangers that were impending over the country, those who were acquainted with the cause and point of danger were not to come forward and disclose all they knew? And if they did come forward, was it not fit that the house should afford them protection? But the noble lord said, "What had they to fear? why not bring them forward, and confront them with those whom they charged with crimes?" Was it nothing to be the object of the noble lord's invective? *(Hear, hear, from the opposition bench.)* Was it nothing to be exposed to all the shafts of disappointed malice, and the revenge of those whose schemes had been disappointed? Was it nothing to be the objects of party-spleen, and victims of a busy malignity? (*Hear, hear.*) It was, indeed, the duty of parliament to afford them its protection—a protection that the ordinary courts of law afforded to common informers. Another objection had been made by the noble lords opposite, to the practice of a bill of indemnity following a suspension of the habeas corpus; and their objection was this—"that a suspension was first proposed, and in order to smooth the way for it, it was held out, that persons in the execution of extraordinary powers were to be restrained from exercising them in an improper manner, by the responsibility they were subject to; but this was all nugatory, if a bill of indemnity was to follow every suspension." To whom, then, were the persons intrusted with such powers responsible? To parliament—to parliament that gave them the powers—to parliament that would not have given them, unless they had been necessary, but which would certainly protect those whom it entrusted, whenever it was necessary. It was in the full confidence that this protection would be afforded if they conducted themselves properly, that ministers ventured to exercise the powers intrusted to them; and the apprehension that such protection might be refused, if their conduct would not bear inquiry, prevented the commission of any abuse. Their lordships knew that they had given their sanction to such measures over and over again; but their doing so had never injured the liberties or prosperity of the country. And why? Not because the men to whom such powers had been committed were men of extraordinary forbearance or goodness; no! they were but men, and, as such, subject to all the infirmities and weakness of their fellow men: but the reason that they did not abuse the powers intrusted to them was, that they were responsible to parliament; and if they failed to exercise those powers in a proper manner, they knew that no protection would be given to them. The practice of passing bills of indemnity shewed the necessity there was for so doing, and that necessity shewed the responsibility of those for whom they were passed. If they were not responsible, it would not be necessary to pass a bill of indemnity. As he did not perceive any argument against the bill in all that had been urged, he could not possibly accede to the motion made by the noble lord.

Earl *Grosvenor* said, the noble earl who had

just sat down, had taken a great deal of pains to justify the employment of spies and informers; but whatever the noble lord might urge on that subject, he did not expect that, in defending the practice, he would have deemed it expedient to attack the laws of his country. (*Hear, hear.*) His lordship had stated, that informers were heard and protected in the ordinary courts of law. Now, no person whatever came forward with the hope of reward, but his evidence was always received *cum grano salis*. It was true that informers were protected in the courts of law, but they were not concealed. (*Loud cries of hear.*) The noble lord was not more happy in his argument, that warrants had only been granted on information on oath, than in his attempt to shew that the evidence laid before the house was not *ex-parte*. The noble lord stated, that the information had all been on oath, and that this was not the case in 1801. But how did the house know that? Who had been examined to the fact? Supposing that the information was all on oath, was not that of itself *ex-parte* evidence? There was no opposing testimony, no examination whatever of the other side of the question. He had great pleasure in supporting the motion of his noble friend, and he thought it afforded the most intelligible way of discussing the merits of the bill, if it must be discussed at all. For himself, he had but one opinion—that of decided hostility to the whole measure, and he begged to enter his solemn protest against it. He did so because he was satisfied that the measure, connected with all that had been done during the last twelve months, struck most deeply into the constitution and freedom of the country. It cut them up, root and branch, and left them to be scattered by the wind. Their lordships must know the danger and the value of precedents: this would be a precedent relied on, and taken advantage of, in bad times—a precedent to justify the suspension of our liberties in times of profound tranquillity. In ninety-nine cases out of a hundred, precedents were relied on more than any argument; and the noble lords opposite defended every measure by precedent. What, then, would be the case hereafter, if weak and wicked ministers should have recourse to a precedent like this, so fatal to the liberties of the country? It was impossible to appreciate the extent of the danger. He was not prepared to say that such a measure ought never to be adopted. It might be necessary, after times of revolution, as in the time of King William; or in the reigns of George I. and II.; and in the year 1801: but it was not necessary at the present time. Two grounds ought to be shewn for its necessity: first, that there was no vice or infirmity in the original bill of suspension; and, secondly, that a proper inquiry had been made into the mode of exercising the powers granted by that bill.—The noble earl then proceeded to take a view of the reports of last year. Although the *ratio justificativa* of the suspension act was the apprehension of treason; yet the *ratio accessoria* was a wish to prevent all discussions that called for a reform of existing abuses. (*Hear, hear.*) If there really had been a persuasion that any danger existed in the cry for a reform of parliament, the mode of proceeding had not been manly or candid. If the publications on this subject were dangerous, they should have been prosecuted as libels, and proved to be dangerous by a verdict against them. Considerable alarm was excited last year by the reports of the committees, and by the language which some noble lords had employed in that house; but after the first report was published, it soon betrayed its own infirmity. It was found to be defective in one material point—that of the existence of a club in London, with which, it was said, all the minor clubs throughout the country kept up a correspondence. The alarm, however, was so great, that a new order of knights was created. With so many Orders already in existence—the Order of the Garter, the Order of St. Patrick, the Order of the Bath, in all its ramifications, the Order of the Thistle, and the prospect of an Order of the Leek, which, being himself half a Welchman, he should not object to—with so many Orders in existence, the new Order of the Knights of Brunswick was created, under the auspices of the noble secretary of state for the home department; and one of the tenets of their political creed was—that Hampden died a traitor to his country. (*Hear, hear, hear.*) How great must have been the alarm, to stir up such an order! However, the alarm subsided, and it was difficult to find matter for the second report. With regard to the seditious and blasphemous publications, on which so much stress had been laid, he would declare, that he had never heard or seen any thing of them until the trial of Mr. Hone. The jury by whom he was acquitted, looked probably on those productions with the same disgust that was felt towards them in that house; but he thought that it would not be difficult to conjecture the grounds upon which they had brought in their verdict.

The *Lord Chancellor* requested the noble earl to state them.

Earl *Grosvenor* said, he had no objection. The jury, probably, saw that the prosecution originated in a political feeling. (*Hear.*) They recollected that similar publications had, at one period of their lives, received the sanction of some noble lords of that house, and that even if Mr. Hone should fall, he ought not to fall by the hands of ministers: *non tali—debuit ense mori*. Another reason might be assigned. The jury had heard so much all their lives of the importance of looking at the intention of the offending parties, that they did so in this instance; and they thought that Mr. Hone had no intention to ridicule sacred subjects, but to ridicule his Majesty's ministers; that he had no such intention was evinced by his withdrawing the publication as soon as he found it

objected to, and before prosecution. As no law existed against applying sacred subjects to secular purposes, it was very natural that the indecency of such a course should escape the notice of Mr. Hone; and the more so, as the best authority to be found on such a subject (that of eminent divines from the earliest to th latest period) was altogether in support of the practice. He (Earl G.) had been informed, that, in a certain county, where the magistrates took great pains to discover the distributers of blasphemous tracts, the only person whom they detected was a very *loyal* person, whose politics were known to accord with those of the noble viscount on the other side. Two letters were transmitted to the secretary of state, mentioning this fact, but no answer was returned to either of them. *(Hear, hear.)* With respect to the spies, he was ready to prove by the oath of persons ten thousand times more respectable than Oliver, that he and others had been at the bottom of all the mischief that took place. *(Hear, hear, from Lord Sidmouth.)* Would the noble lord deny that Bacon was acquainted with Oliver—Bacon, who was concerned in that transaction for which the unfortunate persons suffered at Derby? After all he had heard last year about the responsibility of ministers, seeing the result to be a bill of indemnity, he was persuaded (however respectable ministers might be) that their wishes were of a most despotic nature. Alarm was excited, and their lordships were told, that it was not from the proceedings of the great, but of the poor, that danger was to be apprehended. Were the indemnities on former occasions accorded from fear of the poor? No! it was the great and opulent, who, in every case, must join to cause any danger to the government. A noble earl had alluded on a former night (see page 589) to the French revolution, for the purpose of shewing the miseries which the lower orders might bring upon a country; but did the noble earl mean to say, that no great persons were concerned in the French revolution? Did he mean to deny that the duke of Orleans was concerned in it? The French revolution was not to be attributed to the violence and power of the lower classes, but to the weakness of a corrupt system of government. *(Hear, hear.)* Such would ever be the case when oppression compelled society to redress itself. There was not a despotic government in Germany which trampled on the little court of Saxe Weimar, that would not one day or other, if the same system were persevered in, share the same fate. They might flatter themselves that the day-star of liberty had set for ever, but it would reascend, and shed its influence over the oppressed.

> " Fond impious man, think'st thou yon sanguine cloud,
> Rais'd by thy breath, has quench'd the orb of day?
> To-morrow he repairs his golden flood,
> And warms the nations with redoubled ray."

It had been a most unfortunate thing for this country to be so closely connected with those despotic governments; it led to despotic ideas, and a most expensive and unnecessary increase of our military force. Being perfectly convinced that the object of the noble earl was to promote the establishment of despotic government, and seeing that no case had been made out for the bill before the house, he cordially supported the motion of his noble friend.

The *Bishop of Exeter* expressed his surprise at the levity with which the noble earl, who was always considered a serious character, had treated the subject of those productions which had excited the disgust of every well-wisher of the established church. It was not necessary for him to repeat what the noble earl had said respecting blasphemous publications, nor did it appear to be of any importance to consider whether they were intended to ridicule ministers or not. If other publications, possessing more point and wit, were directed to a similar purpose, would it be contended, that therefore the present attempt to bring our sacred book, and our sacred liturgy, into disrepute, was justifiable? It was a serious calamity that such publications should be treated with levity. They had already done great mischief; but he hoped in God that the progress of that mischief was now arrested.

Earl *Grosvenor*, in explanation, said, that he had expressed his abhorrence of those publications, but he was still of opinion, that the most likely mode of dispersing the parodies throughout the country was that which the ministers had adopted with a view to suppress them.

The *Bishop of Exeter* declared, that, to his knowledge, many of the parodies had been distributed in his own diocese.

Lord *Rolle* assured their lordships, that they were also distributed very extensively in Devonshire. With respect to the propriety of employing spies, he could state, that a plan was laid for the purpose of getting at the arms of his regiment, which would probably have succeeded if it had not been for the intelligence of spies. If some strong measure had not been adopted, greater evils would have occurred: and if the ministers were answerable for any fault during the late transactions, it was, in his judgment, the fault of too much mildness.

The *Lord Chancellor* said, he doubted whether the speech of the noble earl (Grosvenor) contained a single argument that was applicable to the question before the house. He had himself in former periods of trouble endeavoured to do his duty to the country at large, and he had no hesitation in stating to the noble earl, that there were some rich persons of whom he was much more afraid than of the poor. Would the noble earl contend, that blasphemous publications should be permitted not only to disturb the minds of the well-disposed, but to threaten the altar and the throne, merely because there was a chance that their prosecution would have the effect of disseminating them more extensively? He had felt it his duty to say those few words, because he had lived in times when he was under the necessity of counteracting by prosecution, not libels

against ministers in their public or private character, but a system of libelling calculated to destroy the whole character of our constitution and laws. That circumstance had led him to consider more minutely the conduct of the present law officer of the crown, who had in the most exemplary and faithful way discharged his duty, and who, if he had abstained from any one of the steps which he was known to have taken, would not have deserved the commendation to which he was now entitled.

The Marquis of *Lansdown* said, he could not refrain from troubling the house with a few observations to call back its attention, after the digressions into which some noble lords had wandered, to the main point under consideration. He hoped this would be the last time that he should be called upon to discuss measures like those which had been followed last year, and like that which was now before their lordships. He would state the grounds of his opinion as briefly as possible, and without traveling into those subjects which had been introduced into the discussion, but which he thought extraneous to the question. His noble friend behind him (Lord Auckland) had stated the best and only mode of proceeding which the house ought to follow; and he begged to draw back the discussion within the line which he had marked out. He was not then prepared to deny, that, after the measures which were pursued last year; after the legislature, judging from reports of its committees, that the public safety was in danger from conspiracy and treason, had invested ministers with extraordinary powers to prevent the mischiefs apprehended from those sources; a bill of indemnity, with certain limitations, and applying to certain cases, might not upon due inquiry and investigation be found proper and defensible, to protect them from the consequences of having executed their trust. He would not state it as a broad principle, that no indemnity should in any case be granted, or that, in the present instance, facts might not be brought forward to warrant such a proceeding. He allowed, that after such extraordinary powers as last year were conferred by the legislature had been put into the hands of ministers, parliament should strictly watch the manner in which they were exercised; should follow the government, step by step, in the execution of them; and if it found that they had not been abused—that no person had been arrested or imprisoned without a strict necessity—that though illegal acts were committed, they were necessary for the public safety—then it should grant protection to those who, in the discharge of their duty, might have been led to a breach of the law; but though he made this admission, he was not obliged to go all the lengths which the noble secretary of state opposite (Earl Bathurst), his noble friend, if he would allow him to call him so, had proceeded. He could not go to the extent of granting the noble secretary a shield to hold up, not to cover one man, who, in doing his duty, had transgressed the law—not to secure one case from legal investigation, where a suit might lead to the disclosure of information which ought to be concealed—but to protect all men who had acted under the suspension act, to prevent all suits, and to bar all redress without previous examination or inquiry. The language of his noble friend was, that the house should protect all informers; and he had asked, who would give information, except under assurance of protection? But against what were they to be protected? Why, against the taunts and reprobation of his noble friends! It should not, however, have escaped the noble secretary, that, in thus demanding a general protection to all persons of this kind, he was making no distinction between their character or motives, and shielding equally those who gave false, and those who gave true information; those who propagated malicious calumnies, and those who, from a sense of duty, transmitted to government what they thought important evidence. It should not have escaped him, that he was thus endangering government itself, by exposing it to receive falsehoods, and unfounded rumours, as truths: in extending equal impunity to those who abused its confidence, and those who contributed to its safety, he held up a shield, not between the true informer and unjust persecutor, but between the false informer and the laws of the country. He ought to remember, that he was thus allowing groundless aspersions and malignant calumnies to be propagated with impunity—that he was shielding those who acted from the worst motives, as well as those who acted from the best. The danger of this principle was so manifest, that it was found in no precedent before that of 1801. It emboldened informers, and made government itself their dupe. Those who employed them could not judge of their motives; and if the protection of a bill of indemnity was thrown over them, to secure their conduct from legal investigation, there were no means left of detecting their real characters. Hardened in their crimes, they could see their victims suffering under their malignant calumnies, without the means of redress, or without a possibility of giving that publicity to the machinations of their enemies, which was the greatest source of protection to the injured honour of individuals. The laws of this free country required that those who advanced charges should be called upon to support them, and not to shrink from their avowal without suffering the consequences of their secret malice. If protected against this avowal; if secret information was encouraged and acted upon, this country would become like Venice and other states, which acted on a dark and secret policy. The glory of the English law, and the frank character of the English, would entirely disappear, and no security could be expected for the administration of justice, or the enjoyment of freedom. Inconveniences might, in particular cases, result from our present system of publicity, but he was convinced that

no man, who had a just sense of the blessings which it conferred, would hazard its existence for the inconveniences with which it might be accompanied, or shrink from the avowal of information which a sense of public duty compelled him to give, whatever might be the consequences of an unreserved disclosure. With these opinions, he could not but implore their lordships to consider what might be the consequences of the present bill, and what successive exceptions they were making in English law. For this reason, he had stated the observations with which he had troubled the house. He did not deny that a bill of indemnity might not be passed in certain cases, but he begged their lordships to consider well the steps by which they proceeded to such a conclusion. He remembered, that a great orator, and an able statesman (Mr. Windham) had, on one occasion, warned the members of the House of Commons to take care, not only that they were convinced, but that they came fairly and honestly by their conviction. He now made the same request to their lordships. He called upon them to refer to the report on which the bill was grounded, and on which, before amended, it was framed; and then to consider the bill in its amended state. It now included a principle, which was not in the report, that it was necessary to indemnify persons for illegal acts; whereas formerly it was said, that no illegal acts had been committed, and that the bill was only intended to protect individuals from suits who, in their defence, might be under the necessity of producing information which the public interest required to remain concealed. He would ask the house, whether a new principle of this kind should be suffered to pass without further inquiry, without knowing what illegal acts were alluded to, without examining what had been done by the magistrates; whether they deserved indemnity or not, and whether their conduct in breaking the law was warranted by the circumstances in which they were placed? Such a sweeping clause, so contrary to the report, should not be allowed by their lordships. If the illegal acts referred to were the dispersing of tumultuous assemblies, or the interruption of meetings of conspirators, what could be the danger of disclosing them to the public, and allowing the fullest investigation? The clause should, therefore, be taken out of the bill, and the acts alluded to made the subject of inquiry as public and notorious as the conduct of the magistrates was, who had dispersed those assemblies. The public mind would be easily satisfied of the propriety of their conduct, as there was no prejudice in favour of meetings by which the tranquillity of the country was threatened. This laid the ground for the proposition of his noble friend (Lord Auckland) who moved the amendment. It was the more necessary to obtain delay for consideration, that the present extraordinary measure might not be drawn into precedent. Believing, as he did, that the suspension act had passed under circumstances never before heard of as warranting such a measure, or rather in the absence of all the circumstances on which it was formerly at any time justified; in the absence of foreign war, or general domestic disaffection; when the great body of the people were confessedly untainted, and when those who were said to be disaffected were without leaders to conduct them to mischief; he thought that the history of the last year laid the house under an additional duty not to establish a precedent like the present, but to guard and fence it round with caution, to pay all due regard to public opinion, and to use every kind of reserve and specialty, that the example might not be resumed on similar occasions. A great political authority had said, that the great danger which threatened the constitution of this country arose from the influence of the executive over the legislative authority: and if, in any case, this influence was dangerous, it was in that, like the present, where the question turned neither upon the army, which was always placed at the disposal of the crown, nor the exercise of any of the ordinary and legitimate privileges of the government; but where the liberty of the subject was placed at its disposal without reserve, and the rights of individuals were invaded without redress. He had freely stated his opinion, and he implored their lordships to consider well the steps which they were pursuing. He was not prepared to say that severe proceedings might not have been necessary, and that a bill of indemnity might not be justified to a certain extent; but he thought that inquiry should precede it. The amended bill contained two principles: one, to protect those who had committed illegal acts, and the other, to shield from disclosure the information which had been transmitted to government. The former had been introduced at a late period, and without any previous investigation. He should, therefore, support the proposition of his noble friend, that time might be obtained for inquiry, that full justice might be done to the subject who was aggrieved, and due protection extended to the magistrates who, in executing what they conceived to be their duty, had transgressed the law.

The Earl of *Westmorland* said, the noble marquis must have overlooked the earlier clauses of the bill, or he would have been aware that its general tendency, as well as the direct tendency of the clause introduced by his noble and learned friend (the lord chancellor), was to protect persons who might have gone beyond the legal discharge of their duty. The bill of last year, for suspending the habeas corpus, founded on the reports of committees, composed of individuals of every party, was passed by a great majority of both houses. What did the noble lords opposite object to the present measure? They said, that the suspension of the habeas corpus was unnecessary, and that the insurrections and conspiracies which had existed, might have been put down without it. He concurred

entirely in that opinion. He fully believed that those conspiracies and insurrections might have been put down by the executive government without the extraordinary powers given to it. But had the noble lords calculated how much murder, bloodshed, and devastation, might in that case have occurred? Had they considered how many brave soldiers might have fallen, or, if that were of little importance, how many of the deluded individuals themselves might have perished on the scaffold? It was mercy, and justice, and wisdom in the legislature to prevent such evils. Who could say to what extent the mischief might have proceeded, even had it been eventually checked, if parliament had not enabled the executive government to make the exertions which it had made? But their lordships had been told, that all the disaffection which had manifested itself in the country was the work of spies and informers. It happened rather unluckily for this assertion, that Castle, one of the persons alluded to, had no communication with the leaders of the party respecting which he had subsequently given information, until three weeks after some of their most violent acts; and, with respect to Oliver, what took place in the country had been distinctly predicted long before he was taken into the service of government. Spies and informers had from the earliest periods of history been the objects of popular dislike. But he believed, that no government had ever existed by which they had not been used, and that hardly any conspiracy or treason had ever been detected and punished without their aid. He would not argue whether or not the nation at large owed gratitude to such persons, but this he knew, that many individuals were greatly indebted to them for opening their eyes, and shewing them that those whom they were protecting under the supposition that they were honourable men, were rank traitors. He was very willing to allow, that a bill of indemnity was not a measure that followed of course the act of last session. But it should be recollected, that when the legislature gave to the executive government extraordinary powers, it was the duty of that government to exercise them. It was the imperative duty of the secretary of state, if he felt the exercise of the extraordinary powers vested in him to be necessary to the security of the country, to put them into execution. But would parliament invest any man with power, and then leave him subject to prosecutions and persecutions for the remainder of his life, for having exercised it? Was it possible to suppose that the legislature of this country would leave a servant of the country in such a state? And if parliament were bound, under such circumstances, to protect the secretary of state, they were equally bound to protect the magistrates, and to protect those from whom information of the designs of the disaffected had been obtained.

The Earl of *Carnarvon* said, the most extraordinary propositions had been urged on the other side. Was this a country whose constitutional laws enabled the inhabitants of great towns to meet at pleasure, to petition the sovereign, or parliament, or either of them, for the redress of grievances, real or imaginary? If such an assembly were collected, was it illegal? Were the magistrates justified in putting it down? Such a meeting, it appeared, had been called at Manchester, and he did not know whether or not it was an unlawful assembly: but he would suppose it to be unlawful. Here, then, there was an unlawful assembly, which the magistrates had put down: but, as far as respected the indemnity which ministers now proposed, their lordships ought to understand whether those magistrates had not exceeded their powers, and whether they ought to be protected, or punished for the excess. He maintained, that the house had no information on this subject, and that they were not in a situation to proceed on the allegations of the bill. In the committee he endeavoured, when he thought that they might understand the motives of the bill, such as they were represented to be, to limit it to this extent—that no plaintiff should be barred of his right of action, unless the secretary of state, upon due notice being given to him, returned an affidavit upon oath, that the public interest demanded a concealment of the information on which the defendant had acted, or the warrant of arrest was issued. As the bill now stood, with that new proposition interlarded which ministers seemed not to have dreamed of before, he meant that which referred to illegal acts, it would be vain for him to hope, by such an amendment, to make any sense of the clause. He had now only one course to adopt, which was, to give his negative to this bill. He considered it as a precedent more dangerous to the liberties, the happiness, and the security of the nation, than any of those disturbances would have been, which the noble lord said, if suppressed by the ordinary operation of the law, would have deluged the country with blood. In his conscience, he believed, that it was calculated to undermine and destroy the constitution of the country. Whatever the noble lord and his colleagues might be disposed to think of this measure, was it not telling the people, that, on all slight occasions, the constitution of England was inadequate to the protection of the country? This was a subject of grave consideration, and it behoved their lordships to weigh it seriously. In his view of the case, it would be far better to teach the people to love and to cherish that constitution which had been the admiration of the world, and without which we could not hope to preserve our importance abroad, or to secure our happiness at home. When the measures arose which were said to have produced the suspension of the habeas corpus, he was at a distance from the country, and he heard with anxiety and alarm of what was going on. But whether it was, that, being removed from the scene of apprehended danger, he was less alarmed than

many of their lordships, or whether it had arisen from something afterwards disclosed in the report itself, he must declare, that he no sooner read the report than he dismissed from his mind all apprehensions with respect to the internal tranquillity of the country. When he read in that report, that there was a systematic plan to undermine morality and religion, and to overturn the constitution of the country, and he was told, that all this was to be done before the 2d of December, he thought it a farrago of absurdity that could alarm those only who did not look deeply into the matter. He then entertained no other fear than that the legislature might be induced to suspend the constitution of the country, and to follow it up by introducing a bill to protect not only ministers, but all the local and subordinate authorities, for acts of violence and oppression. If there were any thing which could make such a suspension of the ordinary laws palatable to him, it must be the responsibility of those who were to exercise such extraordinary powers; for, in his mind at least, in proportion as the power was greater, in equal proportion must the responsibility increase. The report of the committee was the most meagre of any reports that had ever been laid on their table: it did not establish any ground for the measures that had been adopted; but it gave rise to many new principles, which, if sanctioned by the house, would inflict a more fatal wound on the liberties of the country than it would have sustained by any of those dangers which noble lords opposite had painted in such glowing colours. Government had derived little strength or benefit from the suspension of the habeas corpus act. The fact was, that all the persons who had been tried were brought to trial within the period at which they had a right to be tried by the ordinary course of law, and all the advantage that government had enjoyed from the suspension was, the power of detaining thirty-seven persons in custody beyond that period which would otherwise have been legal, an advantage against which was to be set all that the constitution had suffered. Upon the whole, he felt it his duty to vote for the amendment of his noble friend; and if that were rejected, he should move that the bill be read a third time on that day three months. (*Hear, hear.*)

The amendment was then put, and negatived without a division: after which, their lordships divided on the motion of the noble earl, that the bill be read a third time on that day three months.

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The bill was then read a third time and passed.

The following Protest was afterwards entered on the Journals of the House against the Bill.

Dissentient,

Because it is manifest that there has been no widely spread traitorous conspiracy, nor even any extensive disaffection to the government, since the secret committee, whose report is the sole foundation of this proceeding, do themselves express their satisfaction in delivering their decided opinion, "that not only the country in general, but in those districts where the designs of the disaffected were the most actively and unremittingly employed, the great body of the people had remained untainted even during periods of the greatest internal difficulty and distress;" stating further as facts, "that the insurgents were not formidable by their numbers, though actuated by an atrocious spirit, and that though the language used by many persons engaged in this enterprise, and particularly by their leaders, left no room to doubt that their objects were the overthrow of the established government, yet that such objects were extravagant when compared with the inadequate means which they possessed; and that not finding their confederates had arrived, as expected, to their support, and that in the villages through which they passed a strong indisposition being manifested against their cause and project, some of them had thrown away their pikes before the military appeared, and that on the first show of force had dispersed—Their leaders attempting in vain to rally them.

2d—Because in such a state of things so consolingly described by the committee, and so almost ludicrously destructive of every idea of an armed rebellion, or dangerous insurrection, more especially against a government supported by such an untainted people, and such an immense military force, we cannot but think that a different and less alarming course ought in wise policy to have been pursued, and that tranquillity might have been equally restored by a vigorous execution of the ordinary laws and the exertions of a vigilant magistracy, without any suspension of the public freedom, since it is the prompt selection and speedy execution of a few palpable offenders, rather than delayed proceedings against numbers upon doubtful testimony, that invest the courts of justice with a salutary terror and force.

3d—Because the departure from this just and judicious mode of proceeding, gave an indiscriminate importance to the accused, whilst it exposed the administration of the government to a dangerous disrespect.

4th—Because even when the act of habeas corpus is suspended, none on that account ought to be apprehended upon questionable suspicion, or, to use the language of the report, upon "such expectations of evidence as ministers have unavoidably relinquished," but upon such grounds only as would be just warrants for arrests and trials in ordinary times, the only legal effect of the suspension being that it suspends the deliverance of the accused: we think, therefore, that a general indemnity for such numerous and long imprisonments, ought not

even to have been proposed to parliament, until an open and impartial investigation had taken place.

5th—Because, from the mistaken principle of this bill, malicious and meritorious illegality are equally protected, on the false and unfounded assumption that informations ought to be indiscriminately and perpetually secret; but even if we could agree that whilst traitorous conspiracies are actually in force, and extraordinary powers in action for their suppression, secrecy could in all cases be justified, yet we never could consent to its continuance after order was restored; the laws being then sufficient to protect good subjects for having honestly discharged their duties, and because holding out such general prospects of indemnity is a dangerous encouragement to mercenary informers, who make an infamous traffic in the lives and liberties of mankind, deceiving and disgracing the government, whilst they betray the innocent whom they accuse.

6th—Because it is not the occasional resort to such secret and impure sources of evidence in cases of obvious necessity, but the systematic encouragement of it, which we conceive is sanctioned by this bill, that we protest against and condemn, since the successful prosecutions of the worst traitors and libellers can bring no security to the government of this country, unless the conduct of its ministers and of its parliament, by a faithful adherence to the free principles of the constitution, shall constantly expose the malignity of their treasons and the falsehood of their libellous complaints.

King,	Erskine,
Auckland,	Carnarvon,
Vassal Holland,	Grosvenor,
Lansdown,	Lauderdale,
Rosslyn,	Montford.

HOUSE OF COMMONS.

Thursday, March 5.

Persons arrested for Treason.] A return was presented, pursuant to an address of the 25th of February, of persons arrested, committed, or detained on treasonable charges, in the year 1817.—Ordered to lie on the table and to be printed. (See the Appendix.)

Education of the Poor.] Mr. *Brougham* said, he rose to move the renewal of a committee which had been engaged in a great and laborious investigation, and from which a large body of evidence had already been reported to the house; he alluded to the committee appointed to inquire into the education of the lower orders. The committee had not been enabled to complete their labours before the close of last session; but he had pledged himself to move their renewal at an early period in the present session, that they might lay the result of their labours before the house in sufficient time to admit of some measures being adopted before the close of the session. He had before mentioned some proceedings which the committee were of opinion ought to be taken to remedy the want of education in different parts of the country. They were of opinion, that assistance ought to be given by the public towards the erection of schools in different places where it might be deemed advisable to have them, but that the principle of granting a permanent income either to government or to any society, for the support of schools, ought not to be sanctioned—that where there was a want of school-houses and houses for teachers, means for supplying them ought to be furnished by the public, either by way of loan or otherwise, according to circumstances. It was the opinion of the committee, that a moderate sum of money was all that would be wanted for this purpose. When they considered the great sums which had been distributed in a sister kingdom for education, and that a very large annual grant was given by parliament for this purpose, he hoped they would see the propriety of bestowing some money for a similar object in England. Seldom had less than 40,000*l.* been annually granted, ever since the union, to the Irish Charter schools. How far this money, which was given with so laudable an intention, had been beneficially employed, was very doubtful. Indeed, all the inquiries which he had made into the condition of the Irish Charter schools led him to believe, that, some way or other, either from carelessness or misapplication, those schools were productive of very little good. They received 40,000*l.* from the public, and, from the bequests of individuals, they derived an income of nearly 20,000*l.* more; their whole revenue might, therefore, be taken at nearly 60,000*l.* a year. The house would be very much surprised to learn, that, from this income of between 50 and 60,000*l.* a year, not more than 2,500 children were educated. When he said 2,500 children, he rather thought that he stated the outside of the number educated by these schools. In a report made to the Irish House of Commons, the number of children educated was said to be 2,500, and the Bishop of Raphoe, in a charity sermon, stated them at that number. But when Mr. Howard instituted an inquiry into the subject, he found that the children educated in the Charter schools of Ireland did not amount to one-third of that number. Some reform had been effected since that time, and those schools were now in a better condition; but, he believed, he was stating the outside when he said, that the number of children educated by them was 2,500. To shew the difference between the application of the funds of the Charter schools of Ireland, and the application of a small fund raised by several praiseworthy individuals here, he would state, that with an income of between 5 and 6,000*l.* the Hibernian School Society in London had planted and now kept up 340 schools, while the Charter schools, with an income of 60,000*l.* kept up only 30 schools. The Hibernian School Society educated 27,000 children, while the Charter schools educated only 2,500 children,

with nearly six times their income. Again, nothing could exceed the order, and the cleanliness, of the children educated by the Hibernian School Society, whereas it appeared from Mr. Howard's account, though he believed considerable improvement in that respect had since taken place, that the children educated in the Charter schools were in a most wretched state. It would be painful to himself, and disgusting to the house, to repeat the language which Mr. Howard was compelled to use on this subject. He trusted, that whatever assistance parliament might think proper to give for the promotion of education in this country, would be given with great temperance, and with the utmost precaution. This was a subject to which the committee, after their renewal, would, probably, first turn their attention. They would next have to consider the expense which might be requisite in the first instance, and what part of it might ultimately fall on the country. A very small part of the expense would ultimately rest with the public. There existed throughout the country large funds which had been bequeathed by individuals for all purposes of charity, and particularly for the education of the poor. Those funds had, in many cases, been grossly misapplied; often, no doubt, from ignorance of the best method of employing them. In cases beyond the scope of the committee, it had come to their knowledge, that schools richly endowed in many parts of the country had fallen into entire disuse. For the purpose of investigating this subject, another tribunal ought to be instituted, besides a committee of the House of Commons. A committee of the House could not transport itself from place to place; its powers were limited; and to bring witnesses from different places throughout the country to London, would be attended with great inconvenience and expense. If commissioners or agents were appointed for this business, one journey to the different places would do, instead of bringing witnesses from all parts to London. In many places abuses existed, of which no knowledge could be obtained till persons went to the spot. Two years had now elapsed since this matter attracted the public attention, and hardly a day had passed, during that time, in which he had not received, from one place or other an account of some misapplication—of some schools founded, or meant to be founded, two hundred years ago perhaps, for which purpose lands, yielding a considerable revenue, were bequeathed,—while, in one place, only a few children were taught, and, in another, none. These abuses existed very generally throughout the country. It was highly honourable to the character of the people of England, that such vast funds had been settled for charitable purposes, which were little known in other countries, and not sufficiently looked at here. It was not generally known, that the income of the funds bequeathed for education, amounted to between 2 and 300,000*l.* A sum like this, if fairly employed, would go a very great way. Funds had also been bequeathed for various other purposes besides schools. The house would find that they were but entering on their task; for they ought to inquire generally into the misapplication of all charitable funds; this was a matter of absolute necessity. He, therefore, anticipated a recommendation to parliament, to adopt a plan of education for the poor throughout the country; and, 2dly, the appointment of a parliamentary commission, to investigate into the misapplication of the charitable funds destined for the education of the poor; and it would be extremely desirable, that a similar measure should be adopted for inquiring into the general misapplication of all charitable funds. He had on a former occasion (See vol. I. p. 1776.) stated, that, in a neighbouring county, a school had been established, and richly endowed, to the amount of 1500*l.* a year, which sum had been grossly misapplied; that the clergyman of the parish appointed his own brother to be the schoolmaster, and to receive the salary; but this gentleman being very willing to accept the 1500*l.* but unwilling to undertake any trouble, had appointed as his deputy a journeyman carpenter at 40*l.* a-year. This sum, however, that gentleman was not content to allow, and it was in consequence of an attempt to reduce it lower, that the committee became acquainted with the fact; the rector desiring that the curate should undertake the business as a mere matter of form at 20*l.* a year, to which the curate replied, that if it were a mere matter of form, the rector might do it himself. He had received this statement from a gentleman who appeared to be a clergyman, and he first communicated it to the committee, and afterwards to the house. He had not stated names or places. But a clergyman of Essex had complained to a member for that county, supposing it to reflect on him; and his statement of the matter was widely different from what had been represented: he said, that he taught more than he was bound to teach by the foundation of the institution, and that he employed assistants, one of whom was a member of one of the universities. He (Mr. Brougham) could not say that this was the place meant; but he had heard that, even there, there had been a misapplication formerly, though not in the time of the reverend gentleman. The hon. and learned gentleman said, that he wished to make this statement to the house, and concluded by moving "that a select committee be appointed to inquire into the education of the lower orders, and to report their observations thereupon, together with the minutes of the evidence taken before them, from time to time, to the house."

Mr. *F. Robinson* said, he was well acquainted with the reverend clergyman alluded to; and, on his part, he wished to state, that what had been said by the hon. gentleman was quite correct. This was doing justice to the character and to the feelings of the clergyman, which

were naturally hurt; and who, he thought, would feel himself satisfied by this explanation.

Mr. *Brougham* explained. No injury could be sustained by the reverend gentleman when his conduct must be so well known. He did not see why he should apply the case to himself.

Mr. *F. Robinson* said, that the circumstance of his holding the living called his attention to the subject.

Mr. *Peel* wished to notice briefly the observations which the hon. and learned gentleman had made with regard to the protestant Charter schools of Ireland. The observations of the hon. and learned gentleman were probably made in ignorance of the public documents respecting those schools of a later date than the inquiry of Mr. Howard. He knew not whether he was acquainted with the report of the commissioners of education in 1808. The members of the board of education, and their secretary, had examined personally into the state of the protestant schools, which, up to the time of the rebellion, were in a very wretched state. The contrast which their present state afforded was highly honourable to the masters. At the time of the report in question, these schools had not above 30,000*l.* a year from parliament, and 9000*l.* a year from other sources. It was necessary to state also, when a contrast was made between the numbers taught in the Charter schools and the schools of the Hibernian Society, that the children in the Charter schools were clothed, and entirely supported, as well as educated, and the average expense of each child was calculated at 14*l.* a year. Thirty-nine establishments were maintained in different parts of Ireland.

Mr. *Brougham* agreed that the expense of clothing the children made a great difference, and that some improvements had taken place, but not to the extent that might have been expected. Neither did he think the education so well managed as in the Hibernian Charity schools.

Mr. *W. Smith* thought there were many cases among these schools in which the expenditure could not be equal to the receipts. The estates of many of them had become much more productive. He had heard of a school of which the trustees scarcely knew how to apply their funds.

Mr. *Abercromby* said, if a commission of inquiry were appointed, it ought to be authorized to inquire into the state of charitable institutions in general. He believed that, upon due examination, the house would be astonished to find the extent of waste, misapplication, and mismanagement. He hoped that some member would move for a general inquiry, if a commission should be proposed.

General *Thornton* said, that care ought to be taken to instruct female children in useful work.

The motion was then agreed to, and the committee appointed, with power to send for persons, papers and records. Five to be the quorum; and to sit notwithstanding any adjournment of the house. The reports on education of the two last sessions were ordered to be referred to them.

SALT DUTIES.] Mr. *Davenport* presented the following petition of the nobility, gentry, clergy, freeholders, and farmers of the county palatine of Chester. "That the petitioners have learnt with great satisfaction that the consideration of the salt duties is to be revived in the house in the course of the present session of parliament; that the petitioners humbly submit that the excessive duties imposed upon salt are very injurious to the agriculture, manufactures, trade, and fisheries of this country, and are particularly oppressive on the occupiers of dairy farms, of which the county of Chester is principally composed, and in which the greater part of the salt used throughout the kingdom is produced; that, from experiments already made, the use of salt for agricultural objects is likely to be attended with the most beneficial effects, but the allowance of salt for those purposes granted in the last session of parliament is charged with so heavy a duty, and clogged with so many perilous restrictions, that farmers cannot avail themselves of the liberty offered; that the burthen of the salt duties on the poor is so heavy as to take from the labourer a great proportion of his weekly earnings; that a tax thirty times greater than the intrinsic value of the article taxed, presents to the minds of the poor and indigent irresistible temptations to fraud and theft, and occasions the prevalence of crimes to an alarming and increasing extent: they therefore prayed, that the house would take their case into serious consideration, and grant such relief as to them should seem fit."

The hon. member implored the Chancellor of the Exchequer to take this subject into his serious consideration, and stated, that he could assure him of the truth of all the allegations in the petition from his own local knowledge.— Ordered to lie on the table, and to be printed.

The following petition of the Fish-curers at the port of Leith was also ordered to lie on the table, and to be printed. "That the petitioners have learnt with pleasure that the repeal of the salt duties is again to come under the consideration of the house in the course of the present session; that the numerous provisions and restrictions necessary to render any law effectual for levying a duty on salt, are utterly incompatible with that free and unrestrained use of salt, which is indispensably requisite to the prosperity of the British fisheries; that the grievous prosecutions and exactions to which fish-curers are liable for irregularities unavoidable in the course of their business, have become intolerable, and deter people of respectability from embarking in the trade; that the present is, beyond all former salt laws, inimical to the fisheries, and that unless relief be speedily granted, it must operate the ruin of the British fisheries; that the duty on salt, by holding out temptations to fraud and theft, is extremely injurious to the morals of the

common people at large, and more particularly of the numerous class employed in the fisheries; and that a repeal of the salt duties would have the effect of extending the fisheries, and improving the sea-coasts of these kingdoms in an incalculable degree: they, therefore, prayed the house to take their case into consideration, and to grant such relief as to them might seem meet."

MUTINY BILL.] This bill was considered in a committee, and ordered to be reported to-morrow.

MUTINY ACT MISTAKE BILL.] This bill was read a second time, and committed for to-morow.

LEATHER TAX.] Accounts were presented (pursuant to an order of the 12th of February) of the number of ox hides on which drawback has been allowed, and also which have paid the import duty in England. (See the Appendix.)

PROMISSORY NOTES.] An account was presented (pursuant to an order of the 11th of February) of the number of stamps of promissory notes re-issuable. (See the Appendix.)

SPIES AND INFORMERS.] Mr. *Philips* rose, and said, that before he entered upon his motion on the subject of an inquiry into the transactions that occurred under the suspension act, he wished that the petition of certain inhabitants of Manchester and Salford, (presented to the house on the 9th of February,) the petitions of Benjamin Scholes, and of Joseph Mitchell, (presented on the 17th of February), the petition of George Bradbury, (presented on the 23d of February), and the petition of Samuel Bamford, (presented on the 27th of February), should be entered as read. This being done, the hon. member observed, that before he proceeded to recommend the house to adopt the motion with which he should conclude, it was his wish to guard himself from the suspicion of being inclined to encourage, or to appear as the advocate of, itinerant orators, who prefer living by talking rather than by working, and who journey from place to place lecturing on political subjects. He had no hope of any public benefit being derived from such proceedings; but was convinced that their tendency was to produce directly opposite effects. His sentiments on this subject might be inferred from the advice which he gave to a person of that description who had called on him since he came to town. His advice, though not offered in the form of paternal and correctional admonition, a phrase with which the house was well acquainted, (see page 319.) was such as he had no doubt the government itself would approve. He had recommended to the person alluded to, now that he was liberated from prison, to desist from attempting to reform the state, and to attend to his own business, and the interests of his family. This advice met with the fate which unsolicited advice generally meets with. The man thanked him for it, but shewed at the same time by his manner, that he was quite determined not to follow it. The hon. member said, he was aware, that, from peculiar causes, a great ferment had arisen in the minds of people during the last year, particularly in the manufacturing districts. He was also ready to admit, that the mere agitation of political questions of great importance and difficulty, by large bodies of unemployed and half-starved labourers, was of itself a sufficient reason for the exercise of vigilance, but such vigilance ought to have been united with great prudence and discretion: and if spies and informers were to be employed at all, their proceedings should have been most carefully watched, and their representations received with distrust. (*Hear, hear.*) Indeed, to have accepted the office of a spy should be such a presumption against any man's character, that he ought from that moment to be suspected. His information should be received with great distrust, and little or no credit given to it, unless corroborated by coincident circumstances, and supported by the evidence of less exceptionable men. "Every person knows," said the hon. member, "how liable such characters are to misrepresent, exaggerate, and even to create mischief, if they do not find it, in order to magnify the value of their services, and to claim from their employers a greater reward. It has been most justly observed in another place, that spies are much more dangerous when employed in the lower than in the higher classes of society. Among the latter, the only mischief they can do is by making false and exaggerated reports of the conduct and designs of the persons whom they are appointed to watch. With men of station and education, they can have comparatively little chance of influencing their conduct, and engaging them in criminal designs, which they had not themselves before meditated. But the case is very different with the lower classes. If spies are appointed to watch them, it is because they are supposed to be persons of superior intelligence and sagacity. Over ignorant and uneducated men they may easily acquire such an influence as to become their leaders. They may begin by suggesting to them schemes of mischief which they had never before contemplated, may gradually reconcile their minds to such schemes, and, at length, drive them on to the actual perpetration of them." (*Hear, hear.*) On this part of the subject, the hon. member observed, that he had great satisfaction in being authorized by Sir John Byng (whose name, in consequence of the command which he held, had been a good deal connected with the proceedings of the disturbed districts) to state, that no spy or informer had ever been in any carriage belonging to him, that he had never had any such character in his service or employ, nor ever had any communication, either directly or indirectly, with persons of that description, up to the 28th of March, the day on which the individuals in Manchester, accused of traitorous designs, were arrested. Whoever was acquainted with Sir John Byng, or had any knowledge whatever of his character, would do him the justice to admit, that he was not less conspicuous

for humanity, than for the courage which impelled him to be the foremost in danger. Though fully sensible of the relation in which he stood to the government that employed him, and of the duties resulting from it, that gallant officer did not forget that he was the subject of a free state, nor would he ever divest himself of the constitutional feelings of an Englishman. Under the influence of those feelings, the government knew that he had occasionally incurred the displeasure of magistrates, for repressing their eagerness to have recourse to military assistance. It was unnecessary to remark, that, in a season of general agitation like that of last year, the command of the manufacturing districts could not have been entrusted to an officer who would exercise it with more judgment, and more humane forbearance.—Returning from this digression, the hon. member said, that he did not see on what ground ministers could refuse to inquire into the proceedings of the spies and informers employed in those districts, without rejecting the conclusions of their own secret committee. The report of that committee stated, that the language and conduct of hired spies and informers might have had the effect of encouraging the designs which it was intended they should only be the instruments of detecting. Their improper language and conduct appeared to be admitted on both sides of the house. Why should they not, then, inquire into the effect which they had produced? The question between the two sides was only as to the extent of the mischievous consequences of their proceedings. Various petitions had been offered to the house, and the petitioners said, "we engage to furnish evidence of the proceedings of those men. We will, if you will examine us, shew that the evil, whatever might be its nature, was principally, if not entirely, the work of spies and informers. We will give proof of their guilt, and of the innocence of many of the persons whom they have accused. We will shew you, that they, and their emissaries, were frequently proposing schemes of violence, and endeavouring to reconcile people's minds to the perpetration of them; that they were most anxious to appoint public and secret meetings, and used all the means in their power to prevail on others to attend them, in the hope of being able at last to make them the dupes of their own villanies, to have them arrested as traitors, and to reap the reward of their condemnation." Several of the petitioners were persons who had been arrested and imprisoned on the secret accusation of those spies and informers, and had been since discharged without trial. Others, such as the petitioners from Manchester, had never been suspected of being at all implicated in criminal proceedings. Those persons said, "we have diligently inquired into facts, and pledge ourselves to prove the allegations in our petition." And what was the answer to this? The mode of proceeding (reasoning he could not call it) adopted by the noble lord (Castlereagh) was this. If the noble lord found that a petitioner had a bad character, or that a mistake had been made in any fact stated in the petition, he drew a general inference against the character of all petitioners, and against all the facts stated in every other petition. It was unnecessary to say, that such an inference was not less illogical than it was ungenerous and unfair. It was a strong presumption against the case of the noble lord, that he found it convenient to have recourse to such an expedient. But if this sophistry were to be used on one side, let it be used also on the other. Was the noble lord prepared to say, that spies, and informers, and police agents, for on their representations the communications made to government had been generally founded,—that those men were such pure and virtuous characters, that their testimony was above suspicion? What spies and informers generally are, he had already stated. Were police agents often much better? This question would be best answered by a reference to facts which had lately appeared in evidence, shewing the activity of those persons in enticing others into crimes, that they might profit by their condemnation. The house would judge of the extent of the temptation to wickedness offered to these men, a temptation that few of them had virtue enough to withstand, when they were informed, that a gentleman in Manchester lately gave, to his knowledge, 300*l.* for a Tyburn ticket. Was the noble lord prepared also to say, that no information communicated to government had been proved to be incorrect? Did he not know, that the dread of incendiaries and assassins, and the first public declaration against reformers in Manchester, were in a great measure caused by a report spread by an individual, that the reformers had burnt his house because he had spoken against their proceedings? Was not the fact communicated to the government as evidence of their mischievous intentions, and would it not have been found in the first green bag, if strong suspicion had not in the mean time arisen that the individual was himself the incendiary, and that, in destroying his own property, he had also destroyed, by invalidating, a most valuable communication for government?—The hon. member said, he was by no means inclined to assert that the spies and informers in Lancashire, whose population was about 900,000 persons, did not meet with some men who listened with pleasure to their villainous proposals, and would have had no objection, if occasion had offered, to assist in executing them. He believed he could himself point out one, of whom the spies and informers hoped to have made another Brandreth. The facts, however, appeared to him to shew, that the number of such persons was very small, and not sufficient of itself to justify the alarm which had been excited, and excited principally, as he most conscientiously believed, by the agency of spies and informers. He could not regard ministers as quite disinterested parties in this discussion. He did not believe them capable of

making a plot entirely themselves, when none of the elements of one were previously in existence. But he could not help remarking, that the plot had been most useful to them in withdrawing the attention of the public, and of some of their wavering friends in that house, from the demand so loudly and generally made at that time for economy and retrenchment. He would not say that ministers had made the plot, but he would say, that they had made the most of it, and no instruments could be found so convenient for their purpose as spies and informers, by whose means the dread of violence and treason was kept alive, and the attention both of parliament and the public effectually diverted from those questions of public economy and retrenchment which had been so peculiarly harassing to the government. Ministers having profited by the labours of these men, it was natural enough that they should wish to screen them from inquiry. But what interest had the house in screening them? And why should the house object to inquiry, when so many powerful considerations urged them to go into it? "We may dispute in this house (said the hon. member) day after day about particular facts stated in petitions, as well as upon the characters of the petitioners, without coming any nearer to a just conclusion. The noble lord may take one view of a case, I may take another, and a still different view may be taken by a third person. But how are we to discover whose view is right, and whose wrong, without an exact and rigid inquiry? If the noble lord says that the petitioners are either rogues who are not to be believed, or dupes whom those rogues have deluded, have we not just as much reason, before the facts are investigated, to retort the same charge on their accusers? Let the house consider for a moment the relation in which the accused and the accusers stand towards each other. The former say, 'we entreat the house to go into an inquiry, and we undertake to prove our own innocence, and the guilt of those who have accused us, after vainly attempting to betray us into their mischievous projects.' The ministers reply, 'we will not permit you, who are accused, to defend yourselves: we will not suffer you to say a word against your accusers, or to prove that the character which they have given of you belongs to themselves.' I ask, Sir, whether the house are prepared to sanction such a proceeding as this? Are they ready, in compliment to his Majesty's ministers, to express their disbelief of maxims founded on universal experience, and to say, that the unanimous feelings and sentiments of mankind are mere prejudice and delusion? Will they declare by their votes, that it is conscious guilt which demands inquiry, and conscious innocence which shrinks from it? Sir, I trust that the house will not incur the disgrace of acting so as to make itself liable to such an imputation. I trust, that they will satisfy both themselves and the public, by entering into a full, a rigid, and impartial inquiry, on a subject which has occasioned great anxiety and agitation, and upon which it is quite evident that no just conclusion can be formed, without such an inquiry as it is the object of my motion to recommend." —The honourable member then moved, "that this house, taking into consideration the report of the committee of secrecy presented on the 20th of June last, together with the report of the committee of secrecy of the lords, communicated to this house on the 23rd of June last, so far as the same refer to instances in which the language and conduct of persons, said to be employed for the purpose of detecting, may have had the effect of encouraging, criminal designs; and taking also into consideration the allegations contained in certain petitions, with respect to practices of so alarming a tendency, is of opinion that it is the duty of this house fully to investigate the nature and extent of the same.

Mr. *F. Robinson* said, that since he had had the honour of a seat in that house, he never remembered such a mode of proceeding as that of the hon. gentleman. The house would recollect the petition from Manchester, the vast importance with which it had been introduced, and the very detailed and circumstantial speech with which the hon. gentleman had accompanied it. (*Hear, hear.*) The petition itself was couched in vague, loose, and general terms. It assumed, indeed, an important air, as if it represented the sense of the whole town and neighbourhood of Manchester, whereas it was signed by twenty-six persons. (*Hear, hear.*) It condescended to inform the house, that the petitioners had entered into a rigorous investigation of all the circumstances that had occurred last year, and it did them the favour of declaring, that the result had been a positive and irrefragable conviction on their part, that no treasonable designs had been harboured at Manchester, and that no atrocious and outrageous proceedings had taken place amongst the people, except such as had been produced by the hired spies and informers of government. (*Hear, hear.*) That was the general way in which they made their statement: but they did not deign to state the mode and form of their inquiry, nor did they give the house any clue respecting the nature of the evidence which they were prepared to adduce in support of their allegations. The hon. gentleman was sensible of the defects of that petition, he knew how unsatisfactory was the matter it contained; and, therefore, when he came to bring it before the house, he opened the case of the petitioners, he entered into a detail of circumstances, he stated a variety of events, and charged particular acts on particular individuals. But what was the hon. member's conduct that night? It looked as if something remarkable had happened, for his proceeding went literally to contradict his former statement. The hon. member had abandoned his former grounds (*hear*); and why had he abandoned them? Because he knew that they could not be maintained. What did he state on a former occasion? He entered into a

long story of a man of the name of Dewhurst, who was said to have been carried by Sir John Byng in his gig; but it now turned out that he had never been in any carriage belonging to that gallant officer. The hon. member had that evening told them, from the mouth of Sir John Byng himself, that the story about Dewhurst was a complete fabrication, that there was not a syllable of truth in it. (*Hear.*) The fact was, that no man of the name of Dewhurst was known to Sir John Byng, or to the government. The hon. gentleman had then told a story of a person of the name of Lomax, whom he called a hired spy. The whole of that story was untrue; it was a fable; it was a falsehood: not a word of it was correct. The hon. gentleman knew from Sir John Byng that Lomax had never been a spy; and if he did not know it, he would tell it him then. (*Hear, hear, from the opposition.*) Lomax, he repeated, had never been a spy: whatever he had been guilty of—whatever schemes he had arranged—whatever projects he had set on foot—whatever he had done, had been done by him in the character of a conspirator, and not in the character of a spy. It was true, that on the 17th of March that man wrote to Lord Sidmouth, offering to give information, but his letter was not answered. On the 28th of March he was arrested, with many others, and examined, as every man must be, in a similar situation, and afterwards released; but, in that examination, the whole of the operations that had taken place, and which were intended to take place, were stated, and, therefore, he thought himself justified in declaring, that it was as a conspirator, and not as a spy, that Lomax had done whatever had been committed by him; a spy he had never been. He thought that, after what he had stated, unless they could disprove it, the case of gentlemen opposite would break down under them. They might contradict it, because, contradiction was very easy, when proof was impossible. (*Hear, and a laugh from the opposition.*) He was convinced that they could not disprove what he had said of the two cases which were the main support of the Manchester petition, and, therefore, the whole fabric would fall to the ground, with the rigid investigation which the petitioners professed to have made. But their petition, far from proving that spies and informers had done mischief, had proved something else. The petitioners said, that no atrocities had been committed, or suggested, except by hired spies; but they admitted the conduct of Lomax, who, as he had already shewn, was not a spy. It was said, indeed, that Lomax was viewed with scorn and horror: but when he was so viewed, it was very singular that they should not denounce him. The very circumstance of his non-denunciation was an irreconcileable contradiction to the hon. gentleman. The man, however, was dead; he could not answer; he could not be forthcoming; but, unless they could prove something worse than they had done, it was needless that he should be alive: dead or alive, his statement was not to be disproved.—Then there was a petitioner of the name of Bamford, who, it was said, was apprehended on the information of Lomax. That could not be, for he was taken up on the 29th of March: the warrant must have been signed some time before, and Lomax was not arrested till the 27th. Then there were two other persons, Mitchell, and a man of the name of Scholes. Mitchell pretended to give a short account of his communication with Oliver, and endeavoured to impress, though he did not distinctly assert, that what he had done was at the instigation of Oliver. He had sunk what had happened in Yorkshire; but that omission Mr. Scholes, another petitioner, supplied; for he stated, that Oliver had been introduced to him by Mitchell, and that Mitchell and Oliver appointed meetings at his house. Now, either Scholes' petition was false, or Mitchell had culpably concealed the truth, to make a false impression, he cared not which, so no credit was due to their assertions.—They had already heard of Francis Ward, the religious and pious man; there was another person who had presented a petition couched in the same style, and apparently written by the same hand. The name of that man was Haynes. (See p. 170.) He knew not what information might have been derived from him, but he had been guilty of perjury. In 1816, he had been a witness at the trial of two persons, Towle and Slater, for shooting at a man, in a frame-breaking transaction. Slater was acquitted on an *alibi*, as Haynes and some others swore, that he was at the time 17 miles from the place where the crime was committed. Additional information was obtained, and Slater was indicted for the minor crime of frame-breaking, at the same time and place, at the following sessions, and pleaded guilty, thus proving the perjury of Haynes and the others. This was an additional proof of the nature of the character of these petitioners. Thus, as the allegations of the petitions were many of them totally false—as the stories respecting Dewhurst and Lomax were false—as the allegations of Bamford could not be true—as the petitions of Scholes and Mitchell could not be both true, or could not both contain the whole truth—he hoped that the house would reject the motion. On this evidence only was it founded. (*Hear, from the opposition.*) The whole of the motion was founded on those petitions. (*No, no, no.*) But the petitions must make the groundwork of the motion. He allowed that the motion referred to the report of the secret committee, but it added, " taking also into consideration the allegations in certain petitions." He should not trespass longer on the time of the house; he believed, in his honour and conscience, that the petitions were false, and he begged the house, on behalf of a calumniated government, of a calumniated magistracy, and in the sacred names of truth and justice, to reject the motion for inquiry on such grounds.

Mr. *F. Douglas* said, all that the right hon. gentleman had proved amounted to these two facts—that no person of the name of Dewhurst was in Sir John Byng's gig, and that Lomax was dead. He had told them, that contradiction was not proof. Yet his speech was a tissue of unproved contradictions, which he had begged the house to receive instead of the proof which it was the object of the motion to elicit. It was to be remarked, too, on the right hon. gentleman's own statement, that Lomax had written to Lord Sidmouth, offering to give information —that he had afterwards been apprehended, and almost immediately released. It was unfortunate that the hon. mover had not made a long speech on the Manchester petition, as the right hon. gentleman's speech seemed to have been prepared to refer to it. But the petition had very properly been made by the hon. mover accessary to his proofs;—he rested on the general knowledge of the country—on the general avowal of the ministers themselves through their committees. But how did the right hon. gentleman answer the allegations of the other petitions?—By saying, that one Haynes was a perjured man. But who was Haynes? His petition had not that day been read. He said nothing of Oliver, nor had any information that he knew of been derived from him. The right hon. gentleman wondered why the present motion had been made. Did he not remember, that, on the motion of the hon. member for Lincoln (Mr. Fazakerley), half of the speech, and more than half of the argument of the speech of a right hon. gentleman (Mr. Canning) turned on the incompetency of the secret committee to carry on the investigation which was demanded? (see page 344.) Did he not remember that the hon. member for Bramber (Mr. Wilberforce) had pledged himself (the word was not too strong) to agree to an investigation, if it were to be conducted by a committee differently chosen? The present motion was brought forward to give him an opportunity to support inquiry. (*A laugh.*) It was framed almost on the suggestion of the gentlemen opposite: and for the plain and manly object, that this question, important in every moral and political view, should be brought to a satisfactory issue. (*Hear, hear.*) This was the more necessary, as, in a few days, they would be debarred from obtaining any farther information respecting the proceedings of last year. Before they took any step which would have such an effect, they ought to be fully convinced of the merits of government. He understood that, to-morrow, a bill of indemnity would be proposed for their sanction. They should, therefore, embrace this as the only opportunity of parliamentary inquiry. Indemnity was not a necessary consequence of the suspension of the habeas corpus act. This was admitted on the other side, and its necessity was justified on the ground, that the disclosure of evidence which might otherwise take place would be highly dangerous to the interests of the country. He did not wish to take a narrow or uncandid view of the conduct of ministers. The house ought not in justice to take the responsibility from their own shoulders to place it upon those of ministers. They had granted them the extraordinary powers upon which they acted, and they ought not to expose them, and those connected with them, to the immense inconvenience of a multitude of actions, which might be brought by individuals who considered themselves aggrieved. But indemnity was demanded as a measure of confidence, upon the grounds that it was dangerous to disclose evidence, and that ministers had, in general, discreetly and conscientiously administered the law. Before the house granted the greatest indulgence which could be granted, it was their duty to inquire into those questions, both of them, he thought, of paramount importance. It was admitted by ministers, that spies had been employed; it could not be denied by them, that the employment of spies might produce mischievous effects; the committee had said, they had reason to believe it might have produced those effects; twenty-six persons at Manchester asserted, that it had produced mischief, and they, and many others, pledged themselves to produce proofs, and prayed the house to receive them. There were in the house gentlemen who could adduce proofs on this subject; who could prove the effect of the appearance of spies in the West Riding of Yorkshire—the dismay of the magistracy, the encouragement of the disaffected, and the combination which was thus created, much superior to that which the efforts of orators could bring about. There was that paragraph, too, extorted by the force of truth from a reluctant committee, proceeding on garbled and prepared evidence. (*Hear.*) What, then, was to be reasonably expected from a fair committee, having no private interests to consult, receiving the evidence which might be offered on both sides, and having no limit to its investigation? There was upon the table that miserable collection of newspaper paragraphs, which a committee had chosen to dignify by the name of a report. In that production two facts were stated. The insurrection in Derbyshire, which was then represented in its proper light, as not important in itself, but merely as connected with disturbances in other parts. The importance, therefore, of the disturbance in Derbyshire rested on the disturbance in other parts. And what was the other place referred to? The south-western corner of Yorkshire, which was the peculiar field of the employment of spies. It had been stated to the house, and by the most unexceptionable authority, that the appearance of the London delegate was there a cause of joy: that assemblies were held to meet the London delegate; and, with the knowledge of this, and the allegations of the petitioners, would they not at least inquire before they granted an indemnity? It would perhaps be said, that the evil was admitted, but that the amount of the evil was the question.

This was the very subject for inquiry. It had been said, that no information procured by the means of spies had been acted upon, unless it was corroborated by more respectable evidence, or confirmed by other facts and circumstances. It was not contended that they alone had given evidence. The mischief imputed to them was, that they had created the facts of which evidence was given by others. (*Hear, hear.*) Those men, perhaps, in acting so, had transgressed the instructions which they had received: but it was the duty of ministers to watch over them, and they were responsible for not having brought them to punishment. That honour and fidelity were not to be found in such men, they must have been fully aware: they must have known, that such detestable characters lived entirely by treachery and falsehood; why, then, if such was the case—why employ them at all? It was said, that the critical situation of the country required the intervention of such agents. Whether such support were necessary or not, the house should always remember, that they could not suspend the constitution of the country, without sanctioning the agency of spies. A certain right hon. gentleman (Mr. Canning) had said, that that man must have lived quite abstracted from all the concerns of life, who thought it possible to conduct the affairs of a country without spies or informers. There was much art in this confusion of terms. He would admit, that it was impossible, in some circumstances, to dispense with the aid of informers. But they were persons already concerned as accomplices. The case, however, was quite different with spies. A spy was a person employed to bring a false and flattering story, to assume a character which did not belong to him, in order to delude and entrap the unwary, for the purpose of betraying them. Such was the very nature of the qualities required, that he knew of no circumstances that could justify an expedient so atrocious as the employment of spies. The mischief of their employment by a government that rested on moral opinion, outweighed any advantage that could be derived from them. His hon. friend, the member for Shrewsbury, (Mr. Bennet) had exposed the vices and crimes of Oliver; (see page 321.) yet that man had been represented by some in that house as unimpeachable in his moral character! When the right hon. gentleman (Mr. Robinson) spoke of the moral character of the petitioners, and concluded, that their associates were equally vicious, what would those think, who saw the Secretary of State in constant communication and close union with persons, who, by the nature of their profession, were devoid of honesty or honour; (*hear.*) when they saw him bound to such persons by a reciprocation of good offices, prostituting his moral and religious character to a connexion with men who were guilty of that flagitious baseness at which professed villains revolted—treachery towards friends and associates? (*Hear.*) What an effect must such an example have on those individuals in the lowest ranks of life, who were exposed to constant temptation, and hardened and deadened by their professions? What effect must it have on police officers? (*Hear.*) It was easy to perceive that they would justify themselves by the practice of the home office, the source of all morality, legality, and sanctity. (*Hear.*) Every police officer would have his Oliver, careless, so he procured offenders, how offences were created. He might argue, that the persons by whose destruction he profited, had indeed been tempted and urged on, but that, if they had not been worthless fellows, they would not have fallen into the snare. (*Hear, hear.*) This was precisely the reasoning which the hon. gentlemen opposite had employed in defence of the spies. (*Hear.*) The house had been told, that the system which ministers had adopted was for prevention, and not for punishment. Could it be pretended, that it was for the purpose of prevention, that individuals were employed, who, for their own ends, would go far to encourage crimes, the knowledge of which must depend upon themselves? (*Hear, hear.*) He did not say, that ministers had employed those men designedly for such a purpose. This would be, to accuse them of the highest crime of which they could be guilty. They were chargeable, however, with a public crime next in gradation—that of casting firebrands into a heap of combustibles, and spreading alarm at the explosion. They were guilty of conjuring up plots and conspiracies for the sake of alarm; they were guilty of calling that revolution and treason which was no more than sedition and riot; they were guilty of misrepresentation to serve their own purposes. They had received evidence on one side, and excluded evidence on the other—they had read one letter, (see page 356.) and kept back another—because it was thought convenient to communicate the one, and it was not thought convenient to communicate the other—the one, they imagined, told for themselves, but the other, they knew, would throw a light on the state of the country,—it would shew that the suspension of the habeas corpus was unnecessary. (*Hear, hear, hear.*) The hon. member concluded by imploring the house to enter into that full investigation of the subject by which alone the minds of the public would be satisfied.

Mr. *Blackburne* (member for Lancashire) said, that the petition which the hon. mover had presented to the house on a former evening, was signed by a very small number of persons, not more than 26 inhabitants of Manchester, whereas a counter declaration, deprecating inquiry, had been signed by 276 of the most respectable inhabitants of that town.—The hon. member then read a letter from the gentlemen who officiated as boroughreeve and constables at the time of the alleged conspiracy. According to that letter, the utmost alarm prevailed in Manchester at the early part of the

last year, through the distress of the people, which was operated upon by inflammatory pamphlets, with a view to produce riot and disorder. Applications were then made to the magistrates, by some of the lower orders, to convene public meetings, which applications they refused; but, notwithstanding such refusal, several meetings were held in the open air. The magistrates, however, did not interfere until the meeting of the 10th of March, when they felt that their duty required them to preserve the public tranquillity. The writers alleged, that all the information which they had transmitted to government, on the subject of the disturbances at Manchester, was derived from authentic sources, and added, that the hon. member (Mr. Philips) had sent them a message, declaring, that he would do them justice, whenever the subject of those disturbances should be brought before the house. (*Hear, hear.*)

Mr. *W. Courtenay* said, the object of the motion was, as had been properly observed before, not to obtain any information as to spies and informers, but to catch the vote of the hon. member for Bramber (Mr. Wilberforce). For this purpose was the ten times told tale, and the ten times refuted calumny, repeated to-night, under the cover of this motion. They were now drawing near to the close of transactions, disastrous he would admit; but whose issue was more favourable than could have been expected; and they would not be diverted by a motion like the present. When the petitions brought forward failed to make out a case for them, the gentlemen on the other side appealed to the general feeling of the country. Their opinion was, that the general feeling of the country required, that some inquiry should be made. To opinion, opinion only could be opposed; and he would assert it as his opinion, that the feeling of the country was not such as they had represented it to be. Of this the letter just read by the hon. member who spoke last might be offered as proof; for, if the greater part of the people of Manchester thought differently from the petitioners, although they lived on the very scene of the alleged misconduct, it was reasonable to suppose that a still larger proportion of the people throughout the country were of the same opinion. With respect to the distinction made between spies and informers, he hoped he should have credit for disliking spies as much as the hon. gentleman (Mr. Douglas); but the hon. gentleman had not stated the case fairly as to the noble secretary for the home department. Was it to be supposed, that spies had been fitted out for the country at the home office? (*Loud cheering from the opposition.*) He was glad of that cheer, as it indicated that some gentleman could reply to him when he denied that assertion. He had seen no proof of such a fitting-out. An individual who had been often mentioned (Oliver), was not in that situation. (*Much and vehement cheering from the opposition.*) He understood their cheers. Would any of them undertake to prove—(*great confusion and cheering*)—would any of them undertake to prove that he was not a voluntary informer in the first instance? At Derby, the learned counsel for the prisoners did not think it proper to call him as a witness. Mr. Denman asked one witness, whether Oliver had been in any manner connected with the conspirators, and having been answered in the negative, he did not repeat his question, and no appeal was made to the jury on the subject. A strong case ought to have been made out before the house were called upon to appoint a committee, whose powers should be without limits, and the scope of their investigation without an object. The representations on which the motion was founded were contrary to fact. (*A cry of where? from the opposition.*) He referred to the letter now read. The hon. mover had not made out a case to reconcile the house to his motion; he had failed in his proof; he had, indeed, abandoned the grounds of his original case: he had called up evidence on the other side which completely contradicted his assertions, and, therefore, the house were in duty bound to reject a motion, which, in his view of the subject, was altogether unnecessary.

Lord *Lascelles* rose to bear testimony to the character of a person for whom he entertained the highest respect. It was impossible for any person to conduct himself better than Sir John Byng had done. Any person who knew him must be satisfied that he combined the conduct of the general with that of the citizen. Thanks were due to Sir John Byng for his conduct, in the opinion of the country: in his own opinion, great thanks were due to him, not only from the protected country, but from the deluded men themselves: from the country, for the vigilance with which he had exercised his commands; from the deluded, for the vigilance with which he prevented their designs. With respect to the subject itself, he had no predilection for spies; he abhorred them as much as the hon. gentleman (Mr. Douglas.) They ought not to have been employed to inflame combustible materials. By the way, this expression was rather against the argument of the hon. gentleman, inasmuch as it admitted the great danger of the country. But ought they not to be employed to prevent the explosion of those materials? As to Oliver, he firmly believed that a great deal of what had been said respecting his conduct, was mere talk and idle clamour. He could never concur in the opinion, that ministers had employed that person for the purpose of excitement. On the contrary, he would deny that such was ever the intention of government. The hon. mover had stated, that, according to the general opinion of the country, ministers had abused the powers with which they were invested under the suspension of the habeas corpus; but from what quarter had the hon. member collected the information upon which he grounded that statement? For himself, he could say, that he had not heard of such an opinion, unless from the allegations of some of the

petitioners to that house, who were themselves implicated in the transactions which gave rise to the proposition for suspending the habeas corpus. [" *Others have so alleged*," exclaimed several members on the opposition side.] He was not aware of such allegations, and as to the allegations of the petitioners from Manchester, it was remarkable that the hon. mover himself had entirely abandoned their case. He therefore felt it his duty to oppose the motion.

Mr. *Philips* said, he had not uttered one disrespectful word of Sir John Byng. He had only mentioned that Dewhurst had been seen in his carriage. He denied that he had abandoned the case of the petitioners.

Lord *Milton* said, that while he felt every respect, esteem, and affection for General Byng, he considered all that the hon. gentleman and his noble colleague had said of him to be quite beside the question. As to what the learned gentleman (Mr. Courtenay) had said of Oliver's not having been called as a witness on the trials at Derby, it had been repeatedly and unanswerably replied, that if Oliver had done all the mischief imputed to him, his evidence could have been of no service to the prisoners, but, on the contrary, it would at once have established their guilt. How could any inference be drawn from the perfect ignorance of him manifested by witnesses who had only seen the insurrection, but who had known nothing of its origin? (*Hear, hear.*) But all this did not signify a straw in the present question. The question really was, whether the extraordinary circumstance of spies having excited disturbances, as stated in the report of the secret committee, and complained of in the petitions, should be allowed to pass without any inquiry? (*Hear, hear, hear.*) He thought, that inquiry was loudly called for, and that, in point of consistency, his noble colleague ought to have acceded to the motion, with a view to afford ministers an opportunity of explaining their conduct, especially in the employment of those spies and informers, for whom, he said, he had no predilection. (*Hear, hear.*) But his noble colleague appeared to be in a dilemma between the abhorrence of spies and the necessity of detecting conspiracy. The means of obtaining detection was the ground of difference. He sincerely acquitted ministers of the intention to excite disturbances through the medium of spies: but they were not, therefore, acquitted of the consequence of having employed them. The house had heard statements of Oliver having been in different parts of the country, entrapping the unwary, holding meetings, using violent and inflammatory language, and inciting to the wildest acts of rebellion. Not one word of this had yet been denied. Some denial, however, ought to be given before the present motion was rejected. (*Hear, hear.*) The conduct of government was rather singular; they felt an abhorrence of the conduct of spies, but no inquiry must be instituted into this abhorred conduct! All other subjects were investigated in that house: the civil list was overhauled; the army estimates were examined; but *espionage* was not for the profane eyes of the House of Commons! (*Much cheering.*) He believed that all who were employed as spies were, like Castle, infamous characters. In the outset, ministers ought to have regarded them as suspicious. They were chargeable, therefore, with having improvidently sent such persons into the country, although, as he conscientiously believed, they had not contemplated the consequences. It had been triumphantly retorted, that the country was admitted to have been in a combustible state. Undoubtedly, great distress had existed, and consequently great discontent prevailed in the country. These were the combustible materials, and to this admission the other side was undoubtedly entitled. (*Great cheering from the Opposition.*) To these materials the ministers had applied a firebrand, when they sent Oliver into the country. Did he not every where appear as the London delegate? (*Hear*). Was not the fact well known to the government? And was not that enough to open their eyes as to the transactions with which he was connected? In law, he believed, it was no excuse, that rioters or rebels had been told of disturbances in other parts; but, in point of moral turpitude, it made a very wide difference. It was a trite but a true remark, that success or failure constituted the difference between a traitor and a hero. If, then, an ignorant person were insidiously persuaded that the co-operation of multitudes would infallibly make him a hero instead of being a traitor, would not his case be different from that of a common traitor? (*Hear, hear*). He was not justifying the conduct of the deluded. Even the circumstances of their delusion did not justify them; but surely they formed a strong palliation of their crimes. He believed that ministers opposed the inquiry, because they were afraid to have the subject inquired into; and because they felt that, if probed to the bottom, the result would be, to discover the facility and improvidence with which they had listened to every tale-bearer who was seeking to curry favour. The great danger of such a policy was, that it went to establish a system of *espionage*, which must finally produce universal suspicion and jealousy, and wholly alienate the affections of the people from the government. (*Loud cheering.*)

Lord *Stanley* declared, that he should support the motion for an inquiry, without meaning to impute to ministers any criminal connivance at the alleged practices of the spies and informers whom they had employed. He feared, however, that they had shewn a blameable negligence in giving credit to representations, which, considering from what sources they were derived, it was natural to suppose were highly coloured. They ought to have taken more pains to ascertain what were the feelings of the people in general. (*Hear.*)

Mr. *Bennet* contended that his hon. friend (Mr. Philips) had not given up one iota of his case. The statement which he had made was,

that an informer, who passed by the name of Dewhurst, but whose real name was Michael Hall, and who was, in plain truth, a returned transport, had, after getting the populace into a net, suddenly disappeared, and been heard of no more. He was arrested on one day, and, on the next, was discharged by the magistrates of Manchester. Of the life and character of that person, he had heard many particulars; and he believed him to be a very fit instrument in the hands of Messrs. Nadin and Co. (See pages 372, 383.) If, as was asserted in the report of the Lords, some persons employed by ministers had excited disturbances in the country, why had they not been apprehended and brought to punishment? Was not this a fair subject for inquiry? (*Hear, hear.*) He believed that most of the pretended plots had been fabricated in the forge at Bolton, under the auspices of Mr. Fletcher, a magistrate, who ought not to be suffered to remain for one moment in the commission of the peace. The right hon. gentleman (Mr. Robinson) had thought proper to cast reflections on the sources from which his hon. friend and himself had derived their information. Such reflections well became those who had fitted out Castle, in the absence of all other evidence, as a witness, to enable them to magnify tumult and riot into rebellion and treason. He would now repeat, that he was prepared to support all the statements which he had formerly made (see page 326.) respecting the conduct of Oliver, not by suspicious or polluted evidence, but on the testimony of men in no way connected with the acts of the conspirators. (*Hear, hear.*) It was not his intention to come down to the house, like the noble lord (Castlereagh,) and with a collection of dead men's tales (see page 438.) to take away the character of the living. (*Hear, hear.*) He dared his Majesty's ministers to the inquiry, and if they did not face it, there would be but one opinion in the country—that their guilt alone prevented them. (*Hear.*) The noble lord had, it seemed, with his usual candour in professing one thing whilst he meant another, proposed to examine Oliver before the secret committee, but he took care to get the motion negatived. As an illustration of the candour which marked all the noble lord's proceedings, why, he asked, had not Earl Fitzwilliam's letter of the 17th of June last been laid before the secret committee, sitting at that time? Why had it likewise been kept back from the late committee, but because it was felt that that letter would open the eyes of the country to the real truth of these transactions? His information, he repeated, was drawn, not from persons implicated in the charges preferred by Oliver and his coadjutors, but from those whom they had in vain attempted to delude. With regard to the assertion that no man had been arrested on the oath of Oliver, he should be glad to know, upon what other evidence were the persons arrested who had attended the meeting at Thornhill-Lees? It was Oliver himself who invited them to it. Oliver not only sent letters of invitation, but also his coadjutor, Crabtree, to Birmingham, to stimulate persons, by every means in his power, to attend that meeting. (*Hear, hear.*) He had in his possession a copy, in Oliver's hand-writing, of one of those letters of invitation. He had also the written memoranda of a conversation between him and another person, at Liverpool, in which he insisted that it was useless to look for relief either to the Lords or Commons: that the people must depend on their physical force alone, and that a great crash might be soon expected. (*Hear, hear.*) The person to whom this language was addressed refused to attend the meeting at Thornhill-Lees. Had he been examined before the committee? No. The course pursued by his Majesty's ministers was, first to pack a committee, then to garble, and finally to suppress evidence. (*Hear, hear, hear.*) He knew that Mr. Parker, a magistrate at Sheffield, had written to Lord Sidmouth, acquainting him, that he greatest danger which he apprehended was, the arrival of the deputies from London; that the men in his district were anxiously asking for work but could not obtain any, and that, in such a situation, like drowning men, they would catch at straws. At this period it was, that Oliver was sent down among them with his story of 70,000 men being ready to rise in London, and to act in conjunction with them. This was the manner in which the distemper was treated: a blister was applied to the sore place, and the effects that followed might have been easily foreseen. Instead of being surprised that a hundred men rose at Nottingham, or fifty in another place, or that the mayor and a few old women at Leeds were thrown into a state of alarm, it was rather a matter of astonishment that more serious mischief, and a much more formidable explosion, had not been created, by the artifices with which discontent was thus inflamed and fomented. He implored the house to recollect, that, as soon as Oliver was withdrawn, tranquillity was restored as by a charm, and that from one end of the country to the other there was one universal desire of investigation. (*Hear, hear.*)

Mr. *Bathurst* contended, that the hon. mover had entirely abandoned the Manchester case, and, instead of confining himself to the matter of the petition, had indulged in general charges against his Majesty's ministers. He gave credit to the hon. member who had just sat down for much laudable zeal, although it frequently outran his discretion; and he thought him bound, after the strong assertions he had made, to mention the names of those on whose information he placed such implicit reliance. The hon. gentleman had stated, that they were not parties implicated with the conspirators. How, then, did they obtain their knowledge? They must have been present at their meetings, without communicating the information to the magistrates. (*Hear, hear.*) They were, therefore, not the spies and informers of government, but the spies and informers of the hon. gentleman. They were, he

presumed, an innocent part of the combustible matter of which the house had heard so much. An attempt had been made to draw a distinction between spies and informers. (*Hear, hear, from Sir S. Romilly.*) The hon. and learned gentleman appeared to support this distinction, and he was ready to admit his authority to be great; but he would oppose to it other great law authorities, those of lord chief justice Holt, and chief justice Eyre, who had held, that accomplices, whilst their credit was to be judged of by circumstances, were often the best witnesses, and ought to be encouraged by all governments, as otherwise the most heinous crimes would go unpunished. Suppose a man were to come to government, and confess that he had gone a certain way in the commission of treasonable acts, but that he repented of the proceeding, and was desirous of making atonement; would it be the duty of government to dismiss him immediately, instead of employing him as a means of detecting and defeating the schemes of the conspirators? In the very first place he was an informer, and the next step turned him into a spy. (*Hear, hear.*) Men, to whose care and vigilance the preservation of the public peace was intrusted, had an anxious and difficult duty to discharge. As to the dark surmises of the hon. gentleman, as far as they respected the employment of Oliver, he was prepared to give them a full contradiction. Government knew nothing of his private character previous to his journey in company with Mitchell; but they had reason to believe that he had ever since conducted himself as a respectable individual. He represented to government that he had fallen into what he feared was a dangerous society—one formed or the purpose of secreting persons charged with treasonable practices. It was deemed necessary to encourage him to afford information, and he was sent down to the north with Mitchell, who was a principal conspirator, and against whom a warrant had been previously issued. Sir John Byng had borne testimony to the character of Oliver in a public newspaper. The magistrate (Mr. Fletcher) whom the hon. gentleman had thought proper to stigmatize, and mix with spies and informers, had exerted himself most zealously and meritoriously in preserving the public peace, and protecting the property of his neighbours. Let the hon. gentleman attack government with as much vehemence as he pleased; but let him not act unjustly in assailing the character of a private individual. (*Hear.*) An inquiry had taken place before Mr. Parker at Sheffield, at which Oliver was confronted with Bradley, a person employed by the magistrates; and the result was, that the language imputed to Oliver was proved to have been used by Mitchell, for whom Oliver had been mistaken. With respect to the letter of Earl Fitzwilliam, it did not arrive till after the lords' committee had broken up, nor until a day or two before the rising of their own committee, which had already decided upon the view which they should take of the evidence. The noble lord opposite had, however, read a letter from Earl Fitzwilliam to himself of the same import, and it amounted only to this—that the state of the country was more tranquil than he had expected to find it, and that, if ministers would certify that London was equally so, there would be no necessity for the suspension act. This opinion was at variance with that of all the magistrates in that part of the country, and it had not been thought necessary, therefore, to open again a question, upon which the deliberation of the committee had been already employed.

Mr. *W. Smith* said, he should not have risen had it not been for the challenge thrown out on the other side respecting the private character of Oliver. Only the day before the report of the last secret committee was presented, evidence had been offered and produced to him which charged that avowed agent of government with acts of great criminality; the testimony was as credible as that of any gentleman in parliament; and it convinced him, that Oliver had been guilty of a series of frauds upon his employers for a number of years. (*Hear, hear.*) The witnesses who could prove this fact were ready to come forward, should an inquiry into the subject be instituted; and that their evidence might be taken, was one principal reason why he should vote for the appointment of a committee: it would distinctly establish, that Oliver was completely unworthy of the least credit, but that he was a person well calculated for the purpose for which he had been employed, being possessed of talents and plausibility, but wholly destitute of truth and principle. (*Hear, hear.*) With two of the witnesses to substantiate this position he had long been acquainted, one being a partner in an extensive commercial establishment, in which an hon. baronet, a member of the house, was also concerned, and the other an attorney of high respectability. A third witness was the employer of Oliver, whom he had defrauded, and who, in the year 1812, had actually preferred against him no less than four bills of indictment in the county of Middlesex, which, however, were not tried, because the prosecutor, yielding his public duty to his private interest, thought that, by abandoning them, he had a better chance of recovering the money of which Oliver had criminally possessed himself. The name of this person was Restall, a carpenter of London; and the matter being referred to arbitration, it was found that, during the space of ten years, Oliver had defrauded his master of a sum amounting to nearly 300*l.* (*Hear, hear.*) In addition to this, Oliver had sold for his own advantage a large quantity of old building materials which belonged to Restall, and of which he had not rendered any account. Completely to blacken his character, he had only to state, that, during the arbitration, the daughter of Oliver was examined, and she afterwards confessed, that what she had sworn was untrue,

and that she had been persuaded by her father to commit the crime of perjury. (*Hear.*)

Mr. *Bathurst* admitted that the hon. member had communicated to him the nature of the charge which he had to bring against Oliver: at the same time, he (Mr. B.) had cautioned him not to give too easy credit to the *ex-parte* statement of a transaction of twenty years' standing. On inquiry he had found, that it was true that Mr. Restall had preferred four bills of indictment against Oliver, but it was no less true that he had abandoned them, and that the matter being referred to a gentleman at the bar, it had been awarded that the prosecutor should pay all the costs incurred. (*Hear.*) It was also found on investigation, that the intelligent and upright gentleman who was the referee, did not attribute any degree of criminality to Oliver, considering the transaction as a mere matter of account disputed by both parties. No doubt, in the end Oliver was directed to pay a sum of money; but, having himself previously given security, it was deducted from the amount of a bond he held from Restall. Next, as to the atrocious charge of having induced his daughter to forswear herself, it was perfectly evident that the hon. member had been imposed upon; for the minutes of evidence before the arbitrator shewed distinctly, that Jane Oliver had spoken to nothing that affected the interests of her father. The amount of damages would not be increased or diminished by her evidence a single shilling. [The right hon. gentleman read the testimony of the girl until he was stopped by the impatience of the house.] Oliver had threatened an action for a malicious prosecution, and, as Restall refused to obey the award, the whole subject came before the Court of King's-Bench, and there a rule obtained by Restall was discharged with costs, on the undertaking of Oliver not to proceed for a malicious prosecution. (*Hear, hear.*) It was quite evident, therefore, that there was no foundation for the assertion endeavoured to be cast upon an injured individual; the inquiry originated in a paragraph in a newspaper, and the result had been worthy of its origin. The right hon. gentleman concluded by recommending the hon. member to be more cautious for the future how he brought forward accusations of so serious a nature.

Mr. *W. Smith* still adhered to his belief of the story which had been related to him, and required, that the subject should be investigated before a committee. As to the testimony of Jane Oliver, it related to the obtaining of papers by Restall, during the absence of Oliver, and formed one of the grounds of set-off before the arbitrator, so that, in fact, her evidence was extremely material. (*Hear, hear.*)

Mr. *Tierney* rose. The right hon. gentleman said, that, before he entered upon the question, he begged that the motion might be read from the chair, that gentlemen might judge for themselves, whether it had or had not been fairly represented on the other side, when they hinted at a supposed conspiracy against the character of a private and 'much injured individual,' Mr. Oliver. [Mr. Speaker read the question accordingly.] The right hon. gentleman then proceeded. The house would perceive that the conspiracy, if it existed at all, was composed of two sets of persons—those who petitioned parliament for this inquiry, and the two secret committees that had been appointed. (*Hear, hear.*) This circumstance had been entirely overlooked, and by no person more than by the noble lord who spoke from under the gallery, who forgot that he was himself one of the persons forming the body which had made assertions similar to those in the petition from Manchester, which led to the proposition now under discussion. (*Hear, hear.*) The fate of the motion was of the utmost importance, not merely to 'the much-injured individual,' Mr. Oliver, and his coadjutors in fomenting treason, but to the whole country; for the question was, whether the house should give its sanction to a system which had no parallel in the history of Great Britain? The question was not whether, under certain circumstances, spies and informers might sometimes be innocently employed, but whether the regular organization of them into an effective body, effective for the worst purposes, was to receive the verdict and warrant of that house? The answers yet attempted to the motion had completely failed: one hon. gentleman had affected to sneer at it; another had caught hold of an accidental expression, falling from one of its supporters; and a third had vainly endeavoured to raise a clamour against all those who wished to inquire how far innocent persons had been charged with the foulest crimes. Surely the other side must have been hard pressed indeed for an argument, when they snatched so greedily at a casual and hasty phrase, that the motion was framed to catch the vote of the hon. member for Bramber. It should never be forgotten, too, that the ridicule of that expression came from those who had not scrupled to practise trick after trick to catch the vote of that hon. member, (*hear, hear*)—from those who had spared no expense to catch it; not, indeed, to the profit of the hon. member himself, that was out of the question, but to the great loss of the public, whose money had been spent, time after time, in inquiries intended to satisfy the scrupulousness of his conscience. He did not wish to speak disrespectfully of the hon. member for Bramber, and, certainly, there was no individual more capable of giving effective support to ministers and their measures in the house; or more willing to do so when he happened, by accident, to be out of it. (*Cheers and laughter.*) What his vote would be upon the present occasion it was not, perhaps, easy to prophesy. If he had given a distinct and unequivocal pledge upon any question, he would doubtless redeem it; but here it was impossible to speak from experience, the case was of such rare occurrence; generally, his phraseology was

happily adapted to suit either party; and if now and then he lost the balance of his argument, and tended a little to one side, he quickly recovered himself, and deviated as much in an opposite direction as would make a fair division of his speech on both sides of the question. (*Continued cheers.*) The speech of the hon. mover had been attacked because he had confined himself merely to Manchester; and a complaint had been made against another hon. gentleman that he had spoken only of Yorkshire; but not one of the adherents of ministers had ventured to touch the real merits of the motion, which did not rest upon argument merely, but upon the reports of committees, and upon the petition of twenty-six inhabitants of Manchester, of irreproachable character, against whom it had only been objected, that they were not the whole population of the place: the authority of the borough-reeve was not necessary to convince the house that 26 individuals were not the whole population of Manchester. Three spies were principally referred to. The first was named Lomax, and all that the other side could state with regard to him was, that he could not have been a spy, because he had been taken up with the rest. But what could they say to his singular discharge, while the rest continued in custody? Nothing; and the unavoidable inference was, that he was a spy, and that, as a spy, he received favour at the hands of government. The next was named Dewhurst, and of him the right hon. gentleman had stated, that he was a nonentity—that no person of the name of Dewhurst was known. But what would he say if it were shewn that this Dewhurst was, in truth, no other than Michael Hall, who had passed under an assumed name—had taken advantage of an *alias* to carry on his plot against the lives of innocent men? Yet such was the undoubted fact; and it was equally true, that this 'much injured individual,' had enjoyed the advantage of having passed a considerable time on board one of his Majesty's hulks. (*Hear, hear.*) As to Waddington, the third spy, not a syllable had been urged by his friends: he was left to his fate, and, on that account, might well be styled 'a much injured individual.' Against all these evidence was offered, and from the respectability of the individuals tendering it, it was fair to presume that the testimony was deserving of credit. But then it was said, that two men of the names of Mitchell and Scholes had presented petitions; and that, as they were men of bad character, their evidence was incredible: those who used this argument seemed to forget that they had put forward Mr. Castle, (not a gentleman of the most irreproachable reputation), as a witness, and had expected that, upon his testimony, five men should be deprived of life. Admitting, therefore, that Mitchell was a man of bad character, in favour of Scholes there was strong evidence, as a magistrate upon the spot, in a letter which he (Mr. Tierney) had seen, had spoken highly of the regularity and sobriety of his deportment. Lord chief justice Holt and lord chief justice Eyre had wisely observed, that there were some transactions which could not be proved by ordinary witnesses, and the house should recollect that the intrigues of these spies were in the dark; they wormed themselves in among men not always of the best reputation, even in the rank in which they moved; and it was impossible, therefore, that the evidence against them should be in all respects unexceptionable: the witnesses were, however, to speak to facts capable of confirmation—namely, of the employment of spies and informers, not to check crime, but to promote it—not to discover treason, but to foment it. If one thing more than another required the immediate investigation of parliament, it was the rapid increase of spies of all kinds in this country. (*Hear, hear.*) It was no answer to say, that Lord Sidmouth was himself a man of good character; that the secretary for the home department could not in any way be attacked, when the proposal was, that an inquiry should be instituted into an odious system, which had been growing up from year to year, and had now arrived at a height disgraceful to the character, and injurious to the constitution of the country. (*Hear, hear.*) Assessed taxes were, perhaps, unavoidable in the present burthened condition of the empire, but the very collection of the revenue promoted the increase of spies and informers, who intruded themselves even into the private circles of domestic life: they insinuated themselves among the servants, creeping into the confidence of the groom and the footman, hanging about livery-stables or mews, and sneaking into halls and kitchens. To put a case, in illustration of the subject under debate: suppose one of these artful informers persuaded a gentleman who kept five horses, to return only four, and afterwards, not only made the fact known to the commissioners, but participated in the reward: if the matter were brought before parliament, would not every gentleman start from his seat, and demand an immediate and a strict inquiry? Yet where was the distinction, excepting that here the lives of poor men, and not the pockets of rich men, were concerned? (*Hear, hear.*) It was the duty of the house to take some steps upon this subject; and if it were asked, as it had been, what steps were to be taken for the punishment of Oliver and his nefarious associates, the answer was short and plain—that the committee were merely to inquire into facts, and when the facts were ascertained, it would be early enough to arrange what criminal proceedings ought to be instituted. In Yorkshire, Oliver appeared to have played the principal part; and it was asserted on the other side, that government gave him instructions only to send them information. Yet, how did the case stand? It was notorious, that in the north great distress and disaffection prevailed, and that a rising was contemplated by a few of the more hasty, as soon as they were assured of the co-operation of the London

delegates. Oliver knew that this was the match that would produce the explosion, and he immediately assumed the character of a London delegate. It was sincerely to be hoped, that neither Lord Sidmouth, nor the executive, knew of this detestable expedient; that they were unacquainted with the base disguise of their spy—this informer—this Oliver, who had been so bespattered with praise, for it deserved no other term, by his employers. Had he represented himself merely as a delegate from the north, it would have been comparatively harmless and innocent: but he went down from London to assure the discontented, that 70,000 men would rise at the waving of his hand, and thus the north and the south at once blazed with a co-operating flame. Was it possible to imagine a blacker villain than a man, who, with such a lie in his mouth, seduced the wavering, and entrapped the unwary? (*Loud cheers.*) What was the answer given by ministers? The right hon. gentleman (Mr. Bathurst) had merely said, "We deny the truth of what you assert. You may have a thousand credible witnesses to prove it, but unless you give us their names, we will deny the truth of your assertion." Of course this was refused, for if any name were given, "rogue and rascal!" was the instant exclamation; "he has been at police offices a hundred times, and he is down in our books as the greatest scoundrel that ever the sun shone upon." Immediately the friends of ministers in the back rows throw up their hats, and "down with the rascal—down with the villain!" was the general whoop. What pretence had those to require names, who themselves had refused all information? (*Hear, hear.*) If the other side would consent to give the names of their witnesses, the hon. mover of this question would not object to communicate the names of his, but there must be some reciprocity. A doubt had been expressed as to the accuracy of the information of one hon. gentleman, (Mr. Bennet) but his authority was the last that ought to be questioned, when it was recollected that all his statements respecting gaols and madhouses, though pronounced to be exaggerations or falsehoods, had turned out to be founded on authentic intelligence. Why, then, in this instance was he not to be allowed an opportunity of making good his case? The only true reason was to be found in the fear on the other side, lest they should be personally implicated, and that their political importance would be endangered. Whatever might be the vote of the house, in the country there had been, and would be, but one opinion. Considering the diffusion of education among the lower classes, and the consequent facility of acquiring some evil knowledge among much good; considering the severe distress which had prevailed through many parts of the country, and the liability to complain, which distress and starvation necessarily engendered, was it to be wondered at, that some were easily inflamed to dangerous designs and desperate acts? Was it not rather to be wondered at that so few had been infected? But if this was natural, what could be more diabolical than that the delusion so spread should have arisen from deluders employed by government? (*Hear, hear.*) It was fair to suppose that all the spies employed were not the immediate agents of government; indeed, he believed that government were not aware of half their numbers. Perhaps, Lord Sidmouth had communicated only with the notorious Oliver; and really that was quite enough for one secretary to have done. (*A laugh.*) Yet, the subordinate spies were innumerable, and though their information came refined through the strainers of constables and magistrates, (for every magistrate, every constable, had his little corps of spies and informers,) yet the system was all one: it was an open and avowed adoption of the odious method of *espionage*, and not a whit preferable to the French police. This country had hitherto been content to be without those advantages which were supposed to flow from the rigorous and vigilant exertions of the French police, because at the same time we enjoyed those free privileges, and that general happy security, which constituted the great and envied characteristics of our peculiar government. But this was now at an end; we had as many spies as France herself; we had ministers as minutely inquisitorial as their prefect of police, and all the boasted peculiarities of our constitution had been voted as useless for the preservation of the country. He was sure that no Englishman could view such a state of things with indifference: nay, he believed that every gentleman present must feel indignant that this country should be reduced to such a state of degradation as to sanction a regular system of *espionage*: he was sure that every gentleman would be anxious for an investigation into every allegation of the existence of such an evil, if he could be persuaded that no danger would accrue to the state or to the administration. Now, what danger could accrue to the state? The question was too absurd to be asked. What danger could accrue to the administration? If government, as they asserted, had given merely a few simple directions to their agents, and, instead of doing what would foment disaffection, had exerted themselves to check it as soon as possible, then, surely, government would gain by the inquiry; for they would thereby have the fullest opportunity of disavowing, and disproving, any connexion with those odious spies. Whence, then, was it that they refused to do themselves so much honour? Surely, not from modesty. No, he feared it was because they knew that there was something rotten in their proceedings, which would not bear to be brought to light. If a negative should be put on the present question, what would be the consequence? What would foreign nations think of us? It would give a sanction to a new principle of administration—to a melancholy innovation on our constitution, which would alarm our own country, and astonish all Europe. And

the reason, forsooth, why British privileges were to be overthrown, and British prejudices disregarded, was, that nothing but strong measures could keep the country tranquil. This was sad news after so many years of hard and expensive fighting; when we had been told, too, that the peace of the world was fixed, and that we had nothing to do but to sit down and enjoy ourselves in ease and quietness all the rest of our days. Could ministers believe that such a declaration, coming from them, would not tend to irritate rather than to allay disaffection? Oh! then, they exclaim, if that should be the case, there must be another suspension of the habeas corpus act, then another secret committee, then another indemnity bill! And so the odious wheel was to go round for ever! He implored the house to do what they could to prevent such a result: no inconvenience could arise from the adoption of the motion, and much might result from rejecting it. For instance, he was, and ever should be, a friend to an extensive reform in our parliamentary representation; but, at the same time, he was an utter enemy to those wild and senseless schemes which had been broached in many quarters. But were the wild designs of the foolish or the desperate to be checked by imprisoning the innocent, and ruining their families? He said the innocent, for they had not been proved to be otherwise; and it was, at least, a sign of grace in them, that, in their anxiety to be declared so, they had demanded to be tried by their country. What would those men say on being sent back to their impoverished families, to their ruined trades, without redress, nay, without a hearing? Would they not say, "we have been imprisoned without cause, we have been discharged without trial, or the means of asserting our innocence: government spies were sent to irritate us to desperation in the hour of our distress, and, having failed in that object, they made us their victims because we would not be their dupes; and yet you see, when we apply to parliament, it will not assist us; it turns a deaf ear to our petitions, and shuts the avenue to all redress." Would not this be their language, and who could gainsay it? And yet what a dangerous argument it would be in the mouth of a disaffected reformer. Some motions were opposed on the ground that they were brought forward merely to serve the purposes of party: that objection could not be raised in the present case. Here the simple question was, whether the house would recognise the detestable employment of spies—whether they would sanction a practice which poisoned the sources of confidence between man and man, and was destructive of the freedom and happiness of the whole community. He saw a right hon. gentleman (Mr. Canning) making himself ready to engage (*a laugh*), but that right hon. gentleman would find it hard to convince the house, or the country, that the system of *espionage* was not at once fatal to the honour of the government, fatal to the freedom of the nation, fatal to the comfort of every branch of society. (*Loud cheering.*)

Mr. *Wilberforce* rose. He began by saying, that he should not have offered himself to the attention of the house, if he had not been called upon in so marked a manner. He was not the more disposed to agree to the present motion on account of the tone of easy confidence assumed by the right hon. gentleman who had just sat down, for he had known that gentleman too long, and too well, not to know that he always appeared most confident when his cause was desperate. The fact was, that nothing could be more loose, vague, and indefinite than the present motion. When a motion had been formerly brought forward concerning the persons supposed to be alluded to in the report of the secret committee, as having instigated the insurrection which they were sent to detect, he had objected to that motion, because he did not think that the committee had referred to any specific case which had come to their notice. Indeed, he knew that the meaning of the committee was very different; for they distinctly saw, and directly asserted, that a general rising had been determined upon before that man, Oliver, had appeared upon the scene at all. The committee, at the same time, had fairly avowed what had come to their knowledge, as to the existence somewhere of instigators to mischief, who had been employed for a different purpose; but no specific instance had come before them, nor was it their intention to say that any had. He had, therefore, opposed the motion so founded. (See page 835.) But the present motion was even less founded, and the inquiry suggested would be laborious, nay, endless. Besides, how did it appear that the very first thing essential to an inquiry would be found in this case—he meant, the veracity of witnesses. Was it improbable that the persons who professed a readiness to come forward against Oliver and the rest, would be persons whose designs might have been prematurely revealed by Oliver, and who, therefore, would be anxious, from revenge alone, to appear against their detector? He felt convinced, that if the strictest investigation were to take place, all parties would come out of it with disgrace. (*A loud laugh from the opposition.*) His right hon. friend and himself were old soldiers in parliamentary warfare, and he certainly felt no anger at any observations which had dropped from him that night, because he felt that his right hon. friend had done no more than became his place as leader of the opposition. (*Loud laughter from the ministerial benches.*) But he would do what he conceived to be his duty, whatever might be the opinions, or whatever the sneers, of his right hon. friend. As to the question more immediately before the house, if his hon. friend behind him (Mr. Bennet), or any hon. gentleman, would pledge himself to bring forward any credible witness, who would prove that Oliver, or any other person, had instigated others to commit treason, he, for one, would give his vote for an instruction to the attorney-general

to prosecute such a wretch. That he could be prosecuted, he had no doubt; for, on the common principle of our law, that there was no evil without a remedy, there must be a remedy for so monstrous an evil. Let such a motion be made, and he pledged himself to support it. The system of *espionage* he execrated, and he considered it as not one of the least evils resulting from it, that those who, from circumstances, might be able to furnish information, and who would be willing to do it from motives of pure patriotism, might nevertheless be deterred from rendering such an essential service, lest they should be suspected of vile and mercenary motives; while, on the other hand, the hired spy, from anxiety to please his employer, and to do himself credit, would irritate instead of appeasing discontent, and would make a plot if he did not find one. (*Hear, hear, from the opposition.*) He was convinced that there was no man whose nature was more abhorrent from the employment of such agents than the noble secretary of state for the home department; and the truth was, that Oliver had not been, in the first instance, employed by him. Oliver went to his lordship, saying, that certain things had accidentally come to his knowledge, and offered to accompany an officer who was then going down to the disturbed districts. His offer was accepted, and, certainly, he must condemn that act; for he felt it to be as unnecessary and impolitic, as it was contrary to the principles of morality and religion, to employ the arts of depraved and mercenary falsehood for the discovery of truth. A country which had more morality and more religion than any other country in the world, ought not to be degraded by the employment of such wretched means of producing even useful results. For his own part, he saw so much good in the country, that he was not at all disposed to adopt the desponding tone of the right hon. gentleman, especially when he saw that the great hopes of the disaffected had been built on the distress of the country, while the most distressed districts had, to their great honour, remained untainted.—One word more, though on a subject on which it could not be pleasant for him to speak. He would ask, to what length must party feeling have reached in that house, when it was asserted, that because a person was not systematically opposed to government, he could not form an honest opinion on any subject presented to him in parliament. (*Cries of no, no, from the opposition.*) Well, if gentlemen were anxious to disclaim such injustice, he hoped that himself and an hon. friend of his would in future be treated with somewhat more respect. He would repeat, that when he contemplated the moral and religious habits of the people, he could not despair of the country, though he was sure that to revile, as some did, and to depreciate, as others did, our civil institutions, was not at all calculated to generate a feeling of content or patriotism. His right hon. friend had asked what foreign countries would think of our proceedings. As far as he was acquainted with the subject, there was a singular contrast between the judgments formed of our institutions abroad and at home. The wisest and best foreigners expressed the utmost admiration of our liberty and integrity, while, according to our declaimers at home, all was slavery—all corruption. He had been drawn in to say more than he had intended; but let a definite motion be made, and he would support it. That the present motion was of a different character was evident from the extraneous matter into which an hon. friend near him (Mr. W. Smith) had wandered. He would merely repeat, that if Oliver, or any other person, had acted in the way which had been imputed, it was a serious crime against the country, and he ought to be prosecuted; and if his hon. friend, (Mr. Bennet) or any other member, could produce evidence to shew that he had acted in that manner, he would support a motion for instructing the law officers of the crown to prosecute him. But, as to the present motion, he felt himself bound to oppose it.

Lord *Archibald Hamilton* said, that nothing could be more destructive of domestic happiness and public liberty than the employment of spies. It could not be denied that ministers had employed such persons—men of the most infamous and detestable character—who had instigated the people to commit acts of riot and sedition. They had appeared in all parts of the country. The proceedings of Richmond, the government spy in Scotland, were an exact counterpart of those of Oliver in England. He held in his hand the affidavit of one M'Lachlan, which stated, that Richmond had attended one of the meetings at Glasgow, as a friend to reform, and had stimulated all present to excess, by declaring that "no good was to be expected from petitions, but that parliament must be moved by fear." He held also in his hand a letter, signed by Richmond himself, stating, that "Utility was the criterion of his morality, and that he would justify, upon occasions, even direct falsehoods upon that principle." The noble lord said, he feared that Richmond, and his associates, had made a free use of this principle, and of these falsehoods, in the late transactions. He concluded by observing on the inconsistency of the last hon. member, who took merit to himself for detesting spies, yet opposed the present motion for detecting and exposing their conduct.

Mr. *Philips* rose to reply. He began by expressing the surprise and regret which he had felt on hearing the hon. member for Bramber declare his intention of giving a vote in direct opposition to the principles of his speech. No person could reason more justly and eloquently than that hon. gentleman had done on the evils of employing spies and informers. He had shewn that the practice was equally inconsistent with morals, religion, good government, and the genius of our free constitution. After

the rea : not natural to expect, that to be should be solicitous for in- ga of proceedings which he obated? His only reason s, that inquiry, he believed, d he could see no end of it. would exercise his recollection for a moment, he would easily call to mind cases much more intricate, and difficult, in which the house had, with great public benefit, entered into inquiries, and completed them within a moderate time. His hon. friend, the member for Lancashire (Mr. Blackburne) had said, that those who had signed the declaration at Manchester, deprecating inquiry, were more numerous than the petitioners from the same place who had prayed for inquiry. He had no doubt, that the assertion of his hon. friend on that subject was perfectly correct. But there was a material difference between the two cases, which he had omitted to point out. The petitioners for inquiry declared, that they signed the petition after having investigated the facts referred to, and of which they pledged themselves to prove the truth: while the persons who were against inquiry did not even pretend, that they had investigated any facts whatever.—They merely offered their tribute of praise to the conduct of the magistrates and municipal officers. It would be extraordinary indeed, particularly in a town like Manchester, where party prejudice was so violent, if magistrates and municipal officers should not have a number of friends and supporters ready on all occasions to panegyrise them, and to cast reflections on those who questioned the wisdom of their proceedings. His hon. friend had read a letter from the gentlemen who officiated as borough-reeve and constables at the time of the alleged conspiracy. In that letter they stated, that he (Mr. Philips) had sent them a message, declaring his intention to do them justice, whenever the subject of those disturbances should be brought before parliament.—He had before done, and was still ready to do justice to their intentions, by declaring his persuasion that those gentlemen had made no representations but what they sincerely believed to be correct, and that they were anxious to use the influence of their stations to preserve the public tranquillity. He did not hesitate to say, that his own mind had, at the time referred to, been a good deal affected by the confident assurances made to him, particularly by one magistrate, of there being abundant evidence to prove the existence of a traitorous, and widely extended conspiracy, and to convict several of the conspirators. The same gentleman, from whom he had received very candid communications, was persuaded that a special commission would be appointed to try the conspirators. Though he (Mr. Philips) saw no signs of such a conspiracy in his own neighbourhood, where the people were bearing great privations with exemplary patience and fortitude, and though he did not discover that the magistrate himself had any evidence of the fact, beyond what was derived from general rumour, or the testimony of spies and informers, yet he could scarcely conceive it possible for that gentleman and his colleagues to have so firm and decided a conviction on the subject, without being able to produce satisfactory proof of the guilt of the parties accused. It was to be observed, that he had then heard representations only on one side of the question. He was not then informed of the mischievous activity of the spies and informers employed by the magistrates and the government. He was ignorant of the measures pursued by them to entice the poor people into the commission of crimes, and to excite public alarm by successive and obscure rumours of secret plots and conspiracies. The conduct of those miscreants had since been fully explained to him. Of the persons who had been accused by them, and whose guilt had been represented as admitting of no doubt, not one had been convicted, or even brought to trial, and all were now liberated. What was the inference, but that the alleged conspiracy did not in fact exist, and that the magistrates were imposed upon by hired spies and informers? He had heard with surprise the assertion of the right hon. gentleman (Mr. Robinson), and which a noble lord (Lascelles) had since repeated, that he had abandoned the case of the petitioners for inquiry from Manchester. He asserted, on the contrary, that he had not abandoned any one part of it. He had corrected an immaterial mistake respecting Sir John Byng, into which he had been led, not by the petitioners, but by a communication made to his hon. friend the member for Shrewsbury (Mr. Bennet) by a person to whose testimony he should not have referred, if certain facts had not been stated by him, with which he (Mr. Philips) had been previously acquainted. The representations of the petitioners themselves had been found, in the main, to be perfectly correct. The right hon. gentleman had not, indeed, been able to disprove any one of them. Though he began his speech with a loftiness of tone, and a vehemence of gesture, which promised an easy and triumphant refutation of their case, there was by no means, as he proceeded, a corresponding vigour in his performance. The right hon. gentleman seemed to have expected, that he should repeat the facts that had been stated to him by some of the petitioners, and on which their case was founded, though he had detailed them at great length on presenting their petition. If he had acted this part, would not the house have had great cause to complain of his tediousness and presumption in occupying their time twice with the same narrative? The right hon. gentleman had said, that Lomax was not a spy, and that he (Mr. P.) was aware of the fact, because Sir John Byng had told him so. But how was he to know that Sir John Byng might not himself have been mistaken? He could not be supposed to be acquainted with all the spies and informers, em-

ployed by all the magistrates, and all the police agents, in all the different towns in Lancashire. The principal spies and informers seemed to have had subordinate spies and informers, whom they might be willing to sacrifice at any time for their own advantage, or convenience. But what was the proof given by the right hon. gentleman, that Lomax was not a spy, or an informer? He (Mr. P.) began with him on the 10th of March. On the 17th of March, (said the right hon. gentleman) he wrote to Lord Sidmouth, offering to disclose to him all the facts with which he was acquainted. He still went on proposing schemes of violence and crime, and using all the means in his power to excite others to the perpetration of them. Did not all this prove, that his object from the beginning was to be an informer? He would refer it to the right hon. gentleman, whether his conduct was explicable on any other supposition? The right hon. gentleman seemed to be but very ill informed himself of the facts respecting which he had undertaken to offer information to the house. He had given him every advantage, by detailing the case of the petitioners, and stating dates and names when he presented the petition; yet, after all the time for examination and inquiry which had since passed, the right hon. gentleman was still ignorant who the person was that called himself Dewhurst, though he (Mr. P.) had mentioned various facts and circumstances by which he might have been identified. The real name of that man, as had been stated by his hon. friend (Mr. Bennet), was Michael Hall, who was in the pay of the police, or the government, and had formerly been sentenced to transportation. He would beg the house just to consider the prudence and judgment displayed in sending such a wretch, in a season of general anxiety and alarm, among unemployed and half starved workmen, anxious to discover any means of relieving themselves from their unexampled privations and sufferings. Must it not be obvious to any man of common sense, that if mischief did not exist already, such a villain would exert all the efforts in his power to create it? What better evidence, he would ask, could be given in favour of the disposition of the people generally, than that miscreants, like these, had not been able, with all their arts of misrepresentation and fraud, to betray them into a single breach of the peace? The right hon. gentleman had not even referred to another spy, of whose infamous endeavours to deceive and mislead the poor people so many instances had been given upon the presentation of the petition from Manchester. The real name of that man was Robert Waddington, as was stated at the time, though he too, like his worthy colleague, bore another name, *viz.* Warren. He was the man, who, at the meeting of the 28th of March, declared that he had received a letter that morning from London, stating, that "all the people in that neighbourhood were up: that there were 80,000 of them at Chalk Farm, 100,000 at another place, and 60,000, or 70,000, elsewhere."—After the facts which he had referred to, and those stated in the petitions, which had been entered as read, he had no hesitation in asserting, that a case demanding inquiry had been sufficiently established. He would add only one remark. His friends and himself were solicitous for inquiry, while those opposed to them were anxious to shun all inquiry. The house, and the public, would from thence decide, with which of the parties the conviction was the deepest of having truth on its side. *(Hear, hear, hear.)*

The house then divided.	Ayes	69
	Noes	162
Majority against the motion.		93

NETHERLANDS.] The report of the committee of supply being brought up,

Lord *Castlereagh* rose, and said, he felt it necessary to give some explanations respecting the vote for the fortifications in the Netherlands, in consequence of doubts expressed by an hon. gentleman opposite (Mr. Warre). He had since referred to the treaty, and he found, that there was no sort of ambiguity in the article which related to the fortifications. In no case could the charge for them exceed 2,000,000*l.* There was 1,000,000*l.*, besides, to be paid to Sweden in consideration of giving up Guadaloupe. The third article referred to the Russian loan to the government of the Netherlands, which had not been finally adjusted.

Mr. *Warre* said, if he had erred, it appeared that he had done so in common with the noble lord. Two millions, it now appeared, was the ultimatum of charge for the fortifications.—The report was then agreed to by the house.

LIST OF THE MAJORITY

ON MR. PHILIPS'S MOTION.

Abercromby, Hon. A.
Abercromby, Robt.
Acland, Sir T. D.
Allan, George
Arbuthnot, Rt. Hon. C.
Astell, Wm.
Atkins, John
Alexander, James
Babington, Thomas
Barclay, Charles
Bastard, John
Bastard, E. P.
Bathurst, Rt. Hon. C.
Benson, R.
Bernard, Visct.
Beresford, Sir J.
Binning, Lord
Bolland, John
Boswell, Alex.
Bourne, Rt. Hon. W. S.
Blackburne, John
Blackburne, J. I.
Blair, J. Hunter
Brogden, James
Bradshaw, Robt. H.
Brydges, Sir S. E.
Burrell, Sir Charles
Burrell, Walter
Cole, Sir Christ.
Calvert, John
Canning, Rt. Hon. G.
Castlereagh, Visct.
Cocks, Hon. J. S.
Cocks, James
Croker, J. W.
Collet, E. John
Colquhoun, Rt. Hon. A.
Compton, Earl of
Courtenay, T. P.
Courtenay, W.
Cust, Hon. W.
Dovcton, Gabriel
Dalrymple, A. J.
Don, Sir Alexander
Davies, Rich. Hart
Davenport, Davies

Dawkins, James P.
Drummond, J. H.
Disrowe, Ed.
Egerton, Sir J. G.
Edmonstone, Sir C.
Eliot, Hon. Wm.
Ellison, Cuth.
Evelyn, Lyndon
Fane, J. Thos.
Farquhar, James
Fellowes, W. H.
Fitzharris, Visct.
Foster, Leslie
Forbes C.
Finlay, Kirkman
Franco, R.
Frank, Admiral
Fynes, Henry
Gascoyne, Gen.
Giddy, D. Gilbert
Gipps, George
Gordon, Sir W. D.
Gifford, Sir Robt.
Goulburn, H.
Graves, Lord
Grant, A. H.
Greville, Hon. Sir C.
Gurney, Hudson
Hart, Gen
Hill, Sir G. F.
Holford, G. P.
Hulse, Sir Charles
Huskisson, Rt. Hon. W.
Jackson, Sir J.
Jones, John
Keck, G. A. L.
Lascelles, Visct.
Law, Hon. Edw.
Littleton, E. J.
Lockhart, J. I.
Lopez, Sir M.
Lowndes, W.
Long, Rt. Hon. C.
Lowther, Lord
Lowther, Hon. Col.
Luttrell, H. F.
Lushington, S. R.
Lygon, Hon. H. B.
Lester, B. L.
Leigh, R. Holt
Lubbock, Sir John
Leigh, Jas. Henry
Macdonald, R.
Macqueen, T. P.
Maitland, John
Manning, Wm.
Morland, S. B.
Mills, Charles
March, Earl of
Moorsom, Sir R.
Money, Wm. T.
Moore, Lord H.
Morgan Sir C.
Nichol, Rt. Hon. Sir J.
Neville, Rich.
Ogle, H. M.
Paget, Hon. B.
Palmerston, Visct.
Percy, Hon. J.
Perring, Sir John
Pellew, Hon. P.
Phillimore Dr.
Phipps, Hon. E.
Pitt, J.
Pole, Rt. Hon. W. W.
Porcher J. D.
Powell, J. K.
Protheroe, E.
Peel, Rt. Hon. R.
Peel, W. Y.
Quin, Hon. W.
Round, John
Robinson, Rt. Hon. F.
Robinson, G. A.
Scott C.
Simeon, Sir John
Singleton, M.
Shiffner, George
Shepherd, Sir S.
Somerset, Lord G.
Smith, T. A.
Sumner, G. H.
Suttie, Sir James
Stanhope, Hon. J. H.
Stirling, Sir W.
Strutt, J. H.
Thynne Lord John
Thornton, Sam.
Trefusis, Hon. C.
Tremayne, J. H.
Ure, Masterton
Valletort, Visct.
Vansittart, Rt. Hon. N.
Vyse, R. W. H.
Wallace, Rt. Hon. T.
Warrender, Sir G.
White, Matthew
Worcester, Marquis of
Woodhouse, Ed.
Wilberforce, Wm.
Wood, Sir Mark
Wright, J. A.
Wynn, C. W.
Wyatt, C.
Yorke, Rt. Hon. C. P.
York, Sir J. S.

MINORITY.

Abercromby, Hon. J.
Althorp, Visct.
Baillie, J. E.
Barnett, James
Baker, John
Birch, James
Brougham, Henry
Browne, Dom.
Burrell, Hon. P. D.
Byng, George
Burroughs, Sir W.
Calcraft, John
Calvert, C.
Campbell, Hon. J.
Carter, John
Cavendish, Lord G.
Cavendish, Hon. C.
Duncannon, Visct.
Fazakerly, N.
Fergusson, Sir R. C.
Folkestone, Visct.
Frankland, Robert
Gaskell, Benjamin
Gordon, Robert
Guise, Sir Wm.
Hamilton, Lord
Howard, Hon. W.
Howorth, Humph.
Hughes, W. L.
Hurst, Robt.
Hammersley, H.
Latouche, John
Latouche, Robt.
Latouche, Robt. jun.
Lefevre, Chas. S.
Lambton, J. G.
Methuen, Paul
Macdonald, James
Macintosh, Sir J.
Madocks, Wm. A.
Martin, John
Milton, Visct.
Monck, Sir C.
Morpeth, Visct.
Moore, Peter
Moseley, Sir O.
Newport, Sir John
North, Dudley
Nugent, Lord
Ord, Wm.
Peirse, Henry
Pelham, Hon. C.
Pym, Francis
Ridley, Sir M. W.
Robarts, W. T.
Scudamore, R. P.
Sharp, R.
Smith, John
Smith, W.
Symonds, T. P.
Stanley, Lord
Tavistock, Marquis of
Tierney, G.
Walpole, Hon. G.
Waldegrave, Hon. W.
Warre, J. A.
Webb, Ed.
Wilkins, Walter
Wood, Matthew

TELLERS—Hon. F. S. Douglas and George Philips.

HOUSE OF LORDS.

Friday, March 6.

POOR LAWS.] The Earl of *Rosslyn* presented a petition of the Proprietors and Occupiers of the township of Grinton, in the North Riding of the county of York, complaining of their sufferings under the present system of the poor laws, and praying that the law might be so amended, that occupiers of lead mines might be rated. (See the Commons.)—Ordered to lie on the table.

HOUSE OF COMMONS.

Friday, March 6.

FINANCE COMMITTEE.] Mr. *D. Gilbert* brought up the eighth report of the committee appointed to inquire into the public income and expenditure.—It was ordered to lie on the table, and to be printed.

POOR LAWS.] The following petition of the Proprietors and Occupiers of the township of Grinton, in the North Riding of the county of York, was presented, ordered to lie on the table, and to be printed. "That the petitioners have to express their reluctance in again approaching the house with their complaints of those sufferings which they continue to experience under the present system of the poor laws; if they may be permitted to draw an inference from what has taken place in their circumstances within the last three years, as to what is to be their fate in future, they cannot close their eyes upon the evident but mournful conviction that their total ruin must be as certain as it will be rapid; the rate on their best lands in this year exceeding the heavy sum of 1*l.* 10*s.* per acre, the want of that relief which

they have for many years past been accustomed to receive from rating the duty lead raised from the mines within the township of Grinton is severely felt at the present moment; the petitioners most earnestly intreat, therefore, that the house will be pleased particularly to recommend this circumstance to the committee now deliberating on the subject of the poor laws; and they pray, that the law may be so amended that occupiers may be rated in respect of the duty lead; in a matter of such vital importance to the kingdom in general much deliberation and much inquiry must be undoubtedly requisite, and temporary remedies must be thankfully received; but in an evil so colossal, so pregnant with ruin as the present system, they will endeavour to hope that it will never cease to occupy the most serious consideration of the house until such measures are devised as shall gradually lead to its total abolition."

CONVEYANCERS.] The following petition of Nicholas Pearce, of Saint Mellion, near Callington, in the county of Cornwall, conveyancer, was presented, ordered to lie on the table, and to be printed. "That the petitioner, amongst others, has exercised, and continues to exercise, the profession and business of a conveyancer, having been long a member of one of the inns of court, as required by an act of parliament passed in the 44th year of the reign of his present Majesty, and having regularly taken out a certificate annually, pursuant to that and subsequent stamp acts; that he has been informed, and believes, that certain attempts have been and are now being made by many attornies and solicitors, by petition to the house, under an affected zeal for the public interest, and with the ostensible pretext of preventing ignorant and incompetent persons from exercising the business of a conveyancer, to pass one or more acts of parliament that may, without regard to ability or competency, disable from practising as conveyancers those persons who, relying on the faith of an act of parliament, have with great assiduity and labour, and at great expense, qualified themselves to perform the duties of such profession, and have practised to the benefit and satisfaction of their employers, and with credit and reputation to themselves; that the petitioner has been informed, and believes, that it has been objected by the said attornies and solicitors that conveyancers exercise certain businesses, and amongst others that of land agent, or land surveyor, together with conveyancing; the petitioner most humbly submits to the house, that the business of a land surveyor is highly respectable, and that there is nothing disreputable or degrading to the profession of a conveyancer in uniting with it that of land surveying; and he further submits to the house, that this objection ought not to have any weight, because many attornies and solicitors are land agents and stewards, and many of them exercise other businesses inferior to that of land surveying, and because all attornies and solicitors may act as land surveyors if they are qualified so to do; that the petitioner humbly represents to the house, that conveyancers are, with perhaps very few excepted instances, men of acknowledged respectability, integrity, and ability, and that their practice is evidence thereof; that such practice is considerable and desirable is plainly declared by the efforts of the attornies and solicitors to wrest it from the hands of the present possessors, that it may be divided among themselves; that the petitioner humbly submits to the house, that it would be unjust to disqualify the whole body of conveyancers because some one or two might be found who are incompetent to practise as such, or who may have forfeited their claim to respectability; that, on the same principle, the whole body of attornies and solicitors would be subject to the same rule of disqualification, as instances are not uncommon of the want of ability and integrity among the practitioners of that branch of the law being brought under the cognizance of the courts at Westminster; that the petitioner further submits to the house, that the attornies and solicitors ought not to object against (at least) the established conveyancers continuing the exercise of their profession, because the said attornies and solicitors must have had full knowledge, at the time they were articled, that conveyancers had been and were a distinct and separate body; that the petitioner frankly acknowledges to the house, that, in addition to the business of a conveyancer, he also acts as land agent and surveyor, and he submits that he has always conducted himself in the exercise thereof with integrity and uprightness, and to the satisfaction of his respectable employers, that he ought not to be deprived of either of the means whereby he obtains a livelihood for himself and his family; that the petitioner further submits to the house, that no benefit is likely to arise to the public by vesting in attornies and solicitors the exclusive right and privilege of conveyancing, seeing that the number of competitors will be lessened, and the public be necessarily more dependent on them than at present; that the petitioner begs to inform the house, that at an early age he was placed under and instructed by a conveyancer for more than eight years, that he has practised as such from that time, as well before as after he was admitted a member of the honourable society of Gray's Inn, in compliance with the above-mentioned act; and that he has hitherto given satisfaction to his employers; and he therefore humbly prays the house to take his case into their serious and impartial consideration, and to extend their protection to him in the exercise of his undoubted and just rights, since, if the petitioner should be deprived thereof, his family and himself would be greatly and irremediably injured and distressed: that if it shall seem meet to the wisdom of the house to make any alteration in the existing laws respecting the future practice of conveyancing by persons not being attornies or solicitors, the peti-

tioner prays that it may not have a retrospective operation, or be calculated to oppress or injure the conveyancers already established, who have paid their fees and annual duties so long, and maintained a reputable and respectable rank in society."

TITHE LAWS AMENDMENT BILL.] Lord *Palmerston* presented the following petition of the Chancellor, Masters, and Scholars of the University of Cambridge. "That the petitioners have seen with the greatest anxiety and alarm, a bill introduced into the house, intituled, 'a Bill for the Amendment of the Law in respect of Tithes;' that they view in the provisions of this bill an attempt to overturn those principles upon which for centuries the wisest lawyers have founded their decisions respecting the right of tithes; that the petitioners humbly submit to the house, that the law of tithes is interwoven with the constitution no less of the state than of the church, and has been guarantied by every charter of our civil liberties: that it would be inconsistent with the principles of impartial justice, to make it imperative on courts of equity, to grant at the suit of the party defending under any prescription or exemption from tithe, an issue to try the same by jury, as there are, and ever must be, many local interests and prejudices which would essentially obstruct, and, in many cases, defeat the impartial trial by jury of such causes, which prejudices are greatly strengthened and extended by the introduction into the house of bills professedly intended to interfere with ecclesiastical property; that there is no proof before the house of real grievances, arising from the existing practice of courts of equity, in granting or refusing issues to try such causes by jury, that should induce the house to pass the proposed bill; that the petitioners view that clause in the bill, which proposes to alter the nature of the evidence at present required to establish a composition real, as an attempt to subvert every established rule of evidence, as mere usage, without the production either of the deed or instrument of such composition, or of the slightest evidence to shew that such deed or instrument ever existed, can never afford conclusive evidence that such composition was legally made; that the real object of that clause appears to the petitioners to be, to convert every bad modus into a good composition real; that to presume from mere usage, going back only as far as living memory, that lands belonged to monasteries or religious houses dissolved by the 32d of king Henry the Eighth, without producing any evidence of the fact, although such evidence might, if the fact were so, in all cases be easily obtained, and that such lands are entitled to be held, discharged, and acquitted of payment of tithes in as ample manner as they were when it is presumed that they were in the possession of such religious houses, is contrary to every principle of evidence and of justice; that to establish in such cases a discharge or exemption from the payment of tithes, because it appears that such discharge or exemption has, as far back as living memory can go, been enjoyed, and been reputed to be lawfully enjoyed, is, first, to deprive the church for ever of such tithes as by law belong to it, and might be recovered by an incumbent who was able and willing to sustain the expense of an action; secondly, to create an inducement to the corrupt disposal of benefices, by making it possible in certain cases for a family possessing an estate in a parish, and the advowson of the benefice, to originate and establish in the course of two or three generations, a perpetual exemption of their own estate from payment of tithes; that to legalize all conveyances, exchanges, compositions, and agreements, that have been made between the 13th of Elizabeth, and the year 1766, unless proved to have been originally fraudulently obtained, is to legalize what the law has declared to be illegal, and what the statute of the 13th of Elizabeth was expressly enacted to prevent; and to require from the incumbent of a living positive proof that such conveyances, exchanges, compositions, and agreements, were originally fraudulently obtained, at the same time that it is proposed to make mere usage, going back only as far as living memory, conclusive evidence of the existence of an exemption from payment of tithe, is utterly repugnant to every principle of justice; that the appointment of commissioners to set out lands for a particular modus, is open to very serious abuse, for if the modus is too rank to suit the land for which it is claimed to be paid, the quantity of land may be extended to suit the modus; the petitioners therefore humbly pray the house, that no such bill may pass into a law."

On the motion that the petition do lie on the table,

Mr. *Curwen* rose, and said, that he hoped between this and the second reading of the bill, many groundless prejudices would be removed. It was not his intention to urge the first part of the bill, relative to moduses, and he regretted that the learned body, whose petition had been just presented, had not been aware of that circumstance. He now gave notice, that he should move the second reading on the 16th instant.

The petition was ordered to lie on the table, and to be printed.

COPY RIGHT BILL.] The following petition of the Chancellor, Masters, and Scholars, of the University of Oxford, was ordered to be printed. "That the petitioners, being informed that a bill is now in progress through the house for securing the copies and copyright of printed books to the authors of such books and their assigns, by certain provisions of which the interests of the university are likely to be affected, humbly beg leave to represent, that by an indenture or deed of grant from the Stationers' Company, bearing date the 12th day of December 1610, the University of Oxford is entitled to one copy of every book printed by the said company, which grant was in the following year confirmed and extended by the authority

of the same; the petitioners therefore humbly pray, that parliament in its wisdom will be pleased to advert to the fact, that the University of Oxford does not originally derive its privilege from the act of the 8th year of her Majesty Queen Anne, but was in possession of it for a century before that act passed, and that the house will on that account, as well as in consideration of the right having been enjoyed by authority of parliament, be induced to maintain and preserve the privileges of the university with respect to its claim of copies of books, in such manner as shall seem most fit and reasonable."

INDEMNITY BILL.] A message was received from the lords, which announced, that their lordships had passed a bill, intituled "an act for indemnifying persons, who, since the 26th day of January, 1817, have acted in apprehending, imprisoning, or detaining in custody, persons suspected of High Treason or treasonable practices, and in the suppression of tumultuous and unlawful assemblies." At the same time, their lordships communicated the report of their committee on the secret papers, as requested by a message from the commons.

The messengers having withdrawn,

The *Attorney-General* rose, and said, that as he understood that an hon. member (Mr. Lambton) had expressed his intention to oppose the indemnity bill in every stage, he should not move the first reading of it that night, but would do so on Monday next. At present, he should merely move that the bill be printed.

Mr. *Lushington* moved, that the bill be read a first time on Monday next.

Lord *Folkestone* thought, that the conduct of the Attorney-General, in desiring to move the first reading on Monday, was quite fair. But the motion of the hon. gentleman would make it an order of the day. He hoped, that he would not persist in such a motion: if he did, he trusted that the Attorney-General would vote against it.

The *Attorney-General* explained: after what he had heard of the intended opposition to the bill, he had thought it right that time should be given to print it, (*Hear, hear,*) so that it might be understood in all its parts, and not considered and debated upon prematurely.

Lord *Folkestone* said, he did not at all complain of the proceedings of the learned gentleman respecting the bill, but of the motion of the hon. gentleman, which seemed to be in the teeth of the learned gentleman's proposition.

Mr. *Lushington* said, there had been no inconsistency in his conduct. All that he had desired was, to secure the discussion in the first stage on Monday.

Mr. *Lambton* said, it was his intention to oppose the bill on the question for its being read a first time; indeed, to oppose its earliest stage.

Mr. *Speaker* said, he apprehended that the course would be, that if the order of the day was made for Monday, that question would come on first; and after that, the question on the first reading must be put.

The motion for the order of the day on Monday was then agreed to, and the bill, together with the report of the lords' committee, ordered to be printed.

PRIVATELY STEALING BILL.] Sir *S. Romilly* moved the second reading of this bill.

Sir *F. Flood* thought, that the bill should be made to extend to Ireland, as it was very desirable to assimilate the laws in both islands. At present, he knew that the same inconveniences existed in Ireland with respect to laws of this description. Juries were smitten with compassion, and the feelings of judges were actuated, in cases where the laws awarded severe punishment. The punishment of crimes should be proportioned, but rendered more certain. He trusted that the learned gentleman would persevere, and that, after that house had passed the bill over and over again, the other house would not be obstinate, and reject it.

Sir *S. Romilly* thought it desirable to extend the operation of the bill to Ireland. Humanity in that country counteracted the effect of such laws in the same way that it did here. But it was possible, that his interfering in the laws of Ireland might operate in another place against the bill, and occasion more objections. Some gentleman connected with Ireland might take up the matter with a better prospect of success.

Sir *F. Flood* said, that if no other member took up the subject, he would himself move for leave to bring in a similar bill for Ireland.

Mr. *Peel* said, that the same laws should certainly exist in both countries.

The bill was then read a second time, and committed for Monday the 16th instant.

SALT DUTIES.] The following petition of several salt proprietors, and other inhabitants of the county of Chester, was presented, ordered to lie on the table, and to be printed. "That at a public meeting, lately convened by the sheriff of Cheshire, on the requisition of certain dairy farmers, it was resolved to petition the house, that the duties on salt should be totally abolished, as burthensome to the dairy farmers of Cheshire in particular, and the poor in general; that the petitioners see no good reason why the dairy farmer should consider himself burthened with the duty on salt, as the salt necessarily used by him in cheese and butter, is sold again in those articles at a much higher rate than he pays for the salt; that the salt used by the poor, is in very small quantities, and so little felt by them, that the petitioners believe they never entertained an idea of the duty being oppressive, until it was suggested by the Cheshire dairy farmers; that the petitioners are of opinion that no tax can be substituted for that on salt, which will be less oppressive, or bear so equally on all his Majesty's subjects; that the stamps used in respect of salt, and the payments connected therewith, add very materially to the public revenue; that the petitioners are of opinion that salt will not be found beneficial as a

manure, or for cattle, or other agricultural purposes, and that little, if any, will be used, for although brine mixed with ashes and rock salt were, by an act of the last session of parliament, allowed to be used, yet only one application has been made, which was abandoned, for brine, and only two or three applications have been made, as the petitioners believe, for rock salt for cattle; that such of the petitioners as are proprietors of salt works have expended large sums of money in the erection of such works, and in making warehouses and buildings so as to secure the duty to the revenue, which will become in a great measure unnecessary and useless if the duty on salt should be abolished, by which the property of the petitioners will be much deteriorated; that if the duty on salt should be wholly abolished, and foreign salt allowed to be imported without being liable to any duty, the trade of the petitioners, the salt proprietors, would be much injured, as foreign salt may be imported into different parts of the kingdom at a lower rate than the petitioners could supply it; that the petitioners feel confident that the use of salt on land would be destructive to fences and exceedingly prejudicial to timber, it being known to them that many timber trees have been destroyed by cinders from the salt works having been used in repairing roads; they therefore humble pray the house to take these their humble representations into their consideration, on any application which may be made for taking off the duty on salt, and rather permit the present duty to continue than substitute taxes which may be less equal and more burthensome."

MUTINY BILL—ARMY ESTIMATES.] The report of the mutiny bill being brought up,

Lord *Althorp* rose to move an amendment in the preamble. He observed, that when the question of the amount of force to be maintained was before agitated, the house was so thin, that he thought it his duty to bring it again before them. In the present condition of the country, when the finances were in so low a state, when we were involved in so many difficulties, he could not but think that the army was larger than it ought to be. There scarcely ever had been a time when the country had been so distressed. Last year the income had been 51,000,000*l.* and the expenditure 65,000,000*l.*; that was, there had been a deficiency in the income when compared with the expenditure of 14,000,000*l.* Without any great knowledge of finance, it might be obvious to every man, that it would be impossible to preserve the situation which we had held, or to resist any aggression that might be made upon us, unless by some means our income and expenditure could be brought nearly to an equality. (*Hear.*) Either the expenditure should be lowered to the income, or the income should be raised to the expenditure. It would be obvious to every one, that, whether the deficiency should be supplied by loans or exchequer bills, it would be still money borrowed. The outstanding exchequer bills amounted now to 56,000,000*l.* Whether the military establishment or any other were under discussion, it was plain that they were considering the question—whether any new tax should be laid upon the people, or any reduction should take place. The question was, whether they would make that reduction, or would keep up the same establishment with which they were overrun so much last year, or what reduction they would make that might diminish the burdens of the country. (*Hear, hear.*) In order to meet the great deficiency, the only reduction was, in reality, less than 3000 men—3000 men, or less, was the only reduction that had been proposed by government. He did not mean to trouble the house by entering into any of the details of the forces; to that, indeed, he felt himself unequal. He did not possess any information on the question whether more or less might be necessary in any particular department. His hon. friend, the member for Rochester, had compared the establishment of this year with that of 1792; he thought that comparison perfectly just: being the last period of permanent peace, it was certainly the best criterion to go by; but the noble lord (Palmerston) had objected to that. He should have not the least objection, however, to allow the noble lord to choose any year between the American war and the war with France. (*Hear, hear.*) As this was the third year, however, after the present peace, he should take the third year after the American war—the year 1786. Before he entered on the comparison, it was necessary that he should state what part of the estimates of the year he would put entirely out of the question. He should leave out of the comparison, 1. the colonies acquired since that time; 2. Ireland, which, it was admitted by gentlemen from that country, required a larger force, though the responsibility for the conduct which brought about that necessity, was on the shoulders of the ministers, and especially of the noble lord (Castlereagh), who consented to compromise a measure which he had himself declared to be essential to its tranquillity; 3. the troops required under the new system of reliefs. The noble lord (Palmerston) had calculated 12,000 men for the newly acquired colonies. He should allow 13,620. Thus 24,000 remained for the colonies which we possessed in 1786. Now, the difference between the estimates for the year 1786 and the present year was as follows:

In 1786, the numbers for Great Britain were	17,638
for the Colonies,	9,546
Irish regiments serving abroad,	2,490
Total	29,674

n 1818, the numbers for Great Britain were	29,780
for the Colonies,	24,000
Total	53,780

'he whole difference then, taking the numbers as

he had stated them, would be upwards of 24,000 men. The noble lord had accounted for part of the difference from the alteration of the mode of relief. He had set apart upwards of 6,000 men for the purposes of relief. Such a number could not have been required upon his principle of excluding the new possessions, and therefore he would take that part at 2,000 men. That accounted, then, for an increase of 4,000 men since the American war. There remained still, however, upwards of 20,000 men unaccounted for. He should not enter into the detail, but ministers were bound to shew a necessity for every one augmented item of the estimates. The increased population of the country had been adduced as an argument for an increase of force. He had been really surprised to hear such an argument employed. It had been our pride and triumph, that when despotic governments were obliged to maintain themselves by a military force, we, with all our privileges, were not molested in their enjoyment by an army. He could not allow of that argument at all; but if he could allow that a large army was a necessary consequence of a great population, he should be very far from approving of our present force. In 1786 the British force was 17,000 men, and now it was 29,000; so that there was a difference of nearly 12,000 men. But taking that argument to have its full weight, he did not suppose it would be available in considering the forces for the West-Indies. (*Hear, hear.*) In 1786, we had concluded a war which was very different from the last in which we had been engaged. We had then to guard against both foreign enemies and domestic danger. Now, we had borne the conquest of Europe, and had an immense army in France, ready to preserve us from any sudden aggression. It appeared, indeed, that any argument on the subject would tend rather towards a reduction of the estimates than an augmentation. We had no occasion for such a force in the colonies. The only possible danger to the old colonies was to be apprehended from America, and that country had a standing army of 8,000 men, to oppose which, it seemed necessary to have an army of 24,000 men. That number of men was so much beyond any calculation to which he might refer, that he could not for a moment think it was proper. His arguments, he might observe, went considerably farther than the reduction which he intended to propose, namely, a reduction of 5,000 men. His reason for limiting it to that number was, that a motion for a greater reduction had been negatived by a large majority. If his motion were carried, there would still be an increase of 15,000 men, after full allowance made for the reliefs. In point of economy, the reduction he proposed would certainly be a saving to the country. He was speaking as far as he had been able to calculate the expense of the force, and, by his own estimate, the reduction would be a diminution of expenditure of 180,000*l.* That was a sum of considerable importance to the country at the present moment. It had always been an argument with him, that a large standing army was a dangerous thing for this country. Indeed, it appeared that the policy of the country was very much changed of late years. It had been formerly the practice to keep up the force of the navy; but that was not the case now. (*Hear, hear.*) At no previous period had there been voted for Great Britain a larger force for the army than for the navy. Between 1786 and 1792, there had been voted for the army 17,000 men, and for the navy 19,000. Now, there were for the army 29,000 men, and for the navy 20,000. We had attained great honour as a military nation, but could any man believe that we should ever have attained that honour, if we had not been a great naval power? (*Hear.*) In former times every success depended on our navy, but the navy was becoming so much neglected, that, he feared, it would be difficult for us to maintain the high station we had hitherto claimed, in case of any future contest. If the army increased, it should be narrowly observed, as it augmented the interest and influence of the crown. Many families in England had more or less influence by their connexion with the army. That was an influence which had, without doubt, increased by the extent of taxation, by the number of revenue officers, and in a variety of ways: and that influence they ought to do all in their power to contract. In the West Indies there was one circumstance which would reduce the number of men considerably —he meant the abolition of the slave-trade. As long as great numbers of those most wretched creatures, who, in many instances, had been torn by force from their homes, were to be found in the colonies, much danger, at least internal danger, existed, which would now no longer remain. The acquisitions that we had attained had certainly required the employment of additional force. But it was said, that some of the colonies maintained a number of native troops; and surely it could never be asserted, that, in consequence of having these black regiments, it was necessary to increase the number of whites. There was another circumstance that would make a considerable alteration in the forces, and that was, the great increase of fortifications. These had increased considerably, and, he thought, without any necessity. We had now 100 battalions, which, in 1786, consisted of 400 men each, but at present of 800. In his opinion, if the battalion were reduced to 750 men, it would be sufficiently strong; and, therefore, he should propose to take 50 men from each of the 100 battalions, which would amount to 5000 men in the whole. He wished the house to remember the necessity there was for this reduction, and he hoped, that they would not reject a motion which left a force more than was necessary of 15,000 men. The noble lord then moved an amendment to the bill, by leaving out "113,640 men," and inserting "108,640 men," instead thereof.

Mr. *Wynn* said, he had to state a difficulty in his mind relative to the proceeding of the noble lord, which was, whether, supposing the house should agree to his motion, it would be productive of any effect whatever. A similar amendment had been moved in more instances than one, and carried, but it made no diminution in the number of troops maintained. The number of troops was never an effective part of the mutiny bill; its principal object was to make provisions, according to which the conduct of the army was to be regulated. Indeed, if the house looked back into the history of mutiny bills, they would find that they frequently stated no numbers whatever. In the year 1715, 9,956 men had been voted, which the house of lords diminished to 8,500. In the year 1724, the number 12,434 men had been inserted in the mutiny bill, though the supply had been voted at 14,294. The army continued at that number. In another year the supply had been voted for 18,000 men. The house of lords made a reduction: but if the estimates were examined, the numbers would be found to continue at upwards of 18,000. With these instances before him, he did not know in what way the noble lord's amendment could operate. He agreed most cordially with most of his statements, particularly with that part which related to the colonies; but he disapproved of the mode in which his proposition was to be carried into effect. He had no objection to the maintenance of the number of troops voted for the colonies, but he thought that the colonies should bear the expense. Jamaica had once maintained two battalions, and a regiment of cavalry.

Mr. *Bankes* said, that the motion of the noble lord was strictly conformable to order. That house, and that house alone, had the proper control over the mutiny bill. In certain instances, it was true, the other house, when they considered the grants made by that house as extravagant, thought proper to make a seasonable reduction, and the house of commons acceded; having granted too much by a hasty vote, they thought proper, upon reconsideration, to concur in its reduction. He hoped, that if they now agreed to the reduction of 5,000 men, as proposed by the motion of the noble lord, it would not be competent for the government to go beyond it. In time of peace it behoved them to look at every possible mode of reduction which was safe and warrantable. He admitted, however, that a large establishment, such as ours had been for years, could not be suddenly reduced. This could only be done gradually and regularly. He differed much from the opinion of the minister at war. The noble lord had stated, that Mr. Pitt was greatly mistaken in proposing a peace establishment which was too low; because in the war which broke out shortly afterwards, the country was put to very serious expense in raising the army to a proper standard. But the maintenance of a large standing army, when of no use, in order to be prepared for exertions which might possibly be required afterwards, was improper in every view, and utterly repugnant to the spirit of our happy constitution. Last year, perhaps, it might have been maintained, that a considerable force was necessary to restrain the turbulent and disaffected; but the case was now happily changed, and we could do with a smaller force. He thought that a reduction should be made of three regiments, or 2,400 men in Great Britain, and the same proportion in the colonial force.

Lord *Palmerston* maintained, that the precedents of the peace establishment of 1786 and 1792, could not be consistently urged upon the present occasion, as the circumstances of the country had since those periods so materially altered. With respect to the first period, the year 1786, the noble lord (Althorp) had omitted to mention the 10,000 Hessians whom we had at that time in our pay by means of a subsidiary treaty, and who ought, therefore, in fairness, to be added to the establishment of that year. But Mr. Pitt was confessedly deceived in the calculations upon which he founded the military establishment in 1792; for when he proposed, in the February of that year, to reduce our military force, he said, that there was never a period in the history of this country, when, from the situation of Europe, we might more reasonably expect fifteen years of peace than at that moment. And yet, a few months only had elapsed from that time, when internal commotions took place, the militia was embodied, parliament assembled, war declared, and augmented military establishments proposed. Whether any difference in the amount of our military force at the beginning of the war which then broke out would have brought the struggle to an earlier and different termination, it would be presumptuous to say; but this at least must be admitted, that the very low and reduced state of our army at the commencement of the contest, greatly tended to cripple and paralize our military efforts for many years of the war, and compelled us to have recourse to most expensive methods of supplying the deficiency under which we laboured. But the question now was not, whether the force kept up in 1792 was too great, or too little; it was, whether the circumstances of the country, and the state of our colonies, required the establishment which had been proposed. He did not mean to assert, that a numerous population ought to be governed by the sword; but, when gentlemen remembered the vast increase of population, particularly in the manufacturing districts, and how liable the people were to be excited to tumult, in case of any interruption of commercial prosperity, or any scarcity of provisions arising from unfavourable seasons, or any other cause of popular discontent, it was obviously necessary that a much larger military force should be maintained for the preservation of the public tranquillity than could have been required twenty-six years ago. Most of the

gentlemen present had seen the necessity of keeping a large force in the metropolis, to restrain turbulent spirits from acts of disorder and outrage, when, in the debates on the corn laws, members were not safe in their passage to and from the house. It was necessary, however, to look at the way in which the troops were to be distributed. He had observed before, (see page 653.) and he was sorry to be obliged to trouble the house with repeating it, that the amount of 26,000 men, taken in the estimates for Great Britain, could not be considered as wholly applicable to the home service; a portion must be applied to the relief of foreign garrisons. Those garrisons consisted of a force of 33,000 men, to which must be added the 17,000 men in India, making a total of 50,000 men. Ten years, as he had stated on that occasion, were considered to be the fair limit of service abroad. Now, allowing that the reliefs would amount to one-tenth of that force, or 5000 men, this would reduce the number to 21,000. But, it must be remembered, that of regiments which were sent abroad with their full complement, frequently only the skeletons returned home, owing to the nature of the service, and the destructive effects of the climate, and of those who returned, it was often found necessary to discharge a great number, as unfit for further service. The amount of these might be fairly stated at 2000 men. This would reduce the whole number to 19,000; and then, if a further force of 1000, for Guernsey and Jersey, were deducted, it would appear that the army for home service would not exceed 18,000 men, being, in fact, only 5000 more than the establishment of 1792. (*Hear, hear.*) How, then, could 18,000 men be deemed too large a force, when gentlemen considered the number necessary to protect the metropolis, to guard the dock-yards, and preserve the peace of the interior of the country?—With respect to the establishment proposed for Ireland, the necessity of keeping up 20,000 men had been fully shewn by his right hon. friend (Mr. Peel), and he was glad to find, that the gentlemen who were best acquainted with the state of that country had not considered the number unreasonable. As to the Old Colonies, the fact was, that the increase of force for that service, beyond the establishment of 1792, was very trifling, with the exception of that for the Canadas, in which the military establishment, and means of defence, were materially advanced, for reasons which it was unnecessary to state, and which implied no undue suspicion of the amicable spirit of the United States. In Jamaica and the Bahamas, the force in 1792 was 2,200; at present it did not exceed 3,000. In the Leeward Islands, there were 3,200 men in 1792; at present, there were only 3,400. In short, the whole increase in the old colonies over the establishment of 1792 was only 5,000 men, and this increase was fully justified on their altered circumstances.—The establishment for the New Colonies had been framed upon the most considerate grounds. But the house must be aware, that such places as the Cape of Good Hope and Malta, which had been conquered as points of military possession, would be no acquisition to this country, if they were not adequately garrisoned, and the same might be said of others of our new colonies. Upon the whole, he was confident, that a greater force was not kept up, either at home or abroad, than was absolutely necessary, and, therefore, he should vote against the noble lord's motion.

Mr. *Ord* said, that although he seldom offered himself to the attention of the house, he felt himself bound, on this occasion, to raise his voice, however feeble, against the system of ministers, because it appeared to him calculated to reduce the country to a military government. (*Hear, hear.*) They were told that they ought not to refer to the year 1792 for a precedent, because the small establishment of that year proved a serious inconvenience when war broke out, and thus it was attempted to justify a large establishment in time of peace: but he would deprecate the approach to a standing army, at any period, as dangerous in itself, and contrary to the principles of our constitution. The want of it might be one means of preserving that peace which was so valuable. It had happened, he believed, not unfrequently, that the command of such a fatal engine had proved an encouragement to a war which might have been otherwise avoided. (*Hear, hear.*) With respect to the alleged necessity of a large military force for the defence of the metropolis, he could not see that any increase had taken place in the extent or population of this city since 1792, which could call for the augmentation of force proposed by the noble lord. But even admitting an increase of population in the metropolis, according to the noble lord's statement, how could such increase form any argument for the increase of our military force, unless it were argued that the police of London should be managed by the same means as those resorted to in Berlin or Petersburgh, or the other capitals of military and arbitrary governments? (*Hear, hear.*) The taste of such governments had, no doubt, become very prevalent of late years in this country; for there was no levee now without a crowd of soldiers parading the streets, and, with naked swords, guarding all the avenues to the royal residence, to the terror of the people. (*Loud cries of hear.*) If our ancestors had witnessed such military exhibitions, they would have been apt to imagine that the French, or some foreign enemy, were actually approaching the metropolis. There was obviously no necessity for such exhibitions, and it was only to gratify a foolish, foppish taste for pomp and parade, that ministers proposed, in the present state of our finances, to maintain a larger peace establishment than was ever known before. There was a time, when his Majesty held his levees without any military to parade the streets, and such practice was more suitable to the character, and real dignity, of the monarch of a free

people, than the practice which had obtained of late years. (*Hear, hear.*) But, it seemed that the enemies of reform and innovation thought an increased military force necessary at present to preserve the peace of an increased population. But would the ministers generally adopt the noble lord's doctrine, that the mass of the people were so discontented, that nothing but the terror of a military force could prevent an explosion and revolution? If so, what a reflection upon the conduct and character of the government. But the fact was not so, for the British people were not so insensible of the value of their constitution, with all its defects, especially in modern practice, as to desire its overthrow. But, from the noble lord's language, that constitution was not so very reverently to be regarded: for, the good old constitutional objection to a standing army was, it appeared, deemed quite frivolous and inapplicable to our present condition. When such language was employed by his Majesty's ministers, it could hardly be imagined how soon some other constitutional point of great value, in the estimation of the country, might be deemed equally inapplicable or inexpedient. There was no part of our constitution so valuable, that might not be ridiculed and sneered at by designing men, for the purpose of smoothing the approaches to arbitrary power. Even the trial by jury, or the habeas corpus act, or any other sacred characteristic of our free constitution, might be represented as tedious and inconvenient, when compared with the summary expedition of despotism. He had no hesitation in declaring, that, in his view of the subject, the whole career of those ministers was calculated to alarm the friends of constitutional liberty, if not to produce absolute despair. (*Hear, hear.*)

Lord *Nugent* said, that he had seldom heard a speech more honourable to the person himself, or more useful to the house, than that of the hon. gentleman who had just sat down. It was replete with sentiments of good old English liberty, and must make a deep impression on every gentleman who recalled to mind the alarms and jealousies which our forefathers, in the best times of our history, had entertained of a standing army. (*Hear, hear.*) For his own part, he had stated last year, when the army estimates were under discussion, (see vol. I. p. 1068) and he would now repeat, that he knew of no instance in which a free constitution had been ever finally overthrown, or public liberty permanently subdued, through any other agency than that of a standing army. (*Hear, hear.*) It was not his intention to detain the house long on the present occasion; but there was one topic on which he could not but animadvert—he meant the employment of foreign mercenaries. (*Hear.*) We had now in our service one regiment, the 60th, consisting of five battalions, composed entirely of foreigners. This was a most exceptionable measure. Those men, of all others, had the least claim upon the country, and, he understood, that their continued employment had occasioned very great disapprobation. The only difficulty that could be felt in disbanding any regiment was the reluctance to deprive so many of our gallant countrymen of their usual subsistence; but no such difficulty could be felt with regard to the 60th regiment; and why, then, should it be retained upon our peace establishment, especially while so many of our native regiments were disbanded? (*Hear, hear.*) There was another point upon which he felt himself bound to make a few observations, and that was, with regard to the army of occupation. He felt a strong objection, and it must occasion the greatest and most serious alarm in the breast of every reflecting Englishman, that so many of our countrymen should be kept among such scenes, and in such society, as they were exposed to under a military government. Nothing could be more improper, or dangerous, than that British soldiers should be fixed in a situation where they were but too liable to imbibe notions and sentiments which it would be treason to support upon their return to their native land. He was aware that, by that treaty which ministers had concluded, and which some gentlemen approved, but which he thought the very worst to be found in the history of our diplomacy, we were pledged to maintain a certain contingent in France. That treaty ought, he admitted, to be sacredly observed, as the honour of the country was pledged upon the subject; but he would much rather vote for the supply and support of that contingent by a body of Russians, or any other mercenaries, than have his countrymen placed in the disgusting, odious, and un-English office of maintaining a military despotism. (*Hear, hear.*)

Mr. *Warre* said, he could not see the necessity for any larger military force at present than existed in 1792. If the manner in which the army was generally employed were considered, it would be evident to every rational being that no such necessity could be pleaded, unless it were deemed material to have soldiers stationed as sentinels upon Chinese bridges, to guard French mortars, or to attend public shows.—It was extraordinary with what facility ministers could get rid of the authority of Mr. Pitt when it suited their purpose, while they held up that authority as an object of the highest reverence, on other occasions. Because Mr. Pitt had proposed a moderate military establishment in 1792, in consequence of the probable duration of peace and the embarrassed state of our finances, that minister was truly deceived, and destitute of political foresight! It was said, that a large military force was necessary to restrain turbulent spirits from acts of disorder and outrage. But, let the house remember, that the late insurrection in the Isle of Ely was put down by a cornet of dragoons, a relative of the hon. member for Wiltshire, and the more recent disturbance in Spafields was suppressed by the exertions of a few civil officers. If the French revolution, with its desolating principles, were yet in operation —if the victories of 1814 and 1815 had not

been gained—if the treaties of the noble lord (Castlereagh) had not been signed, then, indeed, he could understand the arguments of the secretary at war, in support of such an extensive military force. One would suppose there was still the fear of some convulsion. Indeed, from the round-about manner in which the noble lord (Castlereagh) had expressed himself as to a tranquillity not yet consolidated, it would seem that the advocates for the present establishment thought so. It was with regret that he saw in the great states of the continent a determination to uphold what the noble lord had so justly described—a great military monster. But with what consistency could Great Britain interpose to obtain its extinction, unless she herself first came forward to set the example? (*Hear, hear, hear.*) Considering that the reduction which the noble lord (Althorp) had proposed might be easily effected, without any danger to the public tranquillity, he should give his support to the motion.

The house then divided on the question, "that 113,640 men stand part of the bill."

Ayes	63
Noes	42
Majority	21

These numbers were announced amidst loud cheerings from the opposition.

The bill was then ordered to be engrossed, and to be read a third time on Monday next.

MUTINY ACT MISTAKE BILL.] This bill was considered in a committee, reported, and ordered to be read a third time on Monday.

MARINE MUTINY BILL.] This bill was considered in a committee, and ordered to be reported on Monday.

SCOTCH BURGHS.] Lord *Castlereagh* seeing a noble lord (Lord A. Hamilton) in his place, begged to inform him, that the Lord Advocate of Scotland had prepared a bill relative to the auditing of the accounts of the Royal Burghs, but, as he was anxious to have the opinion of the law authorities in Scotland, on its nature and probable operation, he could not hold out the hope of its being subjected to the consideration of parliament before the recess.

Lord *A. Hamilton* expressed his dissatisfaction, conceiving, that from what had fallen from the Lord Advocate on a former occasion, the measure ought now to be before parliament.

Sir *J. Newport* said, he could not avoid protesting against the principle, now for the first avowed, that those, whose province it was to execute the law, should have an initiatory judgment on a measure intended for the consideration of parliament. It was an invasion of the prerogative of one branch of the legislature. (*Hear, hear.*)

BANK TOKENS BILL.] This bill was considered in a committee, and ordered to be reported on Monday.

DISCOVERY OF THE LONGITUDE.] Mr. *Croker*, in rising to move for leave to bring in a bill "for more effectually discovering the Longitude at Sea, and encouraging attempts to find a Northern Passage between the Atlantic and Pacific Oceans, and to approach the Northern Pole," desired, in the first place, that the several acts relative to the Longitude, the Northern Passages, and the Greenland Fishery, should be entered as read. [This was accordingly done.] The hon. gentleman then said, that the acts which had been passed, from time to time, for appointing commissioners for the discovery of the longitude at sea, and for examining, trying, and judging all proposals, experiments, and improvements relating to the same, were so numerous, and, in many respects, so contradictory, that it was extremely difficult to know the real state of the law on that subject. Some of the provisions of those acts had been repealed, and others had expired; and, therefore, it had been deemed expedient, that the whole of them should be repealed, for the purpose of re-enacting and conferring upon new commissioners such of the powers, authorities, and duties, at present vested in the old commissioners, as were fit to be continued. The longitude had been ascertained within certain of the limits and conditions specified in the said acts, and certain other of the limits and conditions still subsisting were considered as impracticable, and had never been tried. It might therefore conduce to the advancement of science, and to the honour and interests of this country, that fit and proportionate rewards should be provided for persons who should ascertain the longitude within certain new limits and conditions. At the same time, it had been considered expedient, that such limits and conditions should not be immutably fixed by parliament, but should be regulated on scientific principles by the commissioners for the discovery of the longitude, and should be varied, from time to time, according to the progress of discoveries, and the advancement of science.—With the leave of the house, he would shortly state what had been already accomplished on this important and interesting subject. The early navigators had no other means of estimating their longitude than by the computed run of the ship. It was scarcely necessary to observe, that great dangers were incurred by that inaccurate method of calculation. The speculations of astronomers were of no practical utility in those times. In the 16th century, attention to eclipses of the moon was strongly recommended; but they happened very seldom, and were too inaccurately computed to be of any use. When Philip II. of Spain was laying the foundation, as he supposed, of the maritime glory of his nation, which was afterwards completely destroyed by British skill and prowess, he conceived it necessary to offer a large reward for the discovery of the longitude. The experiments of that time, however, were not attended with any success. In 1598, Philip III. of Spain offered 100,000 crowns; and the states of Holland, at the beginning of the 17th century, proposed a reward of 30,000 flo-

rins to the person who should be fortunate enough to solve this difficult and important problem. In 1635, John Morin, professor of mathematics at Paris, proposed a method of resolving it to cardinal Richelieu, extremely similar to the lunar method now in use; but it was rejected as of no practical utility: and indeed, at that period, the lunar tables were not sufficiently accurate, nor the nautical instruments sufficiently delicate, to render the lunar method very promising. However, though the commissioners, who were appointed to examine this method, judged it insufficient, on account of the imperfection of the lunar tables, cardinal Mazarin, in 1645, procured for him a pension of 2000 livres.—In 1675, King Charles II. erected the Observatory at Greenwich, and appointed Mr. Flamsteed his astronomical observer, desiring him to employ the whole of his time in rectifying the tables of the motions of the heavens, and the places of the fixed stars, in order to find out that great desideratum, the longitude at sea, for perfecting the art of navigation. Mr. Flamsteed executed his commission with great fidelity; and to his labours we were indebted for that curious theory of the moon, which was afterwards formed by the immortal Newton. That incomparable philosopher made the best use which human sagacity could make of the observations with which he was furnished; but, to use the words of the poet,

"So vast is art, so narrow human wit,"

the difference of Sir Isaac's theory from the heavens would sometimes amount at least to five minutes. Another great man, Dr. Halley, the learned Savilian professor of geometry at Oxford, also devoted much time to this subject. A starry zodiac was published under his direction, containing all the stars to which the moon's appulse could be observed: but, for want of proper instruments, and correct tables, he could not proceed in making the necessary observations. At last, in the year 1714, parliament began to consider this question as an object of national concern, in consequence of the loss of Sir Cloudesley Shovel's fleet, owing to a mis-reckoning during a tremendous gale of wind. That fatal event led to the enactment of a bill, which, with true munificence, provided rewards for the discovery of the longitude. That act, the 12th of Anne, c. 15. appointed certain commissioners, and empowered them to expend a sum not exceeding 2000*l.* towards making necessary experiments; and it also granted a reward to the person, who should discover the longitude at sea, proportioned to the degree of accuracy that might be attained: *viz.* a reward of 10,000*l.* if it determined the longitude to one degree of a great circle, or sixty geographical miles; 15,000*l.* if it determined the same to two-thirds of that distance; and 20,000*l.* if it determined it to half that distance. It also provided, that one moiety, or half part of such rewards should be due and paid when the said commissioners, or the major part of them, agreed that any such method extended to the security of ships, within eighty geographical miles from the shores, which are places of the greatest danger; and the other moiety, or half part, when a ship, by the appointment of the said commissioners, or the major part of them, should thereby actually sail over the ocean, from Great Britain to any such port in the West Indies as those commissioners, or the major part of them, should chuse or nominate for the experiment, without losing her longitude beyond the limits above mentioned*. In the year 1726, a very ingenious mechanic, of the

* The following document, signed by those well known persons, William Whiston and Humphrey Ditton, was one of the many petitions presented to the House of Commons on this occasion.

Reasons for a Bill, proposing a Reward for the Discovery of the Longitude.

I. This bill is unexceptionable, because it is general, and not confined to any one project, person, or method; but gives equal hopes to all judicious proposers whatsoever.

II. Because in this bill no money is insisted on, before any method for the discovery of the longitude is, upon trial, actually found practicable and useful.

III. Because Sir Isaac Newton's own paper, delivered into the committee, gives hopes that the known method by the theory of the moon, which is hitherto not exact enough, may, upon due encouragement, in time be brought to perfection.

IV. Because the method now proposed is owned by all, to whom it has been communicated, to be certainly *true in theory*: it cannot, therefore, be fit to have it concealed, even though it were not yet known to be practicable; because, in that case, future improvements might still make it so.

V. Because its great use at land and in geography is indisputable, and was distinctly observed by Sir Isaac Newton and Dr. Halley, upon the first proposal of this method to them: and we beg leave to say, that this use alone is so great and extensive, that if there were no other, it would highly deserve the encouragement of the public.

VI. Because another great use is also undoubted, *viz.* for all places in the narrow seas, and within about 100 miles of all shores and islands, that is, for all places where ships are in the greatest danger, as Sir Isaac Newton owned to the committee; so that if this method extended no farther, yet it would highly deserve the public encouragement.

VII. Because there is little or no reason to doubt of its use at any place at sea, even where ships are allowed to be in the least danger; since, in the most doubtful case of all, Sir Isaac Newton has, in his paper delivered to the committee, proposed an effectual remedy, as will be clearly understood, when the method itself is known to the world.

VIII. Because this method will save the nation great sums of money, which the want of it does now occasion, as will appear upon trial.

IX. Because the charges of it will be inconsiderable, in comparison of the advantage, as will also fully appear upon trial.

X. Because it will prevent the loss of abundance of ships and lives of men; as it would certainly have

name of Harrison, made a time-keeper, which, Dr. Hutton asserts, did not err a second in a month for ten years together; but the first time that one was publicly tried, was in a voyage to Lisbon, in the year 1736, which answered his expectation, and corrected the dead reckoning about a degree and a half; in consequence of which, the board of longitude granted him a gratuity, and desired him to prosecute his labours*. In 1739, he finished a second piece more perfect than the first, and, in 1749, a third, which was pronounced more simple in its construction than either of the former. But his labours did not stop here: in 1761, his fourth piece was produced for trial, and Mr. William Harrison, his son, offered to take charge of it, in a voyage to and from Jamaica, which was accordingly performed in that and the following year. Mr. Robertson, master of the academy at Portsmouth, was fixed upon to take the rate of this piece, which he did, and, from his report, it appeared, that from November 6th, 1761, to April 2nd, 1762, though the piece had experienced many violent agitations at sea, and had been exposed to great changes of temperature, the whole error amounted to only 1*m*. 53*s*. 5, or 28½ of longitude on the equator, which quantity is not quite 18 nautical miles in the parallel of Portsmouth. Though various objections were made to this trial, principally arising from the observations by which the longitude of Portsmouth and Jamaica had been ascertained, yet, Mr. Harrison obtained a reward upon it, from parliament, of 5000*l*. and was ordered to make a second trial to Barbadoes. But previously to the second trial to the West Indies, the board of longitude, on the 17th of August, 1762, wished to place Harrison's piece in the hands of the astronomer royal, at that time Mr. Bliss, for trial at the observatory, which wish was not complied with, by reason of some alteration to be made: the same wish was repeated by the board, at their sitting, on the 4th of August of the year 1763, which was again not complied with by the younger Harrison, by reason of his not being yet sufficiently rewarded: however, on being desired to send the rate of going of his time-keeper, sealed up, to the secretary of the admiralty, previously to his sailing, he consented to that request, and proposed to abide by the sealed rate on the trial to Barbadoes, which had been proposed. On the 26th of March, 1764, Mr. W. Harrison sent the following declaration of the rate of going, or, more properly speaking, of the daily error of the time-keeper, to the board of longitude. "When the thermometer† is at 42°, it will gain 3 seconds in every 24 hours. When the thermometer is at 52°, it will gain 2 seconds in every 24 hours. When the thermometer is at 62°, it will gain 1 second in every 24 hours. When the thermometer is at 72°, it will neither gain nor lose. When the thermometer is at 82°, it will lose 1 second in every 24 hours." Mr. Harrison then added as follows. "Since my last voyage, we have made some improvement in the time-

saved all Sir Cloudesley Shovel's fleet, had it then been put in practice.

XI. Because it is easy to be understood and practised by ordinary seamen, without the necessity of any puzzling calculations in astronomy.

And we take leave to recommend the learned Savilian professor of geometry at Oxford, Dr. Halley, as the fittest person in the world for the trial, and practice, and improvement of this method; and do hereby declare, that we are willing that he go equal shares with us in the reward, if he please to undertake so useful a work, and the public please to make that reward equivalent to the great dignity and importance of the discovery.

WILLIAM WHISTON.
HUMPHREY DITTON.

June 10, 1714.

* The first person who proposed to ascertain the relative longitude of any place or ship at sea, by means of an horological machine for indicating the time of the first meridian, was, as has been asserted, Gemma Frisius, about the year 1530; but the state in which horological machines was, at that time, prevented his accomplishing the design. Lord Kincardine tried a marine pendulum clock by Dr. Hooke in the year 1662; and Christian Huygens, the celebrated Dutch mathematician and mechanician, contrived a time-keeper, actuated by a spring, and regulated by a pendulum, which was tried at sea by major Holmes in 1664, and spoken of by him in favourable terms.—In 1720, the Academy of Sciences, at Paris, proposed the following question to be determined for a public reward: "What is the most perfect method of preserving on the sea the equable motion of a pendulum, either by the construction of the machine, or by the suspension?" A memoir written by Massy, a Dutch clock maker, obtained the prize, but he had not the satisfaction of seeing his plan executed. In 1724, Henry Sully, an English clock-maker, who had settled at Paris about eight years previously, presented the same Academy with a marine time-keeper, made in 1721, and published a description of it in French, by the title of "Description abregée d'une horloge de nouvelle invention pour la juste mesure du temps en mer." Besides the above, Sully made a second marine time-keeper, which was tried at sea in 1726, but the inventor died two years afterwards, a martyr to his horological studies, before he had brought his machines to that state of perfection which their object demanded. In 1747, the Academy of Sciences again proposed a reward: the subject was, "The best method of finding the hour at sea, whether by day, by twilight, or at night, when the horizon cannot be distinguished." The reward was obtained by Daniel Bernouilly, but the author's want of skill in mechanical operations prevented his labours from being attended with complete success.—In the meantime, Harrison, stimulated by the British parliamentary reward, devoted his labours to the subject, and he is now considered as the parent of modern chronometry.

†The thermometer was not invented till 1590, by the celebrated Sanctorio; nor was that valuable instrument reduced to a correct standard before the year 1724, by the skill of Fahrenheit.

keeper; in consequence of which, the provision to counterbalance the effects of heat and cold has been made anew; and for the want of a little more time, we could not get it quite adjusted; for which reason, the above allowances are necessary. This is its present state; and as the inequalities are so small, I will abide by the rate of its gaining, on a mean, one second a day for the voyage. I would not be understood, that it will always require so long time to bring those machines to perfection; for it is well known to be much harder to beat out a new road, than it is to follow that road when made. During the time of this experiment, the mean height of the thermometer shall be each day carefully noted down, and certified, which I will lay before the board at my return." On the 13th of February, 1764, Mr. Harrison went on board the Tartar, and proceeded to Portsmouth; and, on the 18th of July, he returned to England, when it was found, that the whole gain in the 156 days was only 54*s.* allowing the sealed rate, of one second per day, as a correction: and if the allowances had been moreover made for the state of the thermometer, as mentioned in the declaration, the piece in that case would have been found to have been about 15*s.* only at variance with mean time, and that in the opposite extreme. In consequence of this very satisfactory trial, Mr. Harrison had another 5,000*l.* ordered him, with a promise, that the residue of the parliamentary reward should be given him when a proper person could be found to execute his plan with equal success. Mr. Larcum Kendal undertook the task, and finished a time-piece on the same construction, or at least on the same principles, which was approved by Mr. Wales, in his voyage in company with captain Cook, in the years 1772, 1773, &c. and which performed even better than Harrison's, allowing for an acceleration in its rate. In consequence of this success, parliament ordered the residue of the reward to be paid; in addition to which, the East India company, and others, contributed a large sum of money.—The hon. gentleman then stated, that, in the reign of Geo. 2, an act was passed (26 Geo. 2, c. 25.) for rendering more effectual the act of Anne; and, in the present reign, (in the year 1774) an act was passed, offering separate rewards to any person who should invent a practical method of determining, within certain circumscribed limits, the longitude of a ship at sea: for a time-keeper the reward held forth to the public was 5,000*l.* for determining the longitude to or within one degree; 7,500*l.* for determining the same to forty geographical miles, and 10,000*l.* for a determination at or within half of a degree. This act, notwithstanding its abridged limits and diminished rewards, had produced several candidates, since Mr. Harrison, for parliamentary remuneration, of whom Mudge, the two Arnolds, and Earnshaw, had had their labours crowned with partial success.—Having thus shewn what had been effected by chronometers, the hon. gentleman begged to revert to the lunar method. From the very considerable improvements made by Sir Isaac Newton in the theory of the moon, and more lately by M. Euler, and others, on his principles, Mr. Mayer, professor of Gottingen, was enabled to calculate lunar tables more correct than any that had been previously published. Those tables, for which the widow of Mr. Mayer was rewarded by parliament with the sum of 3,000*l.*, were published in 1770, by Dr. Maskelyne, who, from observations made at Greenwich, found that the error scarce ever exceeded one minute at the most, and seldom amounted to twenty seconds; and, therefore, the uncertainty thence arising in the determination of the longitude, could scarcely exceed half a degree, and generally would not exceed ten miles. In order to facilitate their general use, that learned astronomer afterwards published a nautical ephemeris, by the help of which the calculations relating to the longitude, which before could not be performed by the most expert mathematician in less than four hours, might now be completed by an ordinary mariner in half an hour. He had now troubled the house at some length, on a subject which might not be deemed very interesting by some who had heard him, (*hear, hear*) but which certainly was very important to the honour and interests of the nation (*hear, hear*). He had stated, as concisely as the nature of the subject would permit, the progress which had been made in determining the longitude at sea, by the two only methods in use at present, the one by the means of a chronometer, the other by the lunar method, which had been gradually improved by the labour of succeeding astronomers, from the time it was first suggested by the immortal Newton. He had shewn, that the calculations had been brought so near the truth, that the longitude might be almost said to be discovered. It was possible, however, that some improvements might be yet made in mechanical instruments, and that the lunar method might be carried still nearer to perfection. What had been already done shewed the advantage of having an efficient board of longitude, and the great utility of offering rewards. By the act of Anne, persons holding certain public offices therein stated, for the time being, and certain other persons therein mentioned by name, were appointed commissioners for the discovery of the longitude; but all the persons mentioned by name in that act were long since dead, and, by reason of the residence at the Universities of certain professors who, by that and subsequent statutes, were constituted members of the board, and by there not being a power of electing into the board any persons but the said official commissioners and professors, it often happened that there were no persons, particularly versed in mathematics and astronomy, resident in London, belonging to the board. The first object

of his bill, therefore, if the house should permit him to bring it in, would be to repeal all the former acts that had been passed on this subject, and to appoint new commissioners for discovering the longitude, and for rewarding persons who should make useful discoveries and improvements in navigation. And, in order that the objects of the board might be constantly attended to, he should propose, that, besides certain great officers of state, and others, there should be appointed, as commissioners, three persons well versed in mathematics, astronomy, or navigation, who should be generally resident in or near London, and capable of attending at the board. To each of these commissioners, he proposed, should be paid the sum of 100*l.* per annum, for their services and exertions.—The next object of the bill would be, to enable the commissioners to propose three scales of reward to persons who should make discoveries regarding the longitude, and also to pay rewards to persons who should make improvements in former inventions. And he should propose also, that the commissioners might be allowed to expend a certain sum annually in making experiments, and a like sum in ascertaining the latitude and longitude of places.—The next object would be, to make provision for constructing, printing, and publishing the Nautical Almanack. The Nautical Almanack, constructed by proper persons, was of great importance to the safety of ships and lives, and highly conducive to the general interests of commerce and navigation. It was, as he had before observed, projected by the late astronomer royal, Dr. Maskelyne, and during his life, it was a most accurate and useful publication. He was sorry to say, that it had not of late maintained that character. In the number for the present year there were no less than nineteen grave errors, and in the number for 1819, for it was published in anticipation, no less than forty—a circumstance highly discreditable to the scientific reputation of the country, and pregnant with the most dangerous consequences to navigators. In fact, he should not discharge his duty, or act in a way becoming of himself, if he did not state, that "The Nautical Almanack" was now a by-word among the literati of Europe. He would state a curious fact on this subject, which he had lately read in a daily paper. A captain of a vessel, bound to the West Indies, resolved, for the sake of curiosity, to try the tables on leaving Chatham. In a short time he found himself in a longitude, shewn by the tables, which he certainly thought could not be true; fortunately he made Portsmouth, and went to a vender of the almanacks, who told him, it was only a typographical error, and corrected it by a stroke of his pen, sending him out to the West Indies with the almanack and all its other mistakes. The truth was, the errors were typographical, not scientific. He mentioned this to exculpate the literary men connected with the work. They were professional men, having other important avocations; and it could not be expected that they could either make the computations, or examine them. The method pursued was this: the astronomer royal made the observations—he furnished them to persons called computers, who performed the operation imported by their name—and the computations then passed through the hands of an individual called a comparer. It was this last person who ought to be responsible for whatever imperfections might be found in the almanack. But he was a person not recognised by the acts—his office was not legally known. Hence it followed, that errors abounded in what ought to be especially, and above all other productions, void of error. It was absolutely necessary, therefore, that a proper person should be selected to superintend, under the directions of the board of longitude in general, and the astronomer royal in particular, the due and correct publication of the nautical almanack, and that he should be paid a moderate, but adequate salary for his trouble. And, inasmuch as it was necessary to continue the appointment of a secretary to the board of commissioners for discovering the longitude, he should propose, that the secretary to be appointed should be the person to superintend the publication of the almanack.—He came now to the only remaining object of his bill. It was known, that, for nearly a century past, the discovery of a Northern Passage between the Atlantic and Pacific oceans, had been most anxiously desired by the scientific world, and more particularly by commercial men. It had been also considered a matter of great importance, both to commerce and science, that attempts should be made to approach the Northern Pole. Both of those points had engaged the attention of parliament. But the legislature had been most inconsistent on this subject; for, by one act, it had assigned a reward to the master or chief officer of any vessel, employed in the fisheries carried on in the Greenland seas and Davis's streights, which should discover a communication between the Atlantic and Pacific oceans, or approach within one degree of the northern pole: and, by a subsequent act, it had required, that captains of whalers should take an oath, that, in the progress of their voyages, they had not been actuated by any other motive, or prospect of advantage, than the interests of their owners, namely, the catching of whales. This enactment was obviously at variance with the offer of a reward, and prevented it from being pursued or claimed. On a future day, therefore, he should move for leave to bring in a bill, to repeal so much of the last mentioned act as related to the oaths to be taken by the masters of such vessels.—But, with respect to the remaining object of the bill which he now proposed to introduce. By the 18 Geo. II. c. 17. intituled "an act for giving a public reward to such person or persons, being his majesty's subject or subjects, as shall discover a north-west passage through Hudson's streights to the west-

ern and southern oceans of America," a sum of 20,000*l.* was provided for the owner of any vessel which should first find out and sail through such passage; and the persons holding certain offices therein named, for the time being, appointed commissioners for the said discovery. By another act, the 16 Geo. III. c. 6. 'an act for giving a public reward to such person or persons, being his Majesty's subject or subjects, as shall discover a Northern Passage for vessels by sea between the Atlantic and Pacific oceans, and also unto such as shall first approach by sea within one degree of the Northern Pole;" the reward in the former act was extended to the commander or commanders, officers and seamen, of any of his Majesty's ships or vessels, and to the owner or owners of any private ship or vessel which should find out and sail through any passage by sea between the Atlantic and Pacific oceans, in any direction or parallel of the northern hemisphere to the north of the fifty-second degree of north latitude; and it further assigned a reward of 5000*l.* to the commander or commanders, officers and seamen, of any of his Majesty's ships or vessels, or the owner of any private ship or vessel, which should first approach within one degree of the northern pole. Now, he begged to observe, that many advantages, both to commerce and science, might be expected from granting such proportionate rewards as well to such persons as might accomplish the objects of the said two acts, as to such other persons as might approach thereto within certain limits or conditions; and it was expedient, that the regulation of such limits and conditions, and the decision, whether and how far such object might have been accomplished, should be confided to the commissioners for the discovery of the longitude at sea. It would be the object of his bill, therefore, to repeal the two last-mentioned acts, and to enact, first, that the person who should first find out and sail through any passage between the Atlantic and Pacific oceans, in any direction or parallel of the northern hemisphere, should receive a reward of 20,000l. and secondly, that the person who should first approach within one degree of the northern pole, should be entitled to a reward of 5000*l.* And for the encouragement of persons who might attempt the said passage, or approach to the northern pole, but not wholly accomplish the same, he proposed further to enact, that the commissioners for discovering the longitude at sea might, by their memorial, propose to his Majesty in council to direct and establish proportionate rewards to be paid to the person who should first have accomplished certain proportions of the said passage or approach; and if his Majesty in council should be pleased to sanction and approve the said proposal, then, that the same should be published in the London Gazette; and any person or persons accomplishing such passages, or the specified proportions of them, should be entitled, on the award of the commissioners, to receive such total or proportionate sums as might have been offered for the object which he or they might have then accomplished. This, he conceived, would maintain the continuity of science, and act as a perpetual stimulus to discoveries. (*Hear, hear.*) He had now detailed the several objects of the bill which he intended, with the permission of the house, to introduce. He thanked them for the kind and patient attention with which they had listened to his long details, (*hear, hear, hear,*) and concluded with moving, that leave be given to bring in the bill.

Mr. *D. Gilbert* said, that after the very luminous explanation which the hon. gentleman had given respecting the objects of his bill, and the benefits which might be expected from it, he considered it unnecessary to detain the house by any observations of his own. He most heartily concurred in the motion, and thought it highly desirable that some measures should be taken for improving and perfecting time-keepers, and the construction of lunar tables. Nothing, he believed, had come nearer to perfection than the astronomical instruments now in use. With respect to the nautical almanack, he begged to inform the house, that the reputation which that work had acquired was owing to the unremitting care and attention of the Rev. Mr. Hitchins, a gentleman whose name had not been sufficiently known, nor his labours duly rewarded. Since his death, the publication had fallen into other hands, and was not so well conducted. Another clergyman, the Rev. Mr. Edwards, had greatly distinguished himself by his calculations on these subjects, in which his wife and daughter frequently assisted; but Mr. Edwards was now dead, and his widow and daughter had not met with that degree of attention which they deserved. In point of fact, they were no longer employed.

Mr. *Brougham* said, that he did not rise for the purpose of opposing this measure, but he wished to be informed, whether any difference of opinion had arisen among the members of the board of longitude? No one, he believed, would object to the salary of 100*l.* a-year for each of the additional members, if they were found to be necessary; but there was one point connected with that measure which deserved the most serious consideration—he meant the additional patronage which the appointment would confer on some persons.

Mr. *Croker* stated, that he had never heard of any disagreement in the board of longitude: such disagreement was, indeed, hardly probable, as there were only two or three meetings in a year, and they sat for a very few hours. He found by the act of Queen Anne that nine acting commissioners were appointed; but it was now proposed that there should be only six, of whom three only were to receive any salary. The patronage would be certainly very little felt, and learned men would look more to the honour, than to the emolument of the office. The salaries would be

annually placed on the ordinary estimates of the navy, and be subject to the control and revision of parliament. *(Hear.)* It was because he was anxious that no imputations of a wish for paltry patronage should be cast on this measure, that he would at once state to the house, that appointments had been offered to Doctor William Hyde Wollaston, Doctor Thomas Young, and Captain Henry Kater. *(Hear, hear.)*

Mr. *Smyth* said, he felt great satisfaction at the disposition which the house had shewn to listen with interest, not to plans of destruction, not to the false glories of war, but to subjects calculated to promote the powers and happiness of man. He wished, however, to make some inquiries into the plan proposed, and he did not see how a lord of the admiralty should necessarily be a judge of scientific merit. When it was admitted, that every thing in this department had hitherto gone on so well, why was it necessary to make any alteration? He feared that the present plan might only have the effect of increasing patronage to no purpose.

Mr. *Wilberforce* said, no person could possibly object to the three gentlemen who had been mentioned: their celebrity justly entitled them to hold the important situation for which they had been selected. If any vacancy should occur, by death, or resignation, he sincerely hoped that the lords of the admiralty would not appoint any persons to the office who were not well versed in mathematics, astronomy, or navigation. *(Hear, hear.)*

A short conversation followed, in which Mr. *Forbes*, the *Chancellor of the Exchequer*, and Mr *Croker* participated. Mr. *Croker* then stated, that it was intended to relieve the nautical almanack from the stamp duty, and to impose a penalty on any person who should print, publish, or vend the same, without being first licensed by the commissioners.

Leave was then given to bring in the bill.

LIST OF THE MINORITY

On Lord Althorp's motion for a reduction of 5,000 men in the army.

Abercromby, Hon. J.	Macintosh, Sir James
Burroughs, Sir Wm.	Madocks, William A.
Brougham, H.	Martin, John
Bennet, Hon. H. G.	Nugent, Lord
Barnett, James	Newport, Sir John
Babington, Thomas	Newman, Robert W.
Calcraft, John	North, Dudley
Calvert, Charles	Ossulston, Lord
Carter, John	Philips, George
Fergusson, Sir R. C.	Portman, Ed. B.
Fazakerly, Nic.	Ridley, Sir M. W.
Folkestone, Lord	Sharp, Rd.
Gordon, Robert	Smith, Robt.
Guise, Sir W.	Smyth, J. H.
Grenfell, Pascoe	Scudamore, Robt.
Hamilton, Lord A.	Tierney, Right Hon. G.
Hurst, Robert	Tavistock, Marquis
Leader, William	Warre, S. A.
Lambton, S. G.	Webb, Ed.
Lefevre, C. Shaw	Waldegrave, Hon. W.
Lester, B. L.	Wilberforce, Wm.

TELLERS.—Viscount Althorp, and William Ord.

HOUSE OF LORDS.

Monday, March 9.

RIGHT OF PETITIONING.] Earl *Grosvenor* presented the following petition of William Paul Rogers. "That the petitioner is a householder and shopkeeper, living in the parish of Saint Luke, Chelsea; that in the year 1814 he was appointed to the office of receiver of letters to the neighbourhood of Sloane-street, and that from the latter end of August 1814, until the 7th of July 1817, he held and discharged the duties of that situation without blame or imputation of blame from any individual whatsoever; that on the 7th of July last the petitioner received a letter from Mr. Johnson, comptroller of the two-penny post-office, requiring him to give up the stamps of his office, and to close his receiving box, and that after several ineffectual applications both to Mr. Johnson and the post-masters general for inquiring into his conduct, and information as to the nature of his offence, the said office was taken from him without explanation or redress; that although no motive or reason has been assigned to him for this stretch of authority, the petitioner imputes it to the part which he took in signing and forwarding two petitions for a redress of national grievances, and a reform in the commons house of parliament, in the months of June and July last, to the house of lords and the house of commons; and that he is justified in this imputation, not only by the obstructions and obloquy which the petitioner, in common with the other subscribers of the said petitions, experienced in the exercise of this their ancient and undoubted right, and by his removal from the said office of receiver of letters having immediately succeeded the presentment of the said petitions to the two houses of parliament, but also by the threats of the reverend Weeden Butler, alternate preacher at Brompton chapel, and at Charlotte chapel, Buckingham gate, who expressly told the petitioner that he knew many of his customers, and would do all in his power to deprive him of them, and that the post office should be taken away from a jacobin like him; wherefore the petitioner, feeling that the loss of reputation is the loss of bread to himself and his family, and fully sensible that their lordships never did, and never will sanction such oppression or persecution for political opinions, throws himself upon their protection, humbly and earnestly imploring, that their lordships will not suffer him to be condemned and punished unheard, but will institute such inquiry into his conduct as a servant of the public, and take such measures with respect to the facts alleged, as in the wisdom of their lordships shall seem best calculated, not only for the vindication of the character of the petitioner, but for the maintenance of public justice and public liberty, which are threatened by the obstructions and persecutions which have been opposed to the

exercise of that fundamental right of Englishmen, the right of petition."

Ordered to lie upon the table.

CHIMNEY SWEEPERS.] On the motion of Lord Auckland, the chimney sweepers' regulation bill was ordered to be read a second time to-morrow, and the lords to be summoned.

The Marquis of *Lansdown* presented a petition in favour of the bill, from Wakefield, in Yorkshire.—Ordered to lie upon the table.

HOUSE OF COMMONS.

Monday, March 9.

LEATHER TAX.] Petitions were presented of the tanners, curriers, manufacturers, and others, of Warrington; also of Halifax; also of the town of Bedford; also of Peterborough; also of Alnwick; also of the West of Scotland; also of the town of Northampton; also of Machynlleth; also of the borough of Carnarvon; also of New Malton, against the leather tax.—Ordered to lie on the table.

LUNATIC ASYLUMS (SCOTLAND.)] Mr. *Boswell* presented a petition of the magistrates and council of the royal burgh of Ayr, against the lunatic asylum bill.

Lord *Binning* said, that, in consequence of the communication which he had had with gentlemen who felt an interest respecting the bill, he should postpone the second reading, which stood for the 31st of March, to a later period. He wished to allow ample time for the consideration of the subject. The object of the bill was, not to confine mere idiots, but lunatics. The word *fatuous* which had been introduced into the bill, had given rise to the mistake, but he had no objection to adopt any other form of words that might express what he meant, namely, that asylums should be erected for the reception of insane paupers, whose freedom was dangerous to others, or mischievous to themselves, and who might be restored by care and attention. The bill was merely a municipal regulation: it did not introduce the principle of compulsory charity.

The petition was ordered to lie on the table.

BRITISH MUSEUM.] On the motion of Sir *E. Brydges* a return was ordered "of all sums of money granted by parliament during the last ten years in aid of the annual grant to the British Museum, for the purpose of buying any library of books, or collection of manuscripts; distinguishing the amount and date of each separate grant, and the name of the library or collection for which each sum was granted."

MUTINY BILL.] Lord *Palmerston* moved the third reading of this bill.

Mr. *Wynn* said, he wished to take that opportunity of correcting an error which he had made on a former occasion. In 1715, and 1724, the difference between the numbers mentioned in the mutiny act, and those for which the supply was granted, arose from the circumstance, that, in the mutiny bill, in the first case, the soldiers serving in the plantations, and in the latter, the marines, were omitted. He still thought, that as the numbers in the mutiny bill were a mere recital, the most regular way to reduce the number of troops would be, by rescinding the former vote, or by an address to the crown for a further reduction.

Lord *Folkestone* begged to ask the noble lord, whether he had made any inquiry respecting the Foreign General Officers, whose names were still kept in the Army List? (See page 631.)

Lord *Palmerston* said, the names of all officers who had reached a certain rank were kept in the army list, as a compliment, after they had left the service. It would not, on that account, be competent for his Majesty to employ the officers in question.

Sir *M. Ridley* alluded to the intended measure respecting widows' pensions, and said, he had received communications respecting the hardships which would be suffered, if it were carried into effect. Many lieutenants, and other officers, had sunk a great part of their incomes in insuring their lives, and it was extremely unjust that their widows should lose the benefit of the pensions, because an income had thus been purchased for them.

Mr. *Calcraft* said, he understood that several officers who had served in the German legion were receiving half-pay from this country, while they were receiving whole pay in Hanover. This was an advantage which our own officers were deprived of.

Lord *Palmerston* said, that, when the legion was disbanded, it was deemed necessary to have an army in Hanover. The officers who had served in the legion were the only officers of experience who could be procured: but their half-pay from this country was greater than their full pay would be in Hanover. It was, therefore, deemed necessary to allow them to retain their half-pay, to induce them to serve.

General *Gascoigne* said, the regulation respecting the widows' pensions was most impolitic, and if it were persisted in, he should bring forward a motion on the subject.

The bill was then read a third time and passed.

MUTINY ACT MISTAKE BILL.] This bill was read a third time, and passed.

MARINE MUTINY BILL.] This bill was reported, and ordered to be read a third time to-morrow.

BANK TOKENS BILL.] This Bill was reported, and ordered to be read a third time to-morrow.

LONGITUDE BILL.] Mr. *Croker* brought in his bill "for more effectually discovering the longitude at sea, and encouraging attempts to find a northern passage between the Atlantic and Pacific Oceans, and to approach the Northern Pole."—Read a first time.

SURGERY REGULATION BILL.] The second

dicted? (Here a pause of a few moments occurred.) He understood then, from the Attorney-General's manner, that Nadin, if indicted, could not plead this bill in bar of the prosecution. He hoped this public acknowledgment would go far to effect the end which the amendment had in view, but, at the same time, he could not receive this admission as a substitute for the clause. His belief was, that although ministers themselves had been guilty of no unnecessary cruelty, many gaolers and other underlings, from a want of sense or feeling, might have imagined that there was no surer way of recommending themselves to favour.

Lord *Castlereagh* contended, that, if unnecessary, the proposed clause must also be inconvenient. His hon. and learned friend the Attorney-General had laid down the law in the most decided and explicit terms, and the same doctrine had been maintained by a former Attorney-General (Lord Ellenborough) now at the head of the justice of the country. In prosecutions of the nature alluded to, the defendant might plead the general issue, and offer the indemnity act in evidence, so that the particular merits and circumstances of the case might be fully investigated. He apprehended there was no judge on the bench, who, if acts of inhumanity or excessive rigour were proved, would not state to the jury that the defendant was responsible. He must repeat, that it was dangerous to the principle of the bill to introduce too much qualification. Its object was fourfold—to indemnify for arresting and for detaining persons, as well as for seizing arms and papers; and a special proviso of this nature could only serve to give a latitude of construction to the act in cases which were within its scope or application.

Mr. *Smyth* declared that he was not satisfied with the explanation of the noble lord: he thought that the object and principle of the bill would be made clearer and less disputable by the adoption of the clause. The words of the bill were at present extremely general, and applied the indemnity to "all acts or proceedings" under the suspension act.

Mr. *Bathurst* observed, that in 1801 the same point had been mooted, but had been determined. The Attorney-General of that day, who was at present at the head of the court in which any actions for redress would be brought, had expressly declared his opinion, that the bill of indemnity would not protect acts of unnecessary rigour. Hon. gentlemen had chosen to let the bill pass through the committee without stating their objections; and now they wanted to make it a totally new measure. Before he sat down, he wished to say a few words respecting a right hon. friend of his, who had just left the house (Mr. Canning), who had been censured for treating with levity a subject of a serious nature. But what were the circumstances to which his right hon. friend had adverted? One, that the individual in question had had for twenty years the disorder which it was said had been brought on by the duress he had sustained; the other, that [illegible] it to London, he was placed within the reach of abler professional assistance than he could receive in the country; and that, by means of that assistance, he returned home totally cured, and as he himself expressed it "a new man."

Mr. *Lyttelton* observed, that the recent allusions in the speech of a right hon. gentleman to the case of the petitioner, Ogden, violated every rule of decency and public decorum. Not to dwell, however, on so disgusting a subject, he thought this question an extremely fair test of the sincerity of those who introduced the measure under consideration. The proposed amendment was extremely simple, and could only operate to render the principle of the bill more plain and indubitable. Why should it not be generally understood, that, if cruelty or oppression had been exercised under the powers of the late unhappy suspension act, the authors of it were liable to be brought to condign punishment? In answer to the observation of the right hon. gentleman, that any objections to the bill ought to have been brought forward in the committee, he had merely to say, that the bill had been pressed through its various stages with extreme and indecent haste. For his own part, business of great importance had detained him for some days in the country from his parliamentary duties, and, on his return, he found that the bill had been most rapidly advancing. Other members were probably in the same predicament; and now that an opportunity offered for making the observations which occurred to them, their mouths, forsooth, were to be closed! If the bill came out of the committee radically erroneous, the present was the time to correct it. It was not the opinion of an Attorney-General, given in the house of commons, that could determine the point. The judge must look at the letter of the law, and unless the house chose to submit their understandings to the quibbles and glosses of lawyers, and especially of crown lawyers in the pay of the crown, they would take care that that letter should be perfectly explicit. The object of the bill was to nullify the ordinary law—to legalise that which was illegal. He contended, that it would prevent any one of the acts in question from being made the subject of judicial inquiry, so that the parties aggrieved might have redress. The right hon. gentleman had indeed said, that the Attorney-General of 1801, who had expressed his opinion that the indemnity bill would not defeat any action for acts of unnecessary severity, was now Lord Chief Justice of the Court of King's Bench. In the first place, however, the actions for redress might not come before that noble and learned lord; and, in the second place, if they did, taking the present bill in his hand, he, from the light of experience, or from other causes, might not retain the sentiments that he entertained when Attorney-General. The noble lord talked of the hon. and

learned gentleman having "laid down the law." The gentlemen opposite had been so long in the habit of finding that what they said was law, in the common acceptation of the phrase, that they began to fancy that every thing they "laid down" was really "law." Things were, however, not quite come to that pass. Until he found that their opinions were in fact law, he could not be brought to change his sentiments on the present question. Reverting to the whole of the transactions—the reports of the committees—the suspension of the habeas corpus—and this indemnity bill, he characterised them as forming one of the most impertinent but at the same time one of the most mischievous farces that had ever been played on the political stage, and as exhibiting still greater inconsistencies than any former proceedings of the present ministers, fraught as those proceedings had ever been with the grossest inconsistencies.

Sir *S. Romilly* said, he was surprised to hear the line of argument which had been pursued by gentlemen on the other side. Were there any technical words in this clause which a lawyer could understand better than any other man? Here were plain words which every man could comprehend. This act said, that *all* actions brought for or on account of any act, matter, or thing, should be discharged and made void; and that every person by whom any such act, matter, or thing should have been done, should be freed, acquitted, discharged, and indemnified. Now, they were told, that this act did not mean what it said. It was stated, that it went only to all *necessary* acts. But if this was the intention of the gentlemen who framed it, why did they not say so? The bill declared, that all acts whatever should be indemnified. What, then, was to become of the cases of those who had been treated with improper severity and cruelty? The petitioner, Ogden, whose sufferings had been treated with so much levity and want of feeling, (*hear, hear*) declared, that the infirmity under which he laboured was produced by the weight of fetters. Was this, then, a necessary act? Did this come within the meaning of the bill? If so, the words of this legislative measure had a different meaning in that house from what they had in any other place. He declared, that this was not the construction which could be put upon this act of parliament. The right hon. gentleman who talked about the Attorney-General of 1801 said, that his opinion could not fail to have very great weight; but was not that opinion given when he was Attorney-General, and urged in support of ministers in the house of commons? (*Hear, hear.*) The opinion of an Attorney-General was not law: nay, the opinion of a single judge was not law: the opinion of a judge at his chambers, or at *Nisi Prius*, might be, and often was, over-ruled: and were they now to be told, that because the person who formerly held the situation which his hon. and learned friend (the Attorney-General) now filled, had delivered such an opinion, it must be taken to be the law of the land? (*Hear, hear.*) He would never submit to such doctrines. He knew full well the importance which ought to be attached to the opinions of his Majesty's Attorney-General in that house. But it seemed, that because gentlemen on his side did not think proper to propose this amendment in a committee; because they were not present at any moment when his Majesty's ministers might command; (*hear, hear*) because it was judged expedient to the government that this bill should be passed with the utmost precipitation; therefore, it was not proper that this question should be discussed now. If this argument were to be allowed, in what manner could they justify themselves to their constituents—in what way could they hope to excuse themselves to the country—in what words could they reply to those persons who were suffering from the severities which had been so wantonly inflicted upon them? (*Hear.*) If his hon. and learned friend, if the noble lord opposite and his colleagues, contended that the words in question meant only necessary acts, why did they refuse to add the word necessary in that clause? He would once more say, that this act of parliament, to be considered in the way which gentlemen asserted, required the amendment which had been proposed.

The *Solicitor-General* said, that his learned friend had declared, that it was proper to insert the word "necessary," but his argument seemed to imply that it should be "unnecessary." Now, in his conscientious opinion, as the bill stood at present, no lawyer could contend, with any prospect of success, that an unnecessary act done for the purpose of apprehending, or detaining, was protected by it. The "acts, matters, or things," must obviously be necessary; for, if not necessary, they could not be done for apprehending, committing, or detaining. An act of severity or cruelty must have some other object, and could not be protected by the bill. He could not help thinking, therefore, that the word "necessary" was implied in the present bill as it had been implied in all other bills so framed. In 1801, lawyers on the opposite side of the house, as distinguished as any that ever sat in parliament, were perfectly satisfied that such was the legal interpretation of the indemnity bill of that day. If this was the case, it would be pernicious to introduce a clause, or a superfluous word, the only effect of which might be to raise a doubt where no doubt at present existed; and to stimulate to proceedings that might prove highly injurious to the parties instituting them.

Mr. *Brougham* thought, that when the house saw there was as complete a difference of opinion between the two hon. and learned gentlemen on the construction of the clause in question, as aye and no—when they heard his hon. and learned friend say, that he conscientiously entertained no doubt that the legal construction of the clause was in one way, and the Solicitor-

general, backed by the Attorney-general, that he conscientiously entertained no doubt that it was in another, they would scarcely leave the words of it in so vague and undefined a form. What was the Solicitor-general's argument? That there could be no difference of opinion on the clause. But there actually was a difference of opinion on it. Why not, then, insert the explanatory word recommended by his hon. and learned friend? The Solicitor-general was alarmed at the idea of tautology and surplusage. How long was it since the house, in framing their statutes, had become so attached to conciseness? It was only, he believed, since this act of parliament had been introduced; and certainly, it furnished abundant proofs that those who framed it had paid particular attention to brevity of expression. In the preamble, for instance, it was stated, that "divers persons had tumultuously, unlawfully, and in a disorderly manner assembled to disturb the public peace." Now, an ordinary man would have thought these words sufficient: but, no; after the word "peace," were added, the words "and tranquillity." Again, "to cause terror in the minds of his Majesty's loyal and peaceable subjects," might have been supposed sufficiently intelligible; but no; the framers of this bill, in their love of precision, expressed it—to cause terror "and intimidation." When an author once got into a particular style, he followed it throughout; and therefore, the framers of this bill, in addition to the word "act" very properly inserted "matter or thing;" and not satisfied with the word "intents," placed after it "and purposes." He remembered that lord Kenyon had once called the composition of an auctioneer his "penmanship," for he did not think that it deserved the appellation of "style." Now, according to the penmanship of the framers of this act, it appeared, that they were not content that the information which the government had received should "remain secret," but it must be also "undisclosed." (*Loud laughter.*) But here stopped their love of conciseness; for, when a word was proposed to be added, which was considered substantially necessary, they turned round and said, "No, it cannot be admitted, it is surplusage, and would be superfluous:" (*hear, hear*) but as his hon. and learned friends themselves had introduced so many unnecessary words, he should wish to follow their example, by putting in one word which they might think unnecessary, but which he considered indispensable. He could not help thinking, that if a single word were to be introduced and surely they could not object to the expense of engrossing a single word, the whole doubt which existed on the construction of this clause would be removed. It would be but a slight deviation from the classical style of drawing acts of parliament, now so much insisted on, and was it too much to ask, that they should make that clear which the courts were required to follow? The right hon. gentleman (Mr. Bathurst) and his hon. and learned friend, the Solicitor-general, had adverted to the opinion of lord Ellenborough, given in that house when he was Attorney-general. Did his hon. and learned friend go so far as to state, that the opinion of the lord chief justice of the King's Bench, when he was Attorney-general in that house, was now to be recognized on the bench? What use, he would ask, could be made of that opinion out of that house? He should like to hear his hon. and learned friend tell the chief justice, that this opinion was to bind him in the court where he sat, because he had delivered the same opinion on a former occasion. The chief justice would then ask, "In what volume of East's Reports is that opinion to be found?" To which question his hon. and learned friend would be obliged to answer, "It is not contained in any volume of East, but is inserted in Cobbett's Parliamentary Debates." "In Cobbett's Parliamentary Debates," the chief justice would say, "what authority in this court are Cobbett's Parliamentary Debates?" He thought this clause was exceedingly liable to the construction which had been put upon it by his side of the house. The question was, whether putting chains on a man was necessary for the purpose of detaining him, or whether the chains were not so wide of the purpose, that they were not necessary? If the hon. and learned gentlemen on the opposite side were sincere; if they did not mean to justify, and to indemnify, all acts of persecution and cruelty, they could have no objection to add the word "necessary," particularly in an act which was not drawn with all the conciseness of which they boasted, and which they might have employed on the occasion. (*Hear, hear.*)

Mr. *W. Wynn* thought that a clause, such as that proposed by the right hon. baronet, might throw a doubt on other acts of the same description, though not on this. There could, however, be no inconvenience in inserting the word "necessary." It was the more requisite, because there was not one decision on acts of this nature. In the case of a justice of peace who had gone beyond his authority, and had done unnecessary acts, he would ask, if it had ever been held that he was not as much entitled to notice of action, as one who was proceeded against after having acted properly? If so, the word "necessary" was by no means superfluous in the present case.

Sir *J. Newport* then withdrew his amendment.

Sir *W. Burroughs*, after reminding the house that the enacting clause proposed an indemnity for *any* acts whatever done under the suspension, proposed a clause to prevent its including cases where those acts were done maliciously and without probable cause. This clause differed from that proposed by his right hon. friend, as it was not confined to gaolers, but extended to malicious informations, and malicious acts done by magistrates, or police officers. He agreed, that where a magistrate made a slip, not

malo animo, he ought to be protected, as he was by the 24th of George II. which entitled him to one month's notice of action, and limited the time of proceeding against him to six months; but, if he acted maliciously, he ought not to be protected, and that was the case which his clause was intended to meet.

The *Attorney-General* contended that this clause would defeat the whole object of the bill. Upon what principle was the bill founded? It was founded on the presumption that the acts for which indemnity was provided were done for the public safety, and that the persons to be indemnified had acted honestly, fairly, and *bona fide*, and therefore they ought to be freed from the necessity of producing in a court of justice the evidence on which they acted, as the production of such evidence would be attended with danger. And yet the hon. baronet proposed a clause which would have the effect of forcing them to lay all the evidence on which they acted before courts of justice; for how could a magistrate, or secretary of state, make out or rebut an allegation of malice, or having acted without probable grounds, without disclosing all the circumstances on which he acted? (*Hear, hear.*) If the house wished to reject the bill, in the name of heaven, let it be rejected; but let them not pass the bill, and adopt at the same time a clause which was contrary to the principle of it, and would completely undermine it.

The clause was negatived.

Sir *W. Burroughs* rose to propose as an amendment, that, after that part of the preamble, "And whereas, in case the acts and proceedings of the several persons concerned or employed in such apprehending, committing, imprisoning and detaining in custody, and dispersing, and seizing, and searching, as aforesaid, should be called in question, it may be impossible for them to justify or defend the same," the words immediately following be left out—"without an open disclosure of the information given, and the means by which the said traitorous designs and unlawful purposes were discovered; and it is necessary, for the safety and protection of the persons by whose information and means the same have been discovered, and for the future prevention of similar practices, that such information and means should remain secret and undisclosed."—Such a recital was not to be found in any of the bills of indemnity that had been passed since the revolution, with the exception of that in 1801. That bill, however, was founded on a particular case—on the dangers to be apprehended by persons who had given information of a treasonable correspondence carried on with the government of France, and who were then in the power of the enemy. No dangers of that kind were now to be apprehended: it had been declared from the throne, and was repeated in the reports of both houses, that the great mass of the people had continued loyal. He, therefore, moved, to omit those words in the preamble, which stated the necessity of concealing the sources from which the information had been derived that led to the discovery of traitorous designs.

Sir *F. Flood* expressed his astonishment that any attempts should be made to clog a bill that had been passed by great majorities in the House of Lords. (*Cries of order.*) He thought that the hon. gentlemen opposite might be perfectly satisfied with the great majorities that had voted for the bill in that house, in every stage. But he found, that nothing would satisfy them but long declamatory speeches, made *ad captandum vulgus*, to please their constituents before a general election, but which were not approved of by a great majority of that house, or by the great majority of the people out of doors. The bill was founded on necessity. It was founded on a report made by the first characters of the country, one of which was the noble secretary of state for the foreign department, whom he was proud to call his countryman.

The amendment was negatived.

Sir *J. Newport* moved an amendment, providing, that payment should be made from the public revenue of such damages and costs as should be awarded to any aggrieved person in a court of justice. This principle was recognized in the case of vessels captured illegally, when costs and damages were awarded against the captors, if it appeared that they had acted with a view to the advancement of the public service. In such case, the costs and damages were allowed out of the droits of admiralty. Why should not the public pay the price of its own safety? Anxious as he always was for public economy, he should never look for it at the expense of a dereliction of duty—he should not attempt to rob individuals, or avoid throwing on the public purse, instead of throwing on individuals, what was necessary for the public safety.

The *Attorney-General* said, the object of the bill was, to prevent the necessity of laying the evidence on which magistrates, or others, had acted, before a jury; and yet this clause was to make the public pay damages and costs. Damages could only be given after a discussion of all the facts and circumstances before a jury; because it would not be contended, that any damages which any body could guess at should be paid out of the public coffers of the state. They could not adopt this clause without making the preamble a complete collection of unintelligible nonsense.

Sir *J. Newport* said, that, when he proposed this clause, he was aware that it would render other alterations necessary, both in the preamble and in the enactments, and justice required that such alterations should be made.

Mr. *W. Smith* supported the amendment. The law presumed that every man was innocent until he was proved to be guilty. Those persons, therefore, who had been arrested and confined, but had not been brought to trial, should

not be debarred from seeking the redress to which they were entitled. A door ought to be left open to all who had not been tried, to recover damages for the hardships and losses which they had suffered from their apprehension and detention.

The amendment was put, and negatived without a division.

Sir *W. Burroughs* then rose and observed, that the bill went to indemnify "*any* person or persons" who had entered into houses to search for papers or arms. Now, it was probable, that unauthorised persons, persons in no public character, might have broken into houses for the pretended purpose of searching for papers and arms, and was any ruffian, any spy, for instance, to be protected, who might have violated the law in this manner? It would be highly improper and unconstitutional to grant an indemnity to such persons; and, therefore, he should move that the words "any person or persons" be left out, and that there be inserted instead thereof, "any secretary of state, any member of his Majesty's most honourable privy council, any justice of peace, any mayor, bailiff, or other magistrate of a corporation, any peace officer, or constable."

The *Attorney-General* contended, that this amendment was unnecessary, as the words of the bill, standing in their present connexion, could not be misunderstood. They were too definite to cover unauthorized persons, and besides, they went only to protect those who had searched for the arms or papers of persons who were in custody on charges of treason, or treasonable practices, or who had been afterwards arrested and detained on such charges. They did not go to protect those who had entered into houses under other circumstances.

The amendment was negatived.

Mr. *Brougham* moved, that after the words "for or on account of any act, matter, or thing, by him or them done or commanded, ordered, directed, or advised to be done since the 26th day of January, 1817," there be added the words "which may have been necessary."

The *Attorney-General* objected to this amendment as superfluous. By the proper interpretation of the bill, and of every statute similarly worded, the protection afforded was understood only to extend to such acts as were necessary for accomplishing the objects in view. A magistrate was supposed to commit no act of rigour which was not called for in execution of the duty imposed upon him. To adopt the amendment, therefore, would be introducing useless words; but this would not be the only evil. The adoption of the amendment would excite doubts as to the enactment of other statutes where similar words were omitted. All laws regarding the conduct of magistrates supposed they were liable to damages for excess of rigour in executing their duty; but, from the first to the last statute in the statute book, the words "acts which may be necessary," had not been introduced.

Mr. *Tierney* said, that the hon. and learned gentleman who opposed the amendment on the common principles of law, ought to have remembered, that the present bill was a violation of law, and, therefore, that it ought not to be tried by such a test. He was of opinion, that the language of the bill should be rendered as precise and as guarded as possible, and he put it to the house, whether he was asking too much, when he requested them not to object to the insertion of three or four words, not limiting the indemnity claimed by ministers, but defining the extent to which the law of the country had been set at nought?

Mr. *Lockhart* opposed the amendment. After the explanation of the hon. and learned gentleman opposite, (the Attorney-general) he considered it to be quite unnecessary.

Mr. *Wynn* said, that he did not consider the amendment necessary, but he should not oppose it, as it would not affect the objects of the bill.

The house then divided on the question, "that these words be inserted."

Ayes	. . .	39
Noes	. .	149

Mr. *Speaker* then put the question "That this bill do now pass."

Mr. *Brougham* said, he did not wish to provoke any discussion in the present stage of the measure, but he was anxious to protest on his own part, and on the part of his hon. friends, against its being imagined that they had less objection to the passing of the bill, either in consequence of the arguments which had been urged in support of it, or from the circumstance of their having attempted to qualify it by amendments. He and they were as desirous at that moment as before to avow their hostility to the whole detestable principle upon which the bill was founded. (*Hear, hear.*)

Mr. *Tierney* said, it was his intention, on a former night, to have delivered his opinions on the subject; but he had abandoned that intention from a conviction that it was quite unnecessary after the speeches of his hon. friend who had just quitted his place (Sir S. Romilly), and his hon. friend who had just sat down. He should avail himself, however, of the present opportunity to declare, that he believed this to be one of the most detestable measures that ever was introduced into parliament.

Mr. *Wynn* said, he did not intend to detain the house: he should merely state, therefore, that, in his opinion, the measure was absolutely necessary.

Mr. *P. Moore* said, that he entertained a very different opinion: he considered it to be a measure of great injustice.

The bill was then passed.—It was in these words.

"An act for indemnifying persons who, since the 26th day of January 1817, have acted in apprehending, imprisoning, or detaining in custody, persons suspected of high treason or treasonable practices, and in the suppression of tumultuous and unlawful assemblies."

Whereas a traitorous conspiracy was formed

in *Great Britain* for the purpose of overthrowing, by means of a general insurrection, the established government, laws, and constitution of this kingdom: and whereas divers persons have tumultuously, unlawfully, and in a disorderly manner assembled together in *Great Britain*, under pretence or for the purpose of proceeding to *London* in such numbers, as greatly to disturb and endanger the public peace and tranquillity, and to cause terror and intimidation in the minds of his Majesty's loyal and peaceable subjects: And whereas in order to secure the internal peace and tranquility of the country, and to counteract such traitorous conspiracy, it has been deemed necessary, since the 26th day of *January*, 1817, from time to time to apprehend, commit, imprison, and detain in custody divers persons suspected of high treason or treasonable practices, and to seize the papers of divers of such persons, and also to disperse the persons so tumultuously, unlawfully, and in a disorderly manner assembled together as aforesaid, and to apprehend, commit, and detain in custody divers of such last-mentioned persons, and to search the houses of divers persons for arms and other offensive weapons concealed or suspected to be concealed therein: And whereas in case the acts and proceedings of the several persons concerned or employed in such apprehending, committing, imprisoning, and detaining in custody, and dispersing and seizing and searching as aforesaid should be called in question, it may be impossible for them to justify or defend the same without an open disclosure of the information given, and the means by which the said traitorous designs and unlawful purposes were discovered; and it is necessary for the safety and protection of the persons by whose information and means the same have been discovered, and for the future prevention of similar practices, that such information and means should remain secret and undisclosed: And whereas some of the said acts done may not have been strictly justifiable in law, but being done for the preservation of the public peace and safety, it is fit that the persons doing the same should be saved harmless in respect thereof; be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present parliament assembled, and by the authority of the same, That all personal actions, suits, indictments, and prosecutions, heretofore brought, commenced, preferred, or exhibited, or now depending, or to be hereafter brought, commenced, preferred, or exhibited, and all judgments thereupon obtained, if any such there be or shall be, and all proceedings whatsoever against any person or persons for or on account of any act, matter, or thing by him or them done, or commanded, ordered, directed, or advised to be done, since the 26th day of *January*, 1817, for apprehending, committing, imprisoning, detaining in custody, or discharging any person or persons who hath or have been imprisoned or detained in custody for high treason or suspicion of high treason, or treasonable practices, not relating to coin or for apprehending, committing, imprisoning, or detaining in custody any person or persons who have been imprisoned or detained in custody for having been so tumultuously, unlawfully, and in a disorderly manner assembled as aforesaid, or for dispersing any persons so assembled as aforesaid, or for seizing the papers of any such person or persons, or for searching houses for arms and other offensive weapons as aforesaid, shall be discharged and made void and that every person by whom any such act, matter or thing shall have been done, or commanded, ordered, directed, or advised to be done, shall be freed, acquitted, discharged, and indemnified, as well against the King's Majesty, his heirs and successors, as against the person and persons so apprehended, committed, imprisoned, or detained in custody, discharged, or dispersed, and all and every other person and persons whomsoever.

II. And be it further enacted, That if any action or suit hath been or shall be brought, commenced, or had in any court of that part of the united kingdom called *England*, against any person or persons for or on account of any such act, matter, or thing as aforesaid, he and they may plead the general issue, and give this act and the special matter in evidence; and if the plaintiff or plaintiffs shall become nonsuit, or forbear further prosecution, or suffer discontinuance in any such action or suit, or if a verdict shall pass against the plaintiff or plaintiffs therein, the defendant or defendants shall have and be entitled to double costs, for which he or they shall have the like remedy as in other cases in which costs by law are given to defendants; and if any such action or suit hath been or shall be brought, commenced, or had in any court within that part of *Great Britain* called *Scotland*, the court before whom or in which such action or suit shall be brought, commenced, or had, or shall be depending, shall allow to the defender or defenders therein the benefit of the discharge and indemnity hereinbefore provided, and shall further discern the pursuer or pursuers to pay the defender or defenders the full and real expenses which he or they shall be put to by such action or suit: Provided always, that in such cases in which any such action or suit shall have been commenced before the 27th day of *February* now last past, and in which the plaintiff or plaintiffs, pursuer or pursuers, shall not have continued since the 27th day of *February*, or shall not hereafter continue the proceedings in any such action or suit, such plaintiff or plaintiffs, pursuer or pursuers, shall not be liable to any costs or expences.

III. And be it further enacted, that if any action, suit, indictment, information, prosecu-

tion, or proceeding hath been or shall be brought, commenced, preferred, exhibited, or had in any court against any person or persons for or on account of any such act, matter, or thing as aforesaid, it shall be lawful for the defendant or defendants, defender or defenders, in any such action, suit, indictment, information, prosecution, or proceeding, or for any of them, to apply by motion, petition, or otherwise, in a summary way, to the court in which the same hath been or shall be brought, commenced, preferred, exhibited, or had, or shall be depending, if such court shall be sitting, and if not sitting, then to any one of the judges or justices of such court, to stay all further proceedings in such action, suit, indictment, information, prosecution, or proceeding; and such court, and any judge or justice thereof when the said court shall not be sitting, is hereby authorized and required to examine the matter of such application; and upon proof by the oath or affidavit of the person or persons making such application, or any of them, or other proof to the satisfaction of such court, judge, or justice, that such action, suit, indictment, information, prosecution, or proceeding is brought, commenced, preferred, exhibited, or had for or on account of any such act, matter, or thing as aforesaid, to make an order for staying execution and all other proceedings in such action, suit, indictment, information, prosecution, or proceeding, in whatever state the same shall or may then be; and the court or the judge or justice making such order for stay of proceedings in any action or suit as aforesaid, shall also order unto the defendant or defendants, defender or defenders, and he or they shall have and be entitled to double costs for all such proceeding as shall be had or carried on in any such action or suit after the passing of this act, and for which costs he and they shall have the like remedy as in cases where costs are by law given to defendants or defenders: Provided always, that it shall be lawful for any person or persons, being a party or parties to any such action, suit, indictment, information, prosecution, or other proceeding, to apply by motion, petition, or otherwise, in a summary way, to the court in which the same shall have been brought, commenced, preferred, exhibited, or had, or shall be depending, to vacate, discharge, or set aside any order made by any judge or justice of that court for staying proceedings, or for payment of costs as aforesaid, so as such application be made within the first four days on which such court shall sit next after the making of any such order by any judge or justice as aforesaid; and such court is hereby required to examine the matter of such application, and to make such order therein as if the application had been originally made to the said court, but nevertheless in the mean time, and until such application shall be made to the said court, and unless the said court shall think fit to vacate, discharge, set aside, or reverse the order made by any such judge or justice as aforesaid, the same shall continue in full force to all intents and purposes whatsoever.

IV. Provided also, and be it enacted by the authority aforesaid, that if any action or suit hath been or shall be brought, commenced, or had in any court in that part of the united kingdom called *Ireland*, for, or by reason, or on account of apprehending, committing, imprisoning, detaining in custody, or discharging out of custody any person or persons in *Ireland* who have or hath been charged with high treason, or suspicion of high treason, or treasonable practices, committed or carried on, or alleged to have been committed or carried on in *Great Britain*, any person or persons against whom any such action or suit hath been or shall be brought, commenced, or had, may plead the general issue, and give in evidence this act and the special matter, and shall be entitled to double costs in like cases in which any defendant or defendants sued in *Great Britain* is or are hereby declared to be entitled to double costs, and shall have the like remedies for the same; and the court in *Ireland* in which such action or suit hath been or shall be commenced whilst sitting, and the respective judges thereof whilst the court is not sitting, are and is hereby empowered, authorized, and required, upon applications made for that purpose in a summary way by any defendant or defendants, to examine the matter of such applications, and thereupon to make orders as to staying execution and other proceedings, and as to double costs, in such and the like manner as is hereinbefore enacted and provided with respect to applications made to any court or judge in *England*, and with such and the like power to the courts when sitting to vacate, discharge, or set aside any orders made by any judge of such court when the said court was not sitting.

V. And be it further enacted by the authority aforesaid, that all and every person and persons discharged out of custody as aforesaid, although he shall not have been discharged according to law, shall be deemed and taken to have been legally discharged out of custody.

HOUSE OF LORDS.

Monday, March 16.

INDEMNITY BILL.] This bill was brought from the commons by Mr. Brogden and other members without any amendments.

GREENLAND FISHERY OATHS BILL.] This bill was brought from the commons, and read a first time.

MARINE MUTINY BILL.] This bill was read a third time and passed.

The Marquis of *Downshire* moved that a copy of a circular letter addressed to the clergy and churchwardens of the different parishes in Ireland, on the subject of the window-tax, be laid before the house.—Ordered.

The noble marquis then stated, that he had in his hand two petitions against the window

tax, one from the inhabitants of Dublin assembled in parishes, the other from the town of Belfast. The tax for the repeal of which these petitions prayed had been imposed before the union took place. It was proposed by Mr. Corry, who was chancellor of the exchequer for Ireland at the time the act was passed, as a tax to be continued merely for a limited period. He stated, that it was asked for merely as a war-tax, which would be allowed to expire on the restoration of peace. Accordingly it had been renewed by the Irish parliament, and continued from year to year by the united parliament. The people of Ireland considered the prolongation of the burden a grievance, and several meetings had been held in different parts of the country to petition against it, and the letter for which he had moved was connected with the proceedings which had taken place on this subject. It was proposed, that a commutation should by offered by the parishes, but many objections were urged against such a measure, chiefly on the ground that it would be giving the parishes a sort of legislative authority. He had attended many of the meetings which had been held against the tax; and he could assure their lordships, that all of them which he had witnessed had been conducted with the greatest decorum and regularity. The unanimous opinion of all these meetings was, that, in consequence of the manner in which the tax originated, it having been avowedly enacted for a limited time, it ought to be wholly or partially repealed. The tax, it ought to be recollected, had been greatly increased since it was first imposed; for, at one time, an addition of 50, at another time, of 25 per cent. had been made; still it had always been regarded as a war-tax. The petitions he had to present went the length of praying for a total repeal: whether their lordships would think that advisable or not, would be matter for future consideration; all he could, in the meantime, as a member of that house, do, was to bring the subject before them.—The petitions were then read and laid on the table.

PERSONS ARRESTED FOR TREASON.] The Earl of *Shaftesbury* laid on the table an account of the number of persons arrested under the operation of the habeas corpus suspension act, since the 1st of January, 1817. On the motion of Lord *Holland* this paper was ordered to be printed.

HOUSE OF COMMONS.

Monday, March 16.

ELECTION OF CORONERS BILL.] This bill was read a second time.

INDEMNITY BILL.] A petition of inhabitants of King's Lynn, against this bill, was presented, and ordered to lie on the table.

Mr. *Brogden* and other members were ordered to attend the house of lords with the bill agreed to.

Mr. *Alderman Wood* presented the following petition of Thomas Preston, which was ordered to lie on the table, and to be printed.—"That the petitioner was, on the 4th day of December 1816, on a charge of rioting, taken before the right hon. Matthew Wood, then lord mayor of the city of London, who was satisfied that the charge was groundless; that whilst the petitioner was undergoing a long examination at the Mansion House, John Castles, an informer of universal notoriety, went to the petitioner's residence at No. 9, Greystoke Place, Fetter Lane, and falsely represented to Charlotte Preston, the petitioner's daughter, that he the said Castles was authorized by the petitioner to remove his household furniture to a place of greater safety, in order (as the said Castles pretended) to prevent the same being seized by officers who were about to convey it away; that the petitioner was thus, by the false representations of the aforesaid Castles, plundered of his furniture, books, wearing apparel, &c.; and the petitioner further most humbly sheweth, that after he was acquitted of the aforesaid charge, and was, on the evening of the same day, returning to his peaceful home, he the petitioner was abruptly seized by a watchman, and forcibly dragged to the watch-house of St. Andrew's parish, whence, after being confined a considerable time, he was, as he humbly ventures to presume, unjustly and against the statutes of these realms hurried to Giltspur Street Compter by Drinkwater, a city officer, without any apparent authority or charge made against him; that the petitioner was in this prison confined to a dreary and solitary cell during the whole of the night, receiving on the following morning merely the prison allowance of a small loaf of bread and a pint of gruel; that the petitioner was again taken before the lord mayor without any warrant or charge made against him, and was detained at the Mansion House for seven hours, and afterwards remanded for a future examination, and thus kept in a state of imprisonment for five days, and without the permission of communicating with his family or friends; that at length the petitioner's daughter was allowed to see him, who was then informed that Castles had sold the furniture of the petitioner and of his daughter, who was at that time almost his only support in a state approximating to starvation; that Castles sold the furniture to brokers named Angel and Monroe, in White's Alley, Chancery Lane; and the petitioner further most most humbly sheweth, that he was on the 9th of February, on a charge of high treason, apprehended by a warrant issued by the right hon. Lord Sidmouth, and after undergoing an examination before his majesty's honourable privy council, was committed to Cold Bath Fields prison for re-examination, which took place on the 12th of the same month; that the petitioner was thus prevented using legal means to prosecute Castles for his unjustifiable seizure of the property of the petitioner and his miserable family, whilst,

in the meantime, the said Castles was, as the petitioner is enabled to prove, seeking every means to sacrifice the life of the petitioner; and the petitioner further most humbly sheweth, that he was again examined on the 14th of the same month before his majesty's most honourable privy council, by whom, on the evidence of the said Castles, he was committed to the tower of London: that the petitioner was here, previous to his trial, seventeen weeks in a state of incarceration, during which his family suffered the most excruciating misery, alike exposed to the extremes of hunger and cold, deprived of the petitioner's assistance on the one hand, and plundered by the infamous Castles on the other; thus destitute, the petitioner's family was driven into the street by their landlord, who had seized the small remains of property which had escaped the rapacity of the cruel and notorious Castles; added to these calamities, the petitioner, by his long confinement, lost his trade, by which he had supported himself and family; that the petitioner was at length brought to trial, and, to the satisfaction of every good man, acquitted by a jury of his countrymen; that the petitioner, though restored to liberty, was doomed to behold his family in a state of unheard-of misery, and himself without the most humble means for their relief, being involved also in the heavy expenses of a trial which had lasted for six days; that the petitioner has, since his acquittal, written to Lord Sidmouth, to request that Castles may be brought to justice, and that the petitioner may be indemnified for his loss of property; the answer from his lordship denies any knowledge of the transaction; that the petitioner most humbly implores the house to take the premises into their consideration, and if it seem meet to the house, that the said Castles may be brought to justice; and he furthermore most humbly implores, that a bill of indemnity may not be permitted to pass, but that his majesty's ministers may be impeached for their unconstitutional conduct; and the petitioner further most humbly implores the house to grant him such assistance and relief as in their wisdom his case may appear to demand; and he further most humbly assures the house that he is not urged by vindictive motives, nor has he any sinister views, his only object being a desire for that even-handed justice which his extreme sufferings may seem to require, and for which he humbly trusts the laws of his country so liberally provide; and the petitioner most humbly implores the house to overlook any inadvertence or informality that he may have committed in this his humble petition, and attribute it to his inexperience in these matters, and not to any desire to infringe the rules and regulations of the house."

LEATHER TAX.] Petitions were presented of tanners, curriers, and others, of Horncastle; also, of the city of Lincoln; also, of Spilsby, Wainfleet, and Burgh; also, of Boroughbridge, against this tax.—Ordered to lie on the table.

COPYRIGHT BILL.] Sir *E. Brydges* brought in a bill "To amend an act passed in the 54th year of the reign of his present Majesty King George III." intituled 'An act to amend the several acts for the encouragement of learning, by securing the Copies and Copyright of printed Books to the Authors of such books or their assigns.'—It was read a first time.

Lord *Archibald Hamilton* presented the following petition of the University of Glasgow, against the bill, which was ordered to lie on the table, and to be printed.—"That the petitioners observe that leave has been given to bring in a bill to alter the act 54 Geo. III. chap. 156, and apprehending that one of its objects may be to take away the right which that act secures to certain public libraries, and among others to that of the University of Glasgow, of receiving copies of every new book published in the united kingdom, beg leave humbly to represent, that about four years ago, when certain booksellers attempted to obtain a repeal of the statutes establishing or confirming that right, a committee of the house, 'after much attention bestowed on the subject,' presented a report, in which, though it was drawn up from the testimony of persons by whom the right was attacked, persons, namely, 'connected with the printing, the publishing, and the sale of books,' they nevertheless declare, that 'the substance of the laws referred to them should be retained, and, in particular, that the delivery of all new books, and in certain cases of subsequent editions, to the libraries entitled to receive them, will tend to the advancement of learning and the diffusion of knowledge, without imposing any considerable burthen on the authors, printers, or publishers of such books;' that, agreeably to the views of this wise and moderate report, the present law was enacted, by the operation of which very important public benefits have been gained; in the universities, the teachers in the higher departments of education are enabled to keep up their own knowledge to the same level with the constantly advancing improvement of the age; the privileged libraries, being rendered the general depositaries of all the publications of the united kingdom, furnish to men of research in different parts of the country ample and accessible information on every topic to which the speculations or the events of the day may give interest or importance, and at the same time they secure for the use of posterity every valuable literary production, or, according to the practice of the university of Glasgow, every literary production, whatever be the present estimation of its value, from the destruction which time would otherwise bring upon it, or from the oblivion and uselessness into which it might sink by being locked up in the private cabinets of the curious; that these public advantages are obtained at an expense the amount of which has been shewn, by calculations not disputed by the opposers of the privilege, to be altogether insignificant, an expense which must

ultimately fall upon the purchasers, not upon the publishers of books, and finally, an expense which, if in any degree it affects publishers or authors, has been richly compensated to them by the statute 8th Queen Anne, which first imposed the burthen, and which also constitutes the original and sole foundation of their claim of copyright, and still more abundantly by that statute, the alteration of which is now proposed, and which has extended their possession of that right from the period of fourteen to that of twenty-eight years; on these grounds, and on others which will suggest themselves to the wisdom of a British house of commons, the petitioners humbly presume to entertain the fullest confidence, as well as to express their most earnest desire and prayer, that no alteration may be made in the present law that shall in any degree diminish, or render less efficient, the privilege which it bestows upon their library."

BANKRUPT LAWS.] The report of the select committee appointed to consider of the bankrupt laws, and of the operation thereof, was brought up, ordered to lie upon the table, and to be printed.

The following is the examination of Sir *Samuel Romilly*, a member of the committee.

"The committee are aware of the pains you have taken to improve the bankrupt laws, and are desirous of your opinion upon the subject of any improvements which are required in them, if you are prepared to give it?—The bankrupt laws appear to me to be in many respects extremely defective, and to require much alteration.—The penal part of them, as being first in importance, requires first to be considered. If a bankrupt do not surrender to his commission, he is, under the statute of 5 Geo. II., punishable with death. If he surrender, but omit to make a full disclosure of his property, and withhold part of it, to the amount of 20*l.*, from his creditors, he is also, by the same statute, punishable with death. This excessive severity (as always happens where severity is excessive) defeats its object. The cruelty of the law prevents its execution; and though these offences are extremely common, nothing is more uncommon than the punishment of them. Since the statute was enacted, which is now more than eighty-five years, few years have passed in which various instances of these offences have not occurred; and yet there have not, I believe, been more than three examples of the law having been executed. Those very examples, too, have, upon the whole, had rather a tendency to multiply crimes; they have had more effect in preventing prosecutions, than occasions for prosecution, and have in a great degree made the law, for want of prosecutors, a dead letter. In other cases of inordinately severe punishments, private individuals are often induced to prosecute by relying on the mercy of the government; and by a confidence, founded on experience, that the administration of justice will be much less cruel than the law; but in the case of bankrupts it is well known that no mercy is to be expected. It is supposed to be for the interest of the community that this most severe statute should be most rigorously enforced. In the few instances that have occurred of convictions upon this law, the sentence has always, I believe, been executed, with one single exception. This excepted case was that of a man of the name of Bullock. The circumstances under which his life was spared, were that after his conviction, it was made perfectly evident, in a petition in his bankruptcy which came before the present lord chancellor, that the commission against him was of no validity. The facts which put this beyond all doubt had not been proved upon the trial. By the evidence given on that occasion, the conviction was well warranted; but according to the real circumstances of the case, the bankrupt ought never to have been convicted. And yet even this exercise of mercy, indispensable as it seems to have been, gave to some persons great dissatisfaction, and though the man was pardoned, it was only on condition of his being transported; and (if I mistake not) for life. He was, I believe, a dishonest man; but the commission against him not being valid, he had done no act which by law was punishable, either with death, or with transportation; and I mention this case only to shew with what rigour crimes against the bankrupt laws have been treated by the executive government.—With such rigour, indeed, is government disposed to treat them, that upon some very important occasions it has ranked them with murder and forgery. Thus, in the treaty of Amiens, it is stipulated that certain offenders who fly from justice, shall be reciprocally given up to their respective governments; a stipulation, by the bye, which it was felt that the crown had not the power to make without the sanction of parliament; and a statute was therefore passed to confirm and give effect to the treaty, the 42 Geo. III. cap. 92, sec. 21. The offenders to whom an asylum was thus formally, and by a solemn national act refused, were only of three descriptions,—murderers, persons guilty of forgery, and fraudulent bankrupts*.—The nation however has been so far from adopting this severe disposition of its government, that it scarcely ever happens that persons can be found who will institute prosecutions for felonies under the bankrupt laws. Very numerous instances might, I believe, according to information which I have received from various quarters, be laid before the committee, of creditors who have deliberately resolved to allow

* Within the last three years, several persons, who had committed forgery, and fled from justice, have been brought back from France and the Netherlands, and put upon their trials. It is expedient, that this international law should be generally known, as, it is to be feared, that many persons may be induced to commit forgery, from the hope of finding an asylum against punishment in foreign countries.

bankrupts by whom they had been grossly defrauded, to enjoy complete impunity, because they saw no other alternative than such impunity, or the certainty of shedding their blood.—That men should feel great repugnance to put a human creature to death for such an offence, cannot surprise those who have reflected what the nature of the crime really is. Whatever the language of the law may be, or whatever national expediency may be thought to require, the great mass of mankind never can be brought to regard as highly criminal that which is not to a great degree immoral; and when it is considered, that by our law, a bankrupt is made such against his will, it is evident that the only immorality of one who has secreted none of his property, but who does not surrender to his commission, is that he withholds from his creditors the information and assistance which he ought to afford them, to enable them to recover his effects, and to apply them in satisfaction of their demands; and even this immorality may find some extenuation in the disgrace to which he must be subjected, and in the danger to which he is exposed; since however honestly he may have acted, and though every thing he has in the world be given up to his creditors, yet if he do not obtain his certificate, he may be imprisoned for life, by any one creditor who will prefer gratifying his resentment to any benefit he might derive from the commission. That a man has not fortitude enough to encounter so much shame, and such a risk, may be culpable; but who can, upon calm reflection, say that it ought to be punished with death?—The crime of withholding property from the creditors is indeed much more immoral; but even this, in the case of one who has been made a bankrupt without his own concurrence, amounts in reality to nothing more than the not paying (to the extent of the property withheld) debts which it is in his power to pay. That this is criminal cannot be denied; but that it should be expiated by the blood of the offender confounds all notions of justice, and destroys all gradations of guilt. It is very dishonest, but it is not more dishonest in an obscure tradesman, than in the heir to a title; and yet for this dishonesty, while our law hangs the tradesman, it suffers all other such debtors to enjoy complete impunity: nay, it not only leaves them unpunished, but it suffers them, in defiance of their creditors, to enjoy and to squander in gaol the substance which ought to be applied in the payment of their debts; for there is no process by which, in the case of persons not subject to the bankrupt laws, copyhold estates, property in the public funds, or money lent upon security, can be taken by creditors in execution. The statute of 5 Geo. II, which first made the offences of not surrendering under a commission, and of withholding property by bankrupts, capital, was originally a mere temporary law: it was passed only as an experiment; and though it has been a most unsuccessful one, it was continued from time to time till the year 1797, when it was made perpetual. The cruelty of this statute has, I am fully convinced, wholly prevented its efficacy; and I entertain no doubt that if it were repealed, and the offences for which it denounces death were declared to be misdemeanors, and were merely punished with imprisonment, the number of such crimes would soon be very sensibly diminished.—There is, however, an offence often committed under the bankrupt laws which appears to me far more serious than that of not surrendering to a commission, or that of concealing property from the creditors, but for which the law has appointed a much slighter punishment; I mean that of a trader procuring a commission to be taken out against him, in order, by means of false and fictitious debts proved under it, to obtain a certificate, which shall operate as a release of all his real debts. This is an offence which has of late years become extremely common, and in the perpetration of which there is great reason to believe that the same persons have been repeatedly employed as instruments under different commissions. The crimes which the law has made capital are merely crimes of omission, and consist in not submitting to very harsh coercive proceedings; but this crime is the spontaneous and premeditated act of the debtor; it is a gross fraud, practised generally on a great number of individuals, and to a very great amount, and which can be perpetrated only by means of repeated, numerous, and flagrant perjuries. The only prosecution which can now be instituted against these, the greatest offenders in bankruptcy, is for a conspiracy, or for subornation of perjury; and the only punishment that can be inflicted on them, if tried for the first of those crimes, is fine and imprisonment; and if for the last of them, the pillory, in addition to those other penalties: a severer punishment ought surely to be appointed for this crime, such as transportation, or imprisonment and hard labour in a house of correction; for even in this case the punishment of death would, as it appears to me, be neither expedient nor justifiable.—Another part of the law relating to bankrupts, which is highly penal in its consequences, and which very urgently requires alteration, is that which gives power to the commissioners to commit a bankrupt to prison, if he do not answer to their satisfaction the questions they put to him respecting his property, and to keep him in custody till he does. It was formerly held that if the bankrupt gave plain and direct answers to the questions, even though the commissioners believed them to be false, they had no power to commit; and that the only remedy was a prosecution for perjury: but it is now understood that if the commissioners discredit the answers given them, they may imprison the bankrupt till he shall answer to their satisfaction. Such a power ought not, under any system of laws, to be entrusted to any description of persons, who,

however wise and discreet, yet being men, must be subject to error. The answers given by the bankrupt may be true, though they do not appear such to the commissioners. Truth has not always the semblance of truth: and no man can have had much experience of judicial proceedings without having sometimes seen that facts, which at the first statement of them appeared in the highest degree improbable, have nevertheless in the end been fully and satisfactorily established: if ever this should have occurred in bankruptcy, and the first impression have been acted on; if ever a bankrupt should be committed because the commissioners refuse credit to his assertion, although that assertion be strictly true (and no person can doubt that this may sometimes happen), an innocent man must be punished with perpetual imprisonment, only because his judges are difficult of belief. It is perseverance in truth, which in such a case must make the imprisonment perpetual; the only chance of deliverance is to fabricate some falsehood, and to maintain it with such confidence and consistency that it shall gain credit with those by whom the truth was disbelieved.—Next in importance to those parts of the bankrupt law which I have already observed upon, is that which relates to certificates. Upon this subject it should seem, from much of what appears in the evidence reported by the committee in the last session, that very erroneous notions are entertained: it may therefore be expedient a little to enlarge upon it. The principle upon which the bankrupt law, as established in the 5th year of the reign of Geo. II. proceeds, is, that every bankrupt whether he has become such by misfortunes, by imprudence, or even by culpable conduct, shall, if he give up all the property that he has in the world to his creditors, and conform himself to the provisions of the statute, by making a full disclosure of every thing material for their information, be protected from all the process to which his creditors might otherwise resort against his person or against property acquired by him subsequently to his bankruptcy; accordingly, what is requisite to entitle him to this protection, is a certificate, not that his failure was the effect of misfortune, or that his former conduct was blameless, but merely, that after the commission issued, he had done every thing which the law required of him, to give full effect to it. This being the object and nature of the certificate, it seems not a little extraordinary, that amongst the persons whose consent is necessary to its allowance, should be a certain proportion of the creditors, and that it should be left to their uncontrolled discretion to give or to refuse such consent. If they were to be considered merely as witnesses, who having a full knowledge of what had been done under the commission, and an interest narrowly to watch the proceedings, were best qualified to testify what the bankrupt's conduct under it had been, one could well understand why their signatures should be required; but then equal justice would seem to demand, that the bankrupt should have a right to insist on their making some declaration on the subject; and that if they could not conscientiously certify that he had not conformed to the statutes, their silence should be considered as a tacit admission that he had done every thing which the law required of him. It is not however in this light (whatever may have been the intention of the legislature) that the matter is now considered, either by the creditors or by any persons concerned in the administration of this part of the law. The lord chancellor and the commissioners, whose assent is necessary to the allowance of the certificate, as well as that of the creditors, are bound to lay entirely out of their consideration the anterior conduct of the bankrupt. If he has appeared to his commission, has given up all his property, and upon his examination has made a candid and ingenuous disclosure of his affairs, they are bound to allow his certificate, though that very disclosure should amount to an admission, that before his bankruptcy he had deceived all who dealt with him, and had practised on his creditors every species of fraud and imposition. The creditors however, though it is the same certificate, and attended with the same consequences, that they are to sign, are bound by no such rules. They are at liberty to advert to the whole of the past life of the bankrupt, and as it were to sit in judgment upon the transactions which have taken place with themselves: to be judges in their own cause, and to inflict punishment at their pleasure for whatever they may consider as an offence against themselves or against the public.—This has, I confess, always appeared to me to be an extremely defective system. I have always thought that the keeping a bankrupt without his certificate was an unfit punishment for past offences, and that creditors were not the judges who could be best entrusted with the power of punishing their debtors. The effect of withholding a bankrupt's certificate, is to leave him exposed to all the severe process which the law of England affords to creditors against those who will not pay their debts; while the same law, by stripping the bankrupt of the whole of his property, makes it impossible that he should pay them. It takes from him, too, all motives for industry, by subjecting the future fruits of his labours to the demands of his former creditors. One single creditor who refuses to come in under the commission, may throw the bankrupt into prison, and detain him there for life, except as far as under the present temporary insolvent debtor's act he may, as long as it shall continue in force, obtain at the end of five years of imprisonment the relief of a kind of second bankruptcy.—Before the passing of the act of 49 Geo. III. the injustice was still greater: for it was permitted to a creditor who did not choose to take the benefit of a commission, to come in and prove

his debt under it, for the mere purpose of being counted in the number of those whose signature to the certificate was required; and by refusing to sign it, to render the other signatures unavailing, and make effectual the severe measures he was himself pursuing. How this practice ever came to be permitted it is difficult to understand, for there is nothing in the statute of Geo. II. which could sanction it, though it appears to have prevailed, if not from the passing of the act, yet at least from the time of Lord Hardwicke. This gross injustice is now, by the late act, prevented; and no creditor is now permitted to proceed by law against the bankrupt, and at the same time to take advantage for any purpose of the commission.—The evils which may befal a bankrupt who cannot obtain his certificate, though they are very severe, and in some cases extremely cruel, are yet not of such a kind as ought to be inflicted by way of punishment. If a trader has committed frauds before his bankruptcy, he should suffer the penalty which the law has appointed for them; or if they be such as no law has yet provided against, an act should be passed to declare them criminal, and to fix the proper punishment for them. The lot of evil which he is to suffer for his misdeeds should be pronounced in a judicial sentence; the crime should be defined, the punishment should be certain, and it should be public, that his sufferings might operate by way of example and of prevention, and might be made useful to the community. His miseries ought not, as they now are, to be dependent upon the accident of some one creditor choosing to proceed against his person, while others refuse to sign his certificate; they ought to be inflicted speedily, and not deferred perhaps for years, till all his misconduct has been forgotten, and his misfortunes only are remembered; they ought not to be prolonged throughout his life, and to be endured in silence and in secrecy, and without any declaration of the nature and the circumstances of his offence. A man who is undergoing the penalty of his crimes ought not to be left in the doubtful state in which an uncertificated bankrupt is placed, leaving it uncertain, to all who hear of his condition, whether his sufferings are the effect of his own guilt or of the capricious cruelty of some unrelenting creditor. If, however, the law relating to certificates were not, as a penal law, liable to all these objections, yet upon what principle can it be justified, that the administration of this law, in which the public has so deep an interest, should be confided to creditors, not responsible to any one for their conduct, but left at full liberty to act as their passions or their interests may prompt. No man, much experienced in bankrupt law, who will recollect to what persons certificates have been granted, and to whom they have been refused, will pretend that the discretion thus entrusted to creditors' has been generally exercised upon motives which would bear the test of any moral investigation. I have heard it, indeed, asserted, that creditors abound with kindness and humanity, and never refuse certificates, but to those who are undeserving of them. I cannot say that my experience confirms that observation; on the contrary, I have known several instances of the most harsh and inhuman refusals of certificates by creditors: one such case exists at the present moment. It is that of a very honest and most unfortunate gentleman, a bankrupt through no fault of his own, but who has been involved in ruin by the villainy of a partner, and who yet, without the pretence of any imputation on him, remains without his certificate, merely because it is the pleasure of a creditor of large amount that it shall be withheld.—It could not but occur to those who framed the statute of 5 Geo. II, that a creditor smarting under a pecuniary loss, and invested with the power of doing such injury to his debtor, or conferring so valuable a boon on him, as the withholding or granting his certificate, would be likely enough, unless restrained by law, to make a traffic of his authority, and to accept a bribe for the exercise of his judicial discretion. They have accordingly strictly forbidden creditors to receive, either from the bankrupt or from any other person, any consideration whatever for signing a certificate; and have declared a certificate signed for any such consideration void. But in spite of the prohibition of this law, no man conversant with the subject can doubt, that in very many instances, money, or other valuable considerations, are still taken for signing certificates. It frequently happens, too, that in order to recover some part of the property which is to be divided among the creditors, or to resist some demand set up against the estate, it becomes necessary to examine the bankrupt as a witness; but he can be rendered a competent witness only by granting him his certificate. In all such cases, the creditors, without any regard to the past transactions of the bankrupt, or to his conduct under the commission, but with a view only to the dividends they are to receive, affix their signatures: nothing surely can be more destructive of the only just end of punishment, than such examples as these; and if punishment be not the object of those hardships and severities to which an uncertificated bankrupt is exposed, they are very wantonly and cruelly inflicted on him.—Upon the subject however of certificates, it should be observed that the two effects which by our law follow their being granted or refused, admit of very different considerations: whether a man whose debts remain unpaid, no matter from what cause, should be allowed to make what use he pleases of after-acquired property, and to keep it entirely privileged from the claims of his former unsatisfied creditors, admits of a very different consideration from the question, whether he ought to be exposed in his person to a severe and cruel restraint for

not paying debts which the law has made it impossible for him to pay. Between these different consequences, however, of a bankrupt's certificate being withheld, the law as now existing makes no distinction; and a creditor cannot, by signing the certificate, afford a bankrupt a shield against oppression, without resigning all claim to receive satisfaction for his debt out of the bankrupt's future opulence. It should be observed too, that it may be both impolitic and unjust, to prevent a bankrupt from enjoying in security the fruits of his future industry; and yet be quite consistent with justice and expediency, that accessions of fortune which are not obtained by his own exertions, should have no such protection: hence a distinction might reasonably be made between the future earnings of a bankrupt, and the property he may derive from gift or from inheritance; or if it should be thought just to preserve the law which subjects even the produce of the subsequent labour or ingenuity of an uncertificated bankrupt to the payment of his antecedent debts, yet it might be expedient, in order to prevent the bad effects of so fatal a restraint upon industry, to make some distinction with respect to the amount of such acquisitions; and to let what should remain only, after a reasonable provision for the bankrupt and his family, be considered as a fund for the liquidation of his unsatisfied debts. —If it be right that the creditors should have the power of deciding whether a bankrupt shall have his certificate, I see no reason to object to the old law, which required that the number of assenting creditors should be four-fifths of the whole: and though the act of the 49 George III. which requires the assent only of three-fifths, is generally called my act, because I was the original mover of it in the house of commons; yet that alteration was never suggested by me, nor was I ever consulted upon it. As the bill was brought into and passed the house of commons, it gave the bankrupt a right of appealing to the Lord Chancellor, from the decision of his creditors, if they refused him his certificate, as had been done in Ireland in certain cases, by several acts of the Irish parliament, particularly the 21 and 22 George III. cap. 59; the 25 George III. cap. 25; the 37 George III. cap. 25; and the 39 George III. cap. 57. This clause was struck out in the house of lords, and the alteration as to the proportion of creditors required to sign the certificate, was substituted in its place. A number of clauses were in the same manner added to the bill by the lords, from the 15th section to the end of it, for which I certainly can claim no praise, and deserve no blame. Though known to be the author of the bill, I received no intimation whatever that any such additions or alterations were intended; and as the bill, according to a practice which is extremely common with respect to bills coming up from the commons, and purporting to make important alterations in the law, was put off by the lords to the last days of the sessions, it did not come down to the commons in its altered state till the day before parliament was prorogued; and consequently all opportunity of considering the propriety of the lords' alterations was denied to the commons.—The defects in the bankrupt laws which I have already mentioned, those which are found in them when considered as penal laws, and those which relate to certificates, I consider as being by far the most important: there are, however, as it appears to me, other evils resulting from those laws, which ought not to be overlooked; such as the extensive and numerous litigations which attend them, the very great expense of commissions, and their inadequacy to relieve a bankrupt from all his engagements.—The validity of a commission may, after the party has been found a bankrupt under it, be contested in a variety of ways. It may be disputed by the bankrupt himself, by any of his creditors, and by any of the persons who are indebted to the estate. It may be disputed in petitions to the chancellor, in actions brought against the assignees, or against the messenger, and in the defence which may be made to actions brought by the assignees. The expense which attends these litigations is enormous; and property which, at the time of sealing the commission, would have afforded a large dividend to the creditors, is by such proceedings often very greatly diminished, and sometimes wholly consumed. It was the object of the statutes of 46 Geo. III. and 49 Geo. III. to diminish this evil, by making it impossible to overturn commissions by reason of prior secret acts of bankruptcy, and by dispensing with the necessity of proving all the requisites to support a commission in any action by the assignees, unless the party against whom it was brought meant really to try the validity of the commission, and would, at the risk of costs, give notice of such his intentions; and those acts have certainly prevented some litigation, and saved some expense; but a more effectual remedy should be applied: perhaps the most effectual would be that suggested by Mr. Stevens, in his evidence given before the committee in the last session, namely, to make the adjudication by the commissioners, when acquiesced in by the bankrupt for a certain period, final in all cases, except those of commissions fraudulently taken out at the instance of the bankrupt himself. It is important that something of this kind should be provided, not only for the avoiding the litigation and expense which belong to these proceedings, but to protect assignees from the vexation and ruin which may be brought on them, notwithstanding their conduct may have been the most honourable, and the best calculated to promote the interests of the creditors, if it happens that the commission under which they have acted proves to be invalid.—A commission of bankrupt, and a certificate of the bankrupt having conformed under it to the statute, will not, under the law as it now stands, protect him from being answerable for all his

former pecuniary engagements: and this appears to be a very great imperfection in it. All the provisions of the law, as well those of a criminal as of a civil nature, seem to proceed upon the principle of the bankrupt's being completely discharged from all such engagements. Upon no other ground can it be just to take away all his property and distribute it amongst his creditors, or to subject him to severe punishment if he do not make a full disclosure of it. It is surely the grossest injustice to take from a man all the means of paying his debts, and yet to leave him answerable for those debts, and to punish him by imprisonment if he do not discharge them. To remove this evil in some degree was the object of the statute of 49 Geo. III.; and it has accordingly enabled the proof of different debts under the commission, which before were not provable, and consequently made the bankrupt's certificate a discharge for them. That statute, however, has not gone so far as it ought to have done; but that more was not attempted by it, will not surprise those who know what difficulties a private individual who presumes to propose amendments of the law has to encounter. All contingent debts ought, upon a proper estimate to be made of their value, to be admitted to be proved, since nothing is left in the hands of the bankrupt to answer such demands when the contingency may happen. As the law now stands, contingent debts cannot be proved, though all a bankrupt's property, even that in which he has only a contingent interest, is divisible amongst his creditors who come in under the commission. It should seem too, that all debts, which at the time of the bankruptcy remain in unliquidated damages, and which are now excluded, ought to be admitted to be proved; the amount of such damages being previously ascertained before the commissioners, or in such other mode as may be thought expedient. Where such a demand is constituted by contract, this probably would not be much objected to; but there is certainly much difficulty where the demand arises out of some personal wrong. That species of debt has, by many of the acts of parliament for the relief of insolvent debtors, been treated as being of a penal nature, and has therefore been excepted from their provisions. This principle has never been adopted in the bankrupt law; and it is only when the amount of the damages has not been previously ascertained, that it is excluded in common with all other demands of an unliquidated amount, from the benefit of the commission; if a verdict has been previously recovered, the debt is provable, and is discharged by the certificate, like any other demand. The justice, too, of the principle on which the insolvent debtors' acts proceed, is extremely questionable: for many personal wrongs, the injured party has his choice to proceed either by indictment to exact punishment, or by action to recover a pecuniary compensation; and it would seem not a little extraordinary, if, by adopting the latter mode of proceeding, he could, for such offences as a private libel or a trifling assault, inflict perpetual imprisonment; a severer punishment than the law allows, even in cases of the most aggravated misdemeanors. There are other personal wrongs, indeed, for which by law no punishment can be inflicted, such as adultery, and the seduction of a daughter; the defect of the law, however, in this respect, ought not to be supplied by such indirect means; and punishment in such cases should not be left to depend upon the indifferent and accidental circumstances which are to determine whether debts arising out of such transactions are or are not barred by a certificate.—Another description of debts from which a bankrupt is not released by a commission, and by his certificate, are those which are due to the crown. It does not appear to me that any just reason can be assigned for distinguishing such debts in this respect, from debts due to a subject; at any rate, it should be provided, that no extent at the suit of the crown should be effectual after the debtor had by the commissioners been declared a bankrupt, in order to save the expense of a provisional assignment, which is of no other use than to protect the bankrupt's property from extents.—Some provision too is wanting to compel a bankrupt, who is seised of real property in the colonies, or in a foreign country, which, by the municipal law of the place where it is situated, will not be affected by his commission, to convey it to his assignees for the benefit of his creditors.—Another part of the bankrupt law which has long appeared to me to require alteration, and which I have known in many instances productive of extraordinary injustice and oppression, is the facility with which commissions can be taken out. If a trader is indebted to any man in 100*l.*, or if any person will swear that he is indebted to him in that amount, the real or pretended creditor, if he can get any witness to swear that an act of bankruptcy has been committed, may, without the least previous intimation, and by a mere *ex parte* proceeding, make his debtor a bankrupt: the immediate consequence is, that all the man's property is taken possession of; his trade is put a stop to, and he is compelled to surrender to the commission, and to submit to be examined as to all his concerns: and all this, though he might be able, if an opportunity were afforded him, to prove that he had never committed any act of bankruptcy, and that he does not owe the man who is prosecuting the commission a single shilling. This proof he can only be allowed to give upon a petition to the lord chancellor to supersede the commission, or in an action which he may bring against the messenger or the assignee to recover his property. Several months must elapse; several years may, and sometimes do, elapse before he can have such a petition or such an action finally decided. In the meantime, not only is all his property withheld from him, but it is in the hands of the person with whom

he is contending, and affords the means of protracting the litigation, and of supporting his oppressor in his injustice. The bankrupt is without any resources but such as his friends may from charity advance him, while his opponent is with the bankrupt's property resisting his just demands. I have known several instances of this kind: commissions taken out without any colour of justification, either in respect of the insolvent circumstances of the supposed debtor, or of there having been any act of bankruptcy committed; and I have known that such commissions have in the end been superseded, and the persons who took them out have been ordered to pay all the costs of the proceeding: but I never knew an instance of this kind in which the person against whom the commission had been taken out, was not, notwithstanding his ultimate success, completely and irretrievably ruined. Such proceedings as these sometimes originate in malice; sometimes in indifference to consequences which will only affect a man's debtor; and sometimes, and indeed most frequently, in a desire to create law expenses, by which an attorney, who is either himself the petitioning creditor, or who has suggested the measure, is largely to profit. This, in my opinion, most urgently calls for some remedy, though I am not prepared at the present moment to say what that remedy should be.—It seems to have been the opinion of several gentlemen who were examined before the committee of last session, that it would be a great improvement in the administration of the bankrupt laws, if there were fixed and permanent lists of commissioners in the country, to whom all commissions must be directed, as is the case in London, instead of leaving it to the person who takes out the commission to have it directed to what commissioners he pleases; provided only that two of them be barristers: I am not myself, by any means, satisfied that this is desirable. It is true, that the duty of commissioners would probably, under such a system, be somewhat better discharged than it is at present; but I doubt whether the good that would result from this, would sufficiently compensate for the mischief of extending the patronage and influence of the crown over the profession in every part of the kingdom, by placing such a number of new offices in the gift of the chancellor. It has always appeared to me to be of great importance to the public, to preserve as much as possible the independence of lawyers; and I know of no more effectual mode of destroying that independence, than by accustoming them to be looking up to the favour of the chancellor for an appointment, not only lucrative in itself, but which is a recommendation and an introduction to business. Lord Rosslyn, when chancellor, took upon himself to have such lists made out in several of the principal trading towns in England; but this had not been done by any of his predecessors; and the present lord chancellor has rejected this patronage, and has always expressed his disapprobation of what he has been pleased to say, he considered as an exercise of favour, which was unfair towards those whom it excluded; and though he has continued the directing of commissions at Birmingham, and some other places, to the lists which he found appointed when the great seal was committed to him, he has not, in a single instance, added to those lists, or even filled up the vacancies in them, which have been caused by death.—With respect to these country commissioners, some alteration should be made in the amount of their fees. They are now allowed, like town commissioners, only twenty shillings for each meeting they attend; and so imperative is the statute, that it declares, that any commissioner who shall take a larger fee shall be disabled for ever from acting as a commissioner in any commission. This positive injunction is however every day disregarded; the fee which is allowed being a very inadequate compensation, where a barrister (as is often the case) has to travel a considerable distance to the place appointed for the meeting, in addition to the long attendance which may be required of him.—The evils which I have noticed appear to me to be those which require most to be corrected in the bankrupt laws. There are other matters, however, which deserve attention in any attempts that may be made to improve those laws; as has been well pointed out by several of the gentlemen who gave evidence before the former committee. The expense attending the execution of commissions seems of late to have considerably increased; their meetings to be greatly multiplied; and the custom of having counsel to attend them to have become of late extremely common: for the inconveniences which all this may occasion, it is certainly not very easy to provide a remedy. In one instance, however, which it may be worth mentioning, there seem to be meetings of commissioners often had which I apprehend are wholly unnecessary; I mean the meetings which I understand are sometimes called to authorize the laying out by the assignees of money in their hands in the purchase of exchequer bills. Notwithstanding the seventh section of the act of 49 Geo. 3, which was most inconsiderately added to the bill after it had been brought into the house of commons; no such meetings can be necessary. The laying out money in exchequer bills for the benefit of the creditors, and depositing them in the hands of the bankers appointed under the commission, could not possibly subject the assignees to any penalties, and the sanction of the commissioners to such a measure must be quite superfluous.—The necessity of expensive applications to the chancellor might, in many cases, be avoided by extending the powers of the commissioners; by enabling them to keep separate accounts of the joint and separate estates of bankrupts, and to admit the proof of joint debts under separate commissions; by allowing them to take cognizance of equitable as well as

of legal mortgages; by authorizing them to expunge the proof of debts admitted by them, upon the production of evidence not known when the proof was admitted; and by empowering them to compel the attendance of witnesses and the production of documents necessary for their proceedings."

NAVY ESTIMATES.] The house having resolved itself into a committee of supply, the estimates for the naval service were referred to it, when

Sir *George Warrender* rose and said, that the observations which he should have the honour to submit to the committee would occupy but a very narrow space. The subject of the naval expenditure had for some years past been brought before the consideration of parliament in a shape so distinct as to render any detailed statement altogether unnecessary. Indeed, the reports for the last two years of the committee of finance and public expenditure, were best calculated to give the fullest and clearest information. An important change had been effected in that branch of the public service. The contracts in the merchants' yards had been abandoned, so that the whole ship-building was now brought under the eye of the government. This change had not merely been productive of great economy, but ships of a better description were built. Another large branch in the expenditure of the navy, which had been referred to in the eighth report of the finance committee, then upon the table, was that connected with the works carried on in the naval yards. For a detailed account of that branch, together with a statement of that able engineer, Mr. Rennie, he begged to refer the committee to that report. The committee were aware, from the nature of all works carried on immediately near the sea, it was most desirable to complete them as soon as possible. Besides, the materials and labour in a time of peace were so much cheaper, that though a large sum might, in one or two years, have been expended, it was in the end productive of considerable diminution in the expense. That consideration had contributed to produce an increase in the amount of the present estimates, but every practicable reduction had been attended to. The works at Sheerness and Chatham had done away the expenditure to a much larger amount in the establishments on the river, while the basin and docks constructing there would still afford the means of sending a fleet to sea fully adequate to any service that, in the present situation of Europe, could arise. There remained one point on which he wished to offer a few observations. It had been insinuated, in the discussion of general questions of policy, that the government of the country had indicated a disposition to neglect that important branch of the public security—its natural and ancient bulwark, the navy. He could see no ground for such an insinuation, for nothing had been omitted to strengthen and make it available to the national wants. The number of out-pensioners of Greenwich hospital amounted to 35,000, the far greater proportion of whom were serviceable, and ready to be employed in the public defence, wherever our security required it. The establishment of roadsteads for our fleets, by which safety and promptitude in fitting them out were obtained, shewed that there existed no grounds for any such fears. If the committee looked to the efficacy and despatch, even in a time of peace, with which the last expedition on which the navy was employed had been fitted out (Algiers), an efficiency that had attracted the acknowledgment of the gallant and distinguished commander, it was impossible to assert that any neglect was chargeable. It was perfectly true that the period of peace was not the season for daring enterprises and brilliant achievements. "But," said the hon. baronet, "although a period of peace does not afford an opportunity for those wonderful efforts, which, in war, have distinguished the marine of this country, yet, there may arise services of a far more interesting nature, in the execution of which all those high qualities of skill, enterprise, courage and perseverance, which so eminently distinguish the British seaman, are required. It has justly been the boast of this country that, as in war, she has employed her naval means to support the weak against the strong, and to maintain the independence of nations, so, in peace, she has engaged in the most arduous undertakings for the advancement of science and general knowledge, not with any selfish views of her own, but for the common benefit of mankind. The committee will therefore learn with satisfaction, that active and intelligent officers are employed, in various quarters of the globe, on the service of surveying seas and coasts, of which the knowledge is at present very imperfect, and, above all, they will join in that general feeling of interest which the projected expedition to the arctic regions excites, and which, it may reasonably be hoped, will decide the interesting question of a N. W. communication, or passage, into the Pacific, which, but for the premature death of our great navigator Captain Cook, he himself would probably have solved. I trust, sir, that for the happiness of mankind, to objects of this sort alone, for at least a long period of years, the exertions of British seamen will be directed; but if, unhappily, other circumstances should call forth that powerful arm of this country, which has heretofore so effectually sustained her independence and her glory, it must be satisfactory to the committee and the country to anticipate (as they confidently may) that at no period in the history of the country did she possess the means of more effectually displaying, in every quarter of the globe, the elastic nature of her naval power." The hon. baronet concluded with moving, "that a sum not exceeding 2,480,680*l.* 17*s.* 3*d.* be granted to his Majesty, for defraying the ordinary establishment of the navy for the year 1818."

Mr. *M. W. Ridley* said, he was not disposed to object generally to the vote which the hon. baronet had proposed. The eighth report of the finance committee had removed those ob-

jections which he formerly entertained respecting the estimates, and he hoped that a report containing such beneficial suggestions would not be unproductive of public benefit—that it would not be allowed, like many other valuable reports presented by committees of that house, to remain a dead letter. He did not mean to oppose any other item than that which related to the lords of the admiralty, and in that, he thought, a reduction of 2000*l.* should be made from the vote, being the sum allowed to the two junior lords, who, in his opinion, could be dispensed with, without any detriment to the public service. The committee would recollect, that in the course of the last session, (see vol. i. p. 811.) he made a motion for the reduction of two out of the six lords of the admiralty, and it was then urged by the opposite side, that the crown ought not to be deprived of a portion of its fair patronage—that those two places gave the ministers an opportunity of serving their friends, and that they were necessary as a school for the education of young statesmen. If he had not heard such arguments gravely advanced in the house of commons, he could not have believed it possible that such an expense to the public could be so defended. As to the patronage of the crown, he thought it already too great, and therefore, that no place, useless in itself, ought to be kept up. With respect to the education of young statesmen, he could not consent that 2000*l.* should be taken out of the pockets of the public for the education of two young gentlemen, ambitious of becoming statesmen. (*Hear, hear.*) The sum, it was true, was small, but he objected to it from the principle on which it was demanded. If there must be a school for young statesmen, they ought to pay for their own education. What the peculiar course of knowledge was in which those young statesmen were trained at the admiralty, he was not informed enough correctly to describe. He had seen, however, a very entertaining book, called "Stories for Children." It was written, he understood, by the hon. gentleman opposite, (Mr. Croker,) and, he supposed, for the purpose of developing the whole system of education necessary for lords of the admiralty. (*Much laughter.*) It might be very well adapted for that purpose, although he could not agree with one assertion in it; for he did not believe that "Charles I. was either an excellent man or a good king." This was all the education which those two junior lords were to acquire at the expense of the public, so far as he could learn. Perhaps, they might extend their scholastic exercises a little farther, and read a periodical work, whose principles would considerably facilitate their promotion—he meant the Quarterly Review; the most celebrated pages of which were ascribed to the same pen that had written the "Stories for Children." (*Laughter.*) Any gentlemen, so disposed, might certainly devote their attention to those works with the view of becoming accomplished statesmen, but he would repeat, that the public ought not to pay 2000*l.* for their education. In his motion for this reduction, he looked with confidence for the support of all the hon. members who had voted against the leather-tax. (*Hear, hear.*) The right hon. gentleman opposite had represented the necessity of a substitute for that tax, if it should be abolished. This reduction would be equivalent to a substitute to the amount of 2000*l.*—The hon. baronet concluded by moving, as an amendment, "that a sum not exceeding 2,478,680*l.* 17*s.* 8*d.* be granted to his Majesty, for defraying the ordinary establishment of the navy for the year 1818."

Lord *Castlereagh* said, that the principal arguments for continuing six lords of the admiralty were, the great benefits derived from the constitution of this board, a constitution which had existed for a considerable time without any increase or alteration. There was no imputation before the committee against the general economy of the government; they could not therefore agree to the amendment proposed. It was upon solemn argument that the motion to reduce the two junior lords had been rejected. He could not now argue the question in the same pleasant manner as the hon. baronet, and, therefore, he would leave it to the committee without further observation.

Mr. *Bankes* said, that the finance committee had great reason to be satisfied with the general spirit of economy manifested by ministers, and with the attention paid to the recommendations of the committee and of the house. He should be excused for mentioning, that the ordnance accounts, for instance, had proved very satisfactory to the committee, and he hoped that they would prove as satisfactory to the house, when they should be laid before them. It must be a subject of great satisfaction to the house to know, that every attention had been given to their recommendations, and to those of the finance committee.

After the gallery was cleared for a division, and just as the tellers were proceeding to count, Mr. *Wilberforce* entered at one of the doors, but immediately retreated. The tellers, however, having seen him, followed and brought him in; when he was asked by the chairman of the committee, (Mr. *Brogden*,) whether he had heard the question put? To which he replied in the negative. The chairman then ordered the question to be read to him, which was done, and then asked him which way he voted? Mr. *Wilberforce* replied, for the *Ayes*, but took his seat among the *Noes*.

Mr. *Lyttelton* then observed, that he saw a member among the Noes, who had declared he meant to vote with the Ayes; and contended, that he ought not, therefore, to be told in his present situation; he meant the hon. member for Bramber.

Mr. *Wilberforce* admitted that he had for a moment neglected his duty; and coming into the house when the committee was on the point

of dividing, without even knowing the subject of debate, he had endeavoured to withdraw; but had been followed by the tellers, one of whom had dragged him from the place to which he had retreated, and, in his confusion, he had declared he should vote with the ayes, when he really meant to vote with the noes, being determined to vote on the opposite side to the individual who had brought him forward against his will, in order to prevent his being treated so in future.

The *Chairman* stated, that he conceived the hon. member was perfectly justified in changing his mind, and voting one way, after declaring his intention to vote another. (*Hear, hear.*)

Lord *Folkestone* called the attention of the house to the declaration of the hon. member, that, without regard to principle, or the merits of the case, he voted from the sole motive of disappointing the teller who had brought him into the house; and was proceeding to contend, that it was the duty of both the tellers to bring in any member whom they found in that situation, when he was interrupted by a call of order.

The *Chairman* repeated, that the hon. member had a right to retract any declaration of his intentions made in error, and he was accordingly counted among the Noes *.

On the division, the numbers were,

Ayes 58—Noes 85.

LIST OF THE MINORITY.

Althorp, Visct.	Gaskell, Ben.
Baker, John	Grenfell, Pascoe
Bankes, Henry	Gordon, Robert
Babington, Thomas	Guise, Sir W.
Butterworth, Jos.	Hamilton, Lord A.
Barclay, Charles	Hornby, Edw.
Birch, Jos.	Hughes, W. L.
Barnett, James	Howarth, H.
Burdett, Sir F.	Latouche, John
Brougham, H.	Latouche, Robt.
Carter, John	Lambton, J. G.
Calvert, Charles	Lamb, Hon. Wm.
Calcraft, John	Lyttelton, Hon. W. H.
Curwen, J. C.	Lefevre, C. Shaw
Campbell, Hon. John	Lemon, Sir W.
Duncannon, Visct.	Marryat, Joseph
Douglas, Hon. F. S.	Monck, Sir C.
Fergusson, Sir R. C.	Martin, John
Folkestone, Visct.	Morpeth, Visct.
Finlay, Kirkman	Madocks, William A.
Newman, Robert W.	Smith, John
Neville, Hon. R.	Smyth, J. H.
Newport, Sir John	Sharp, Rd.
Ord, William	Sefton, Earl of
Osborne, Lord F.	Tierney, Rt. Hon. G.
Pole, Sir C. M.	Webb, Edw.
Protheroe, Ed.	Waldegrave, Hon. W.
Pym, F.	Warre, J. A.
Romilly, Sir S.	Wood, Matthew
Smith, Robt.	

TELLER—Sir M. W. Ridley.

The resolution being thus carried,

Sir *George Warrender* moved, "that a sum not exceeding 1,787,181*l.* be granted to his Majesty, for defraying the charge of what may be necessary for the building, rebuilding, and repairs of ships of war in his Majesty's and the merchants' yards, and other extra works over and above what is proposed to be done upon the heads of wear, tear, and ordinary, for the year 1818."

Sir *M. W. Ridley* complained, that, notwithstanding what had been stated on a former occasion, no provision had been made for those meritorious persons who had served as pursers in the navy. Many of them had been seen begging in the streets, and one of them, who was of seven years' standing, was in so distressed a state, as to be compelled to take refuge in one of the vessels for the reception of destitute seamen. A sum, not greater than that which he had just moved to reduce, by suppressing the offices of the two junior lords of the admiralty, would go far in affording relief to such persons.

Mr. *Croker* said, that the persons to whom the hon. baronet had alluded, were not pursers, but supernumerary clerks, who had acted as such. It was quite beyond the power of the board to afford them any relief, without opening the door to many claims which could not be complied with. Those who had been pursers had been allowed half-pay to a certain date, and to that date the hon. baronet would find it paid in the estimates.

The resolution was then agreed to.—The following resolutions were next put, and carried.

"That a sum not exceeding 320,000*l.* be granted to his Majesty, for the purchase of provisions for troops and garrisons on foreign stations, and the value of rations for troops to be embarked on board ships of war and transports for the year 1818."

* The general rule on a division of the house is, that all who were present at putting the question should vote.—On the 20th of February, 1795, Mr. Fox was told in on a division, and the tellers reported the numbers to the chair, 64 to 12; but notice being taken, that Mr. Fox was not in the house when the question was put, Mr. Speaker asked Mr. Fox, whether he was in the house, and heard the question put? Mr. Fox answered, that he was in the *Speaker's chamber*; upon which the Speaker said, "Then his vote must be disallowed;" and the Speaker immediately reported the numbers 64 to 11. The Speaker's chamber, technically so called (but sometimes also the Smoking Room) is properly a committee room, or rather *the* committee room, for all committees appointed by the house on bills are ordered to meet in the Speaker's chamber.—But otherwise, if in the *Speaker's room*, behind the chair, for any member who is there at the putting of the question, has a right to have the question stated to him and to vote. Indeed, the tellers sometimes go and fetch members from that room, who are then compelled to vote.—See the last edit. of Hatsell, v. ii. pp. 186-7.

"That a sum not exceeding 178,948*l.* be granted to his Majesty, for the expense of the transport service for the year 1818."

ORDNANCE SERVICE.] On the motion of Mr. *Ward*, who stated that he should not be prepared to submit the whole of the ordnance estimates to the consideration of the committee until after the holidays, a resolution was agreed to, for granting the sum of 120,000*l.* on account, for the ordnance service of the present year.

HIGH BAILIFF OF WESTMINSTER.] Mr. *Marsh* rose to move, in the committee of supply, that a sum of 800*l.* be granted to the high bailiff of Westminster, to remunerate him for losses which he had sustained, in consequence of the election of a member to serve in parliament for that city, in the year 1812. He observed, that this was a case of pure, unmixed justice; and that the claim came recommended by a committee, to which, four years ago, it had been referred. By their report, (presented on the 20th of June, 1814,) it appeared, that the high bailiff had suffered two specific losses; one, in the contested election for Westminster in 1807, the other in the election in 1812. In the former instance, he erected hustings, and provided poll-clerks, without which, the election could not have been conducted to a fair and legal return: for it was evident that, in a place like Westminster, where the election was of a popular character, if those provisions were not made, scenes of riot and confusion would ensue, totally subversive of the rights of the electors. The high bailiff afterwards applied to the candidates to repay him the money which he had expended, but his demand was resisted, and, on bringing an action against them, the Court of King's Bench decided in their favour, leaving him a loser to the amount of 1500*l.* For this, however, he afterwards obtained a compensation; and, in order that he might not suffer any loss in future, the legislature passed an act, (51 Geo. III.) to assimilate elections in Westminster to those that took place in other cities*, and to throw the expense of the necessary preparations on the candidate or candidates; but, at the same time, making it imperative on the high bailiff (which it was not before) to cause the erection of hustings, and to provide poll-clerks, in the first instance, out of his own pocket. In their anxiety, however, to protect the high bailiff, parliament neglected to provide for that anomalous and unforeseen case, the election of an "involuntary candidate." In consequence, the high bailiff, after the close of the election in 1812, having been refused the expenses to which he had been subject in the execution of the act, and having brought his action against one of the candidates for the amount, was nonsuited by a rather nice interpretation of the language of the act; it being ruled, that he who had not solicited to be elected, although he was elected, could not be considered a candidate: on whom alone, according to the words of the act, the expense in question was to fall. The high bailiff afterwards sued the other candidate for a moiety of the expense, and the defendant having suffered judgment to go by default, the damages were assessed before the sheriff. One moiety, therefore, of the expense had been recovered, but, in respect to the other moiety, the high bailiff was still a loser. He now appealed to the committee on behalf of that officer, and surely, in common justice, he was entitled to be compensated for doing that which it was imperative on him by act of parliament to do. The object was small for the liberality of the house to accord, but the loss was large for the high bailiff to sustain. It was impossible for any individual to come to the house with a more meritorious title. It was, as he had before observed, a case of pure, unmixed justice, and he should be sorry to impute to the house so slow a sense of justice as to imagine that they would refuse to agree to his motion, which was, "that the sum of 800*l.* be voted to the high bailiff of Westminster, to reimburse him for the expenses attendant on the election for Westminster in 1812."

Mr. *Bankes* protested against the irregularity of this proposition. Had the applicant the smallest claim on parliament, which he denied, it was quite irregular, in a committee of supply, to propose any vote except in the form of a grant to his majesty. Another irregularity was, that it was totally inconsistent with the practice of the house, for a member to rise up in a committee of supply, and propose a grant for the benefit of an individual, even in the form of a grant for the service of the crown, unless the consent of the crown to such a proposition had been previously signified. Had his right hon. friend, the Chancellor of the Exchequer, received any application on the subject? And, if so, had he intimated the consent of the crown? Without such an intimation, the motion of the hon. gentleman, even if its form were not in other respects incorrect, would be perfectly unconstitutional. Nor was this practice in the least calculated to give an undue influence to the crown. It has been the established practice from the time of queen Anne, that no application to parliament for a grant of public money should be made without the consent of the crown. It was a prudent guard which the house had set up against its own prodigality and inconsiderateness. If once it were allowed to any hon. gentleman to stand up and propose any grant to which a feeling of compassion, or perhaps of levity, might prompt him, the pro-

* Westminster first sent members to parliament in the reign of Edw. VI. It became a city by *express creation*, and not *singly* by making it the see of a bishop, however sufficient *that* of itself might have been; the letters patent, which erected the bishoprick, ordaining, *quod tota villa nostra Westmonasterii extunc et deinceps in perpetuum sit civitas, ipsamque civitatem Westmonasterii vocari.* See Hargr. Co. Litt. 109. b. and the Letters Patent in 1 Burn. Reform. page 246 of the Appendix.

fusion and waste, of which they were accustomed to complain on the part of the crown, would soon be outdone tenfold by the exhibition of the same qualities in that house. On the irregularity of the proceeding alone, therefore, without any inquiry into the merits of the case, which he was nevertheless quite prepared to dispute, he would stop it *in limine* by opposing the motion.

The *Chairman* (Mr. Brogden) apologized for an omission of duty. The consent of the crown had been signified to the proposition; but he had omitted to communicate it to the committee.

Mr. *Bankes* observed, that that did not remove his objection to the irregularity of the form in which the hon. gentleman had brought forward his motion.

The *Chairman* remarked, that that might be rectified by moving for the sum in the form of a grant to his Majesty.

The *Chancellor of the Exchequer* said, that the present application was unquestionably sanctioned by the report of the committee four years ago; and that he had signified the consent of the crown to the introduction of the subject to the consideration of the house.

Mr. *N. Calvert* thought that the emoluments of the high bailiff's office ought to be made known to the house.—It was a situation so valuable as to be the object of purchase, and the expense to which it appeared the high bailiff had been subject might be no unreasonable burden on him.

Mr. *Brougham* said, he was always disposed to listen to the hon. member for Corfe Castle (Mr. Bankes) on questions of economy, and was one of the last men who would vote for an unjustifiable expenditure of the public money in grants, either to the crown or to individuals, but the present appeared to him to be a claim of strict justice. This gentleman had been saddled with an expense which the legislature never intended to fall on him, merely by the unfortunate use, in an act of parliament, of a word which was not technical, and which a court of law had construed in a sense different from that in which it was intended. The observation of the hon. member for Hertford, that the office was purchased, rendered the claim still stronger. It was an estate on which parliament had, by mistake, imposed a burden, which the purchaser could by no means have anticipated. And for whose benefit was the expenditure in question? For that of the public. To blunder in acts of parliament, was not peculiar to the House of Commons; but it was peculiarly imperative on that house to be accurate in every thing which respected elections. In the act under consideration that house had said, that the expenses of the hustings, &c. at Westminster, should be borne by the candidate or candidates. When those words were employed by the framers of the act, it was undoubtedly expected by them that whoever might be returned to serve for Westminster, and who professed his readiness to serve, would be liable to bear his share of the burden. A case had, however, occurred, in which a member had been returned, who had not sought the honour, and it had been determined by a court of law, that he could not be called a candidate, and that, therefore, he was not liable to pay any part of the expenses. Under all these circumstances the committee were, in his opinion, bound in justice to make good the deficiency to the high bailiff.

Mr. *Wynn* said, it was highly desirable that the report made by the committee four years ago should be reprinted, and in the hands of members, in order to make them adequate judges of the subject before they were called upon to decide on it. He had a strong objection to the motion. Nor did it appear to him that there was any blunder in the act. The high bailiff having brought his action against Sir Francis Burdett, for his portion of the expense of the hustings, &c. a court of law decided, that a man was not a candidate, who had not offered his services to the electors; and that he was not liable to pay his share of the expenses, unless he had rendered himself a party to the proceedings. Were it otherwise, what intolerable injustice might be inflicted on any man, by exposing him to the payment of some hundreds of pounds, in consequence of his being proposed to represent Westminster without his concurrence! If such a proposition as the present were acceded to, it would be advisable to pass a general bill, to declare how such expenses should henceforward be borne: otherwise parliament would unquestionably be called upon to pay all future charges of a similar nature. The sum also appeared to him to be extravagant. He could not conceive how so large a sum as 800*l.* could be expended in the construction of hustings, as the materials of which they were composed were not afterwards wasted.

Mr. *Brougham* observed, that having been of counsel against the high bailiff, when he brought his actions, he could inform his hon. and learned friend, that the expense was about 1600*l.* In the action against Sir Francis Burdett, he was nonsuited; but lord Cochrane, against whom he proceeded for a moiety of that sum, suffered judgment to go by default, and a writ of inquiry was executed before the sheriff. On that occasion, he, and a learned friend of his, minutely investigated every item of which the account was composed, and were unable to reduce it. The expense was not incurred merely by the purchase of timber for the hustings, but also by the hiring of poll clerks and their assistants, whom the high bailiff was bound to pay out of his own pocket. The act was temporary: it had either expired or would expire this year, and the question of its renewal might be discussed hereafter; but in the mean time, justice ought to be done to the high bailiff.

Mr. *Wynn* observed, that at the election for Westminster in 1812, no poll had taken place.

How, then, could such an expense as 800*l.* be incurred in a few hours?

Mr. *Brougham* replied, that it was imperative on the high bailiff to have the hustings and the poll-clerks ready. It was impossible for him to know whether or not there would be a poll, until the time arrived; and such a city as Westminster could not be exposed to all the tumult that would arise from a delay in the commencement of the poll, in the event of its being demanded.

Mr. *Wynn* said, that the mistake was on the part of the high bailiff, in not bringing his action for the whole of the expenses against the noble lord, who was a candidate, and from whom he had obtained only a moiety.

Mr. *Bathurst* begged to inform the hon. and learned gentleman, that a motion was made on that subject; but the court held, that as there was no joint interest in the candidates, the liability was separate. The burden was thrown on the high bailiff after he had purchased his office, and he was, therefore, entitled to compensation. As to his hon. friend's objection to the form of the motion, that might easily be obviated, by voting the sum in the shape of a grant to his Majesty, to enable him to remunerate the high bailiff. He deprecated any further delay in the decision on this claim. The matter had been before them for four years, and ought to be determined.—As to reprinting the report of the committee, the expense would be half as much as the sum now claimed.

Mr. *Barclay* thought that the present vote might go to establish an important precedent that would apply to other places, in one of which—he alluded to the borough of Southwark—a considerable expense had, on a late occasion, been thrown on the returning officer. He suggested, that some legislative measure on this subject should be adopted

Mr. *Lockhart* observed, that the act in question was confined to Westminster, and expired in the present year; but the house would do well if they regarded the peace of that city, to adopt some further legislative proceedings on the subject.—As to the question before the committee, it should be remembered, that the high bailiff was subject to the penalty of being proceeded against by indictment or information, if, in the event of an election, he did not in the first instance take on himself the expense of erecting hustings and providing poll-clerks. He begged leave to say, in behalf of the high bailiff, that, consulting the peace of this large city, he, on the occasion in question, under very inauspicious circumstances, paid out of his own pocket above 1,500*l.* for the purpose of making the arrangements prescribed by the act of parliament. Half of that sum he had never been repaid.—He trusted, therefore, that this gentleman, who had already been kept four years out of his money, would not be allowed to suffer for his obedience to an act of parliament; but that the committee would shew, in his example, that when any duty was cast on an individual, for the public service, parliament would not permit that individual to be injured in consequence of his performance of it.

The *Chairman* intimated that the technical difficulty involved in the form of the hon. gentleman's motion had been obviated, by converting it into a resolution for granting a sum not exceeding 800*l.* to his Majesty to enable him to remunerate the high bailiff of Westminster, &c.

The *Chancellor of the Exchequer* said, it was evident that a burden was thrown on this gentleman, which was not in the contemplation of parliament. The case was one of such peculiar hardship, that he should certainly not oppose the grant.—The house then resumed, and the report of the committee was ordered to be received to-morrow.

BUILDING OF CHURCHES.] The *Chancellor of the Exchequer* having moved the order of the day, for the house to resolve itself into a committee of the whole house, to take into consideration that part of the speech of the lords commissioners to both houses, on the opening of the session, which related to the building of churches,

Mr. *Tierney* rose, and said, that soon after the holidays he intended to move, that the sum granted by parliament for the erection of a monument to commemorate our victories by sea and land, be laid out in the erection of a parish church or churches.

The *Chancellor of the Exchequer* said, that the subject to which he was about to call the attention of the house was not connected with that alluded to by the right hon. gentleman, in as much as an economical arrangement for the building and enlarging of churches throughout the kingdom, was very different from the erection of a monumental church upon a great scale of ornamental architecture. At the same time, he was far from being disinclined to coincide with the view of the right hon. gentleman on this subject—(*Hear, hear, hear*)—for he thought, that if the right hon. gentleman would do him the favour to communicate with him on the subject, it would be found that they did not disagree. His own opinion was, that nothing could be more fit, than that national monuments should be rendered applicable to purposes of general utility.—(*Cheering.*)

Mr. *Tierney* expressed great satisfaction at what had fallen from the right hon. gentleman. It was so much better that this view had been adopted in that quarter in which it could be most advantageously carried into execution, that he could not but congratulate the house upon it.

The house then resolved itself into a committee, and that part of the speech of the lords commissioners to both houses, which related to the want of accommodation for public worship, was read as follows:

"The Prince Regent has commanded us to direct your particular attention to the deficiency

which has so long existed in the number of places of public worship belonging to the established church, when compared with the increased and increasing population of the country.

"His Royal Highness most earnestly recommends this important subject to your early consideration, deeply impressed, as he has no doubt you are, with the just sense of the many blessings which this country, by the favour of Divine Providence, has enjoyed; and with the conviction, that the religious and moral habits of the people are the most sure and firm foundation of national prosperity."

The *Chancellor of the Exchequer* then rose, and said, that he believed there never had been a communication from the throne which was more entitled to be received with gratitude and respect by the public, than that part of the speech which had just been read. More than a century had now elapsed, since Parliament had interfered to promote the erection of places of public worship, and that interference, though attended with considerable expense, had been very imperfect in its execution*. Since that time, no further steps had been taken by public authority. The population,

* On the 29th of March, 1711, her majesty queen Anne sent the following message to the house of commons.

"ANNE R.

"Her majesty having received an address from the archbishop, bishops, and clergy of the province of Canterbury, in convocation assembled, to recommend to the parliament the great and necessary work of building more churches within the bills of mortality, is graciously pleased to approve so good and pious a design; and does, accordingly, very heartily recommend the carrying on the same, to this house, particularly in and about the cities of London and Westminster; and does not doubt but effectual care will be taken in this matter, which may be so much to the advantage of the protestant religion, and the firmer establishment of the church of England."

Whereupon the commons resolved, "That the humble thanks of this house be returned to her majesty, for her majesty's most gracious message, in recommending so good and pious a design, as the building of churches in and about the cities of London and Westminster; and to assure her majesty, that this house will enable her majesty to make an effectual provision for the carrying on so good and necessary a work:" and appointed a committee to draw up an address upon the said resolution, and upon the debate of the house.

April 6. Mr. Annesley reported from the committee, to whom the petition of the minister, churchwardens, and several other inhabitants of Greenwich, in the county of Kent, and several other petitions, were referred, and who were also to inquire what monies remain in the hands of the commissioners for rebuilding the cathedral church of St. Paul's, and consider what the produce of the duties in being, appropriated for that purpose, may amount to for the time to come, and make an estimate of what will be necessary for finishing and adorning the said church, and other the purposes in the acts mentioned, for building the cathedral church of St. Paul's; and also to consider what churches are wanting within the cities of London and Westminster, and suburbs thereof, and report the same to the house; That the committee had considered the several matters to them referred, and had directed him to report how the same appeared in relation thereunto, and had come to a resolution, which they had also directed him to report to the house, and he read the said report and resolution, and afterwards delivered the same in at the table, where the same were read, and the resolution agreed to, viz. "That, in the several parishes in and about the suburbs of the cities of London and Westminster, 50 new churches are necessary to be erected for the reception of all such as are of the communion of the church of England, computing 4,750 souls to each church." and then the said report was referred to the consideration of the committee of the whole house, who were to consider farther of the supply.

April 9. The Speaker, with the house, waited on her majesty, at St. James's, with the following address:

"Most gracious sovereign; we your majesty's most dutiful and loyal subjects, the commons of Great Britain in parliament assembled, have, with the utmost satisfaction, received your majesty's gracious message, recommending to us the great and necessary work of building new churches, in and about the cities of London and Westminster.—We are sensible how much the want of them hath contributed to the increase of schism and irreligion, and shall not fail therefore to do our parts towards the supplying that defect, being entirely disposed to promote every thing that is for the interest of the established church, and the honour of your majesty's reign.—Neither the long expensive war in which we are engaged, nor the pressure of heavy debts, under which we labour, shall hinder us from granting to your majesty whatever is necessary to accomplish so excellent a design, which, we hope, may be a means of drawing down blessings from Heaven on all your majesty's other undertakings, as it adds to the number of those places, where the prayers of your devout and faithful subjects will be daily offered up to God, for the prosperity of your majesty's government at home, and the success of your arms abroad."

To which her majesty returned this answer:

"Gentlemen, your address is extremely acceptable to me, as it is a proof of your zeal for the interest of the established church, and for the advancement of religion: I will take care that what you grant, shall, in the most speedy and effectual manner, be applied to the good purpose for which it is intended."

In the 9th of Anne, an act was passed (c. 22.) "for granting to her majesty several duties upon coals for building 50 new churches in and about the cities of London and Westminster, and the suburbs thereof." By that act, her majesty was authorized to nominate commissioners, to inquire in what parishes the said new churches were most necessary to be built, (with towers or steeples to each of them,) but it was specially enacted, that one of them should be erected in the parish of *East Greenwich* in the county of Kent.

By the 10th Anne, c. 11. the time given to the commissioners by the former act was enlarged, and provision was made for rebuilding the parish church of *St. Mary Woolnoth*, in the city of London, which

however, had been gradually increasing, and it was now little less than double what it had been when the attempt, to which he alluded, was made. It was not surprising, therefore, that the public should have looked with a great degree of solicitude to some proposition of the nature of that which he was about to submit to the committee. Nothing, in fact, could have justified so long a delay, but the great difficulties which the state had had to encounter, and the long and expensive wars in which we had been engaged. During that period, great advances had been made in conferring upon the country the benefits of a resident and moderately endowed clergy; but still there existed a melancholy deficiency in places of public worship. This want of accommodation, which had been greatly increased by the concentration of our population in the metropolis, and other great towns, rendered it the duty of parliament to take this subject into their most serious consideration. Several parts of the metropolis, which, about sixty years ago, consisted of fields, were now covered with buildings, and numerously inhabited, and many towns in the country, which were thinly peopled, contained at present several thousand souls. By the returns which had been laid upon the table, by the command of his Royal Highness the Prince Regent, the committee would perceive, that the number of churches and chapels in the different dioceses would not accommodate one half of the inhabitants. He believed, that, in support of a fact so generally known, he might rest on the ground of public notoriety; but, as it might be more satisfactory to refer to official documents, he would take the liberty of directing the attention of the committee to them.

The first of those accounts contained the following abstract of the totals of parishes wherein the population amounted to or exceeded 2000, of which the churches would not contain one half.

DIOCESE.	POPULATION.	Number of Persons the Churches and Chapels will contain.	Excess of Population above the Capacity of Churches and Chapels
Asaph, Saint . . .	61,537	13,770	47,767
Bangor	22,588	7,420	15,168
Bath and Wells . .	77,890	18,020	59,870
Bristol	70,452	14,904	55,548
Canterbury . . .	112,659	25,720	86,939
Carlisle . . .	39,304	8,200	31,104
Chester . . .	950,788	188,076	762,712
Chichester . . .	35,583	10,540	25,043
David's, Saint . .	30,391	5,510	24,881
Durham . . .	226,061	41,769	184,292
Ely	18,680	7,040	11,640
Exeter . . .	221,162	53,011	168,151
Gloucester . . .	53,202	15,930	37,272
Hereford . . ,	32,417	11,500	20,917
Landaff . . .	34,638	6,650	27,988
Litchfield and Coventry	386,554	80,131	306,423
Lincoln . . .	121,109	37,650	83,459
London . . .	922,073	132,787	789,286
Norwich . . .	52,042	15,388	36,654
Oxford . . .	9,691	4,000	5,691
Peterborough . .	11,271	2,650	8,621
Rochester . . .	102,984	24,100	78,884
Salisbury . . .	77,614	22,030	55,584
Winchester . . .	325,209	59,503	265,706
Worcester . . .	82,512	21,350	61,162
York	581,375	121,573	459,802
Total .	4,659,786	949,222	3,710,564

was one of the 51 churches directed to be rebuilt by the 22 Charles 2. c. 11. but which, for the conveniency of the inhabitants, had been only repaired.

In the 12th Anne, an act was passed (c. 17.) to vest in the commissioners so much of the street near the May Pole in the *Strand*, as should be sufficient to build one of the said 50 churches upon.

By the 7th Geo. 1. c. 14. it was directed, that the parish church of *St. Giles in the Fields*, in the county of Middlesex, should be rebuilt, instead of one of the said 50 new churches.

It appears, however, that, after all these exertions on the part of the crown and the legislature, only eleven new churches were built.

The second account contained the following abstract of the totals of parishes wherein the population amounted to or exceeded 4000, of which the churches would not contain one fourth.

DIOCESE.	POPULATION.	Number of Persons the Churches and Chapels will contain.	Excess of Population above the Capacity of Churches and Chapels.
Asaph, Saint	28,057	5,750	22,307
Bangor	—	—	—
Bath and Wells	44,007	7,920	36,087
Bristol	45,841	7,050	38,791
Canterbury	56,353	6,900	49,453
Carlisle	26,863	4,600	22,263
Chester	608,809	85,462	523,347
Chichester	16,012	3,400	12,612
David's, Saint	16,391	1,150	15,241
Durham	145,446	21,356	124,090
Ely	—	—	—
Exeter	110,722	15,500	95,222
Gloucester	14,386	2,700	11,686
Hereford	—	—	—
Landaff	15,694	1,900	13,794
Litchfield and Coventry	241,386	38,559	202,827
Lincoln	23,336	4,150	19,186
London	771,810	87,336	684,474
Norwich	27,977	5,888	22,089
Oxford	—	—	—
Peterborough	4,871	950	3,921
Rochester	72,064	13,900	58,164
Salisbury	22,418	4,500	17,918
Winchester	252,008	35,300	216,708
Worcester	33,072	5,300	27,772
York	370,175	59,622	310,553
Total	2,947,698	419,193	2,528,505

From these accounts, he had extracted a list of several parishes, in which the excess of population above the capacity of churches and chapels was most enormous. For instance, in the Diocese of London.

MIDDLESEX.	POPULATION.	Churches and Chapels contain.	Excess of Population.
St. Dunstan, Stepney	35,199	4,000	31,199
St. George in the East	26,917	800	26,117
St. Giles in the Fields	34,672	2,500	32,172
St. James, Clerkenwell	23,719	1,400	22,319
St. Leonard, Shoreditch	43,488	2,300	41,188
St. Mary, Whitechapel	28,000	2,600	25,400
St. Mary-le-bone.	75,624	8,700	66,924
St. Matthew, Bethnal Green	33,000	1,200	31,800
St. George, Hanover Square	41,687	8,200	33,487
St. James, Westminster	30,000	6,000	24,000
St. Martin in the Fields	26,583	4,000	22,583
St. Pancras	47,000	2,600	44,400

In Lambeth, in the county of Surrey, the population was 45,000, and the churches and chapels would contain only 6,000. In the city of London, however, the accommodation in the churches considerably exceeded what the inhabitants required. That city contained within its walls 91 parish churches for a population of 55,484 persons. This was the case in all the ancient cities of the kingdom, of which the parishes were in general small, and the churches very numerous. Norwich, Lincoln, Canterbury, and, indeed, all our cities which had their origin during the supremacy of the church of Rome, were amply provided with churches; but in those

towns which had been built, or greatly enlarged, since the Reformation, the case was very different. In Liverpool, out of 94,376 inhabitants, 21,000 only could be accommodated in the places of public worship belonging to the established church. In Manchester, the population was 79,459, and 10,950 only could be accommodated. In those two places, then, and in the parish of St. Marylebone, there were 208,809 persons, who could not obtain access to their churches and chapels. The excess of population, above the capacity of the places of public worship, was certainly most striking in London and Chester; but, it appeared by the returns which were then upon the table, that it was very great in some other dioceses, and more especially in Winchester and York. But the excess of population in different parishes, above the capacity of the churches and chapels, was not the only evil. There were many other religious duties, besides the performance of divine service, which a clergyman, however zealous and diligent, could not properly discharge, if he had a cure of 50,000 souls. How was it possible to administer the sacrament, to perform the funeral rites, and celebrate baptisms and marriages, in a solemn and impressive manner, in a cure so extensive? Where the duties were so numerous, it was morally impossible that they could be performed with that attention and investigation which they required. Impositions might pass unnoticed, and thus the civil rights of individuals might be most materially affected. *(Hear.)* To illustrate this part of his argument, he would take the liberty of reading two short extracts from a valuable work recently published by the rev. Richard Yates, chaplain to his Majesty's Royal Hospital, Chelsea. That gentleman gave the following account of the performance of a Sunday's duty for a friend:—"I attended at the church* at nine o'clock, on account of expected marriages, the service was once performed; then the full morning service, the rector preaching the sermon: after the departure of the congregation, the service for churching of women twice performed; afternoon, full service, prayers, and sermon; after which, seventeen children baptised; then seven funerals performed, the burial service read over seven times:—concluding between seven and eight o'clock in the evening: the whole of which, except the morning sermon, I performed as the duty of the curate; and this was understood to be no more than the average Sunday employment."—In another part of that work (page 355.) the following statement was made by the rev. Cecil Wray, of the duties performed in the parish church of Manchester. "There are, upon an average, from forty to fifty christenings every Sunday afternoon, besides christenings on the week-days; and on some of the great festivals, as Christmas-day, Easter-day, and Whitsunday, there are generally from one hundred and twenty to one hundred and forty. On the first day of the present year, I myself christened ninety-three children. Nor is it uncommon to have fifteen or twenty marriages at one time in the parish church. On the 6th of February, there were ninety-nine couples married. Throughout the whole of the present year, the banns of marriage published every Sunday morning for the first, second, and third time of asking, have seldom been less than one hundred and twenty in number, on one occasion they were one hundred and fifty-six."—Having thus shewn the extent of the evil which now existed, the right hon. gentleman said, he should proceed to state to the committee the outline of the remedial measure which he intended to submit to them. He proposed that a grant, to the extent of one million sterling, should be raised by an issue of exchequer bills, and applied, as occasion might require, in the erection of churches and chapels, under the direction of commissioners to be appointed by the crown, in the same manner as was adopted in the last session of parliament, for the encouragement of public works. This plan, he conceived, would enable the commissioners to carry the great object into execution with more certainty and effect, than could be done by an annual grant; and would also enable the people to ascertain the extent of parliamentary aid to which they might look. The grant might be exhausted in four or five years, or probably less: and he proposed, that the sums raised in each year should be made good out of the aids of the succeeding year. In the reign of queen Anne, thirty-one commissioners were appointed by the crown: certain duties arising from coals were vested in their hands, and, in the whole, they were enabled to build and complete eleven churches. The present grant would enable the commissioners to build a great number of churches, not in the metropolis and its vicinity only, but in any district in the country in which they might appear to be wanted. In granting aid, they would be regulated by a combined view of the extent and population of the different parishes, the want of accommodation in the existing churches, and the ability of the district to bear the burden requisite for supplying the deficiency. The public money ought only to be given in aid of a fair exertion on the part of the district: where the commissioners were convinced of the inability of the district to complete the undertaking of itself, they would interfere; but rather with a view to assist than to support the whole charge. He had already observed, that, in many parishes, the population was too numerous, and the extent too great, for the pastoral care of one incumbent. It was desirable, therefore, that power should be given to the king in council, to divide any parish into two or more distinct parishes, for all ecclesiastical purposes, but without affect-

* The reverend gentleman's work is in the form of a letter, (a second letter) addressed to the earl of Liverpool. The passage referred to occurs in page 81: the name of the church is not mentioned.

ing the poor, or other parochial rates. In all cases, however, the consent of the patron would be required, as the utmost respect should be paid to private rights; and the new churches of such divided parishes should remain chapels of ease during the incumbency of the existing incumbent. On his death, resignation, or removal, they should be rectories, vicarages, or perpetual curacies, according to the nature of the original parish, and be subject to the same laws and regulations, as to presentation and otherwise. In any case, in which the commissioners should be of opinion, that it was not expedient to divide any populous parish into separate and distinct parishes, they should have power to divide them into ecclesiastical districts, or to build, or aid the building of chapels, to be served by curates to be appointed by the incumbent of the parish. In these cases, the patronage of the district church should belong to the patron of the parish-church; the curates should receive such salaries as the commissioners should assign to them, and should not be removable without the consent of the bishop; and no banns should be published, or marriages, &c. had, in any such church or chapel, until after the death, resignation, or avoidance of the incumbent at the time of the consecration of the church or chapel. The objects, therefore, to which the commissioners would have to attend were—1st, The complete ecclesiastical division of parishes; 2dly, The district division of parishes, not affecting the endowments of the existing incumbent; 3dly, The building of parochial chapels; and, as far as possible, aid for these purposes would be afforded by parliament. The evil of the great deficiency of churches must be apparent to every gentleman who heard him, and it must be obvious also, that, without the greatest exertions of parochial funds and private liberality, the munificence of parliament could not provide a sufficient remedy. There were twenty-seven parishes, in each of which, the excess of population above the capacity of the churches and chapels, was more than 20,000 souls; and it was estimated, that not less than seventy-seven churches would be required, to afford such moderate accommodation as to allow one-third of the inhabitants of those parishes to attend divine worship at the same time. He had made no deduction for those inhabitants who were not members of the established church; for, without meaning any disparagement to the dissenters, he thought, that as the church derived support from all, it ought to provide accommodation for all; and he believed that many who did not now attend the established church, had not voluntarily forsaken it, but that the church had shut her doors on them. (*Hear, hear.*) He had calculated that so many churches would be wanted to provide accommodation for one-third of the inhabitants, because, he did not think it necessary that the church should be sufficiently large to contain the whole of the parishioners at the same time; indeed, it was well known, that, owing to infancy, infirmity, sickness, and domestic avocations, a large proportion were unable to attend: but, in order that all might be accommodated in the course of the day, he intended to provide, that in the new churches and chapels, there should be an additional or third service, with a third sermon, on Sundays, and on Good-Friday and Christmas-day. But, after these churches and chapels were erected, there would remain a prodigious number of parishes which could accommodate only a small portion of their inhabitants; and, therefore, without the co-operation of private funds, the intended measure would be very incomplete. The commissioners, he feared, would not be able to afford assistance to parishes containing less than 10,000 souls; but he looked with confidence to those persons who had expressed a wish to aid the completion of so good a work. A very respectable society had been formed, and, from their contributions, he anticipated great assistance. In the course of a few years, therefore, if the zeal and piety of the present day did not relax, every individual might be enabled to participate in the public worship of the established church; and he fervently hoped, that this most desirable object would be accomplished, as he was convinced, (to repeat the words of the speech from the throne) "that the religious and moral habits of the people are the most sure and firm foundation of national prosperity." (*Hear, hear.*) It only remained for him to state, in what manner the ministers, serving those new churches and chapels, were to derive their support. He intended to propose, that their incomes should arise from a moderate rent to be set on the pews, and be paid half-yearly, on Christmas and Midsummer-days. It was, however, by no means intended, that the whole of the pews should be allotted to this purpose. On the contrary, he meant to propose, that, before the consecration of any church or chapel, one seat or pew, sufficient to hold six persons at least, should be set apart in the body or ground-floor of the church or chapel, and near to the pulpit, for the use of the minister and his family; that other seats, in some other convenient part of the church or chapel, capable of containing not less than four persons, should be set apart for the use of the minister's servants; and that pews, sittings, or benches, in every such church or chapel, to be marked with the words "Free Seats," amounting in the whole to not less than one fifth, or one sixth, of the whole of the sittings, should be set apart for the use of poor persons, for ever. (*Hear, hear, hear.*) He had already said, that the utmost respect would be paid to private rights. Whether, therefore, the parish should be divided wholly or partially, the presentation of the new parish, or of the district church, would be vested in the patron of the original church. In the case of parochial chapels, the patronage would be vested in the incumbent of the parish, the person who was spiritually answerable for the conduct of the whole. He believed, that the twenty-seven parishes to which he had already alluded,

embraced every species of ecclesiastical patronage. The patronage of four was in the crown; of two, in the archbishop of Canterbury; of three, in the bishop of London; of one, in the archdeacon of London; of six, in colleges; of two, in chapters or lay corporations; in one, the incumbent was elected by the parishioners; and the remaining eight belonged to private patrons. He would not occupy the attention of the committee any longer, and, indeed, he could not but think that the resolution which he intended to submit to them would receive their unanimous approbation. This was a subject which came home to every gentleman, and he hoped, that they would consider it without any party feeling. On questions of such a description, there ought to be the greatest possible unanimity of sentiment and spirit of co-operation. (*Hear, hear.*)—The right hon. gentleman concluded with moving, "That his Majesty be enabled to direct exchequer bills, to an amount not exceeding one million, to be issued to commissioners, to be by them advanced, under certain regulations and restrictions, towards building, and promoting the building of additional churches and chapels in England."

Captain *Waldegrave* expressed his approbation of the general plan of the right hon. gentleman. It was most desirable that the large part of our population, now unprovided for, should obtain accommodation in places of public worship.

General *Thornton* said, the proposed measure had his full approbation. He hoped, that the money voted by parliament for the erection of a monument to commemorate our victories by sea and land, would be laid out in the building of churches and chapels.

Sir *Charles Monck* thought, that the good effect of the measure proposed by the right hon. gentleman, would, in a great degree, be defeated, unless the manner of performing the service in our established churches underwent considerable modification. Nothing was more likely to reclaim the dissenters—he did not speak this in an invidious sense—to the established church, than an alteration in the manner of performing service*. Without some modification, he was afraid that little moral and re-

* At the Restoration, Charles II. issued a commission to several bishops and non-conformists, directing them to meet in the Savoy, in the Strand, to hold a conference respecting a review of the liturgy. The commissioners met, but, after several debates, the conference ended without an accommodation.—(All the papers relating to this proceeding are collected in a book entitled "The History of Non-Conformity as it was argued and stated by commissioners on both sides appointed by his majesty King Charles II. in 1661." 8vo. edit. 2d. 1703.) In 1668, another attempt to effect an accommodation between the church and the protestant dissenters, was set on foot by Lord-Keeper Bridgman, and others; an account of its failure is given by Burnet. (History of his own Times, Vol. I. p. 249. See also 4 Neal's History of the Puritans.) Shortly after the Revolution, King William was very desirous of effecting an accommodation, and some steps were taken, but unsuccessfully, for that purpose. (See 3 Kennett, 225.)—In 1789, the duke of Grafton published a pamphlet entitled, "Hints to the New Association," and recommending a revisal of our liturgy, &c. In February, 1790, two pamphlets were published in opposition to the Duke's Hints. To these Dr. Watson, the late bishop of Landaff, wrote a reply under the title of "Considerations on the expediency of revising the Liturgy and Articles of the Church of England, by a consistent Protestant." In his Life, written by himself, vol. 1. p. 392, he says, "I had at the time some conversation with the duke of Grafton on the propriety of commencing a reform, by the introduction of a bill into the house of lords, for expunging the Athanasian creed from our liturgy; and we had, in a manner, settled to do it; but the strange turn which the French revolution took about that period, and the general abhorrence of all innovations, which its atrocities excited, induced us to postpone our design, and no fit opportunity has yet offered for resuming it, nor probably will offer itself, in my time." In page 393, he says, in answer to a letter from the Duke, "I concur with your Grace in wishing the motion (respecting the expunction of the Athanasian creed from the liturgy) to be made, and notice of making it to be given in the way you mention. No distance or business shall hinder me from appearing in my place in the House of Lords, on the day the point shall be debated, and standing up with my best ability in support of your motion. You thought of mentioning the subject to the Archbishop of Canterbury; I consider that as a candid proceeding, suited to the importance of the subject; and I suggest to Your Grace's consideration a circumstance of which you can form a much better judgment than I can,—Whether it would not be proper to mention it to the King in the first instance. The Windsor anecdote would induce me to think that the king would have no objection, and his concurrence would facilitate the measure. But if he should object, it may then admit a deliberation, whether, *in foro conscientiæ*, Your Grace should proceed." In page 395, he says, "The Windsor anecdote here alluded to, was told me by the late Dr. Heberden:—The clergyman there, on a day when the Athanasian creed was to be read, began with *Whosoever will be saved, &c.*; the king, who usually responded with a loud voice, was silent; the minister repeated in an higher tone, his *Whosoever;* the king continued silent; at length, the Apostles' creed was repeated by the minister, and the king followed him throughout with a distinct and audible voice."

Bishop Burnet wrote a great deal to illustrate and modify the damnatory sentences of the Athanasian creed; but, Archbishop Tillotson declared to him, "The account given of Athanasius's creed seems to me in no wise satisfactory. I wish we were well rid of it."

Sir William Forbes, in his life of Dr. Beattie, I. 271, says, When Dr. Beattie told the king (in a conversation which he was permitted to have with him) that the Scotch clergy sometimes prayed a quarter, or even half an hour at a time; his Majesty asked whether that did not lead them into repetitions? The doctor said, "it very often did."—"That," said the king, "I do not like in prayers; and, excellent as our liturgy is, I think it somewhat faulty in that respect."

ligious improvement could be expected from additional churches. When he considered the state of things in those parts of the country where there was a want of accommodation, and adverted to the state of morals and religion in those parts which were most splendidly endowed, he was led to entertain considerable doubts as to the benefit which would be derived from new churches, without some farther change. In those parts of the country in which the population had increased most of late years, churches were scarce, but there were many parts of the country where the population was very large in old times, greater indeed than it was now. In Norwich, for instance, there were 39 parishes, while, by the last returns, the population was only 38,000. Was Norwich, with this ample provision of churches, a comparatively moral and religious town? He recollected that Durham had also many churches, yet the population was only from eight to 10,000, whereas Newcastle, a very large town, had not above four or five churches. But he never heard that Durham was more remarkable for morals than Newcastle. In travelling over England, he believed it would be found, that where there were most churches, the people were far from being the most exemplary in their morals. The churches were formerly open at all times, as they were now in foreign countries, and the people were always going to them. There ought to be some modification in the manner of performing the worship—it ought to be more frequently performed in a day. He thought, also, they ought to take into consideration the present endowments of the church, and see whether there was not a large proportion of them employed in a manner not at all calculated to promote the interests of religion, —whether the revenues of prebendaries, &c. might not be applied to the purpose for which money was now asked from the nation at large. Nothing ought to be taken from the nation till an investigation into these things shewed the necessity of the measure. The right hon. gentleman had said, he wished the sum to be granted by parliament all at once, rather than as the exigency of the case might require. He was not exactly of his opinion; because, if they were determined that the provision was deficient, they ought to make up their minds what was necessary to meet the deficiency. He wished to learn why they were to decide at once that 1,000,000*l.* was to be the sum? Why so much as 1,000,000*l.*; or why no more? He should then say a word as to where the money was to come from. He did not exactly know what there might be to spare in the church establishment; but he did not like to see the whole sum taken from the nation at large. He would much rather have had the right hon. gentleman come down to the house with a proposition for providing, in each county, some board of commissioners, or some tribunal that might have made a proper representation to parliament, and have stated that the population was too numerous for their churches, and they were willing to provide some portion of the expense of erecting others. He would rather have had the money raised in such a manner, than from the whole nation, when it would of necessity be applied only to a particular part.

Mr. *Gipps* asked, whether the right hon. gentleman meant that no part of the money would be allotted to parishes in which the population was less than 10,000.?

The *Chancellor of the Exchequer* said, that the commissioners would not be able, perhaps, out of the money to be granted by parliament, to afford assistance to parishes containing less than 10,000 souls; but they would not be precluded from doing so. The liberality of private individuals might enable them to provide for the smaller parishes.

Mr. *W. Smith* wished to know, whether it was intended to make any regulations with regard to Scotland? There were parishes in that country very nearly, if not quite, forty miles in length. He himself knew a church that was thirty miles from some parts of the parish. He had received a letter from Invernessshire, expressing a hope that when the measure was brought forward with respect to England, something would be done with regard to churches in Scotland. In that country, the labours of the clergy were very severe, and very insufficiently requited*. With respect to the observations of an hon. baronet as to the religion

Bishop Hoadley was friendly to an alteration of our liturgy. He says, "Our liturgical forms ought to be revised and amended, only for our own sakes, though there were no dissenters in the land." Mr. Burke was averse to any alteration. In 1772, when a petition was presented "by certain of the Clergy of the Church of England, and certain of the Professions of Civil Law and Physic," praying to be relieved from Subscription to the 39 articles, he said, (See his works, vol. 10. p 1. 8vo. edit. 1812)—"Alter your Liturgy, will it please all even of those, who wish an alteration? Will they agree in what ought to be altered? And, after it is altered to the mind of every one, you are no further advanced than if you had not taken a single step; because, a large body of men will then say, you ought to have no liturgy at all. And then these men, who now complain so bitterly that they are shut out, will themselves bar the door against thousands of others. Dissent, not satisfied with toleration, is not conscience, but ambition."

* Mr. Cove, vicar of Sithney in Cornwall, in his "Essay on the Revenues of the Church of England," second edit. 1797, says, that the whole provision of the ministers of the Kirk of Scotland, was estimated, in the year 1755, at about 68,500*l.* per annum; which, being divided between 944 ministers, afforded to each of them, on an average, an annual income of 72*l.* This provision may have been augmented since; but, unless it has been considerably increased, the ministers are very insufficiently paid.—But the general state of our own clergy is not much better. In Wales, they are very badly provided for, and are consequently very illiterate. The late celebrated bishop of Rochester, when bishop of St. David's, used

and morals of different places, he wished only to say, that it was somewhat more difficult to obtain a knowledge of them than of the population. He believed, that if the hon. baronet had known the city of Norwich better, he would have spoken with more respect of its morals. Besides its numerous churches, it had a considerable number of chapels, belonging to dissenters, which were capable of containing a larger proportion of people than those of any other city in the empire.

The *Chancellor of the Exchequer* said, the church of Scotland had, in proportion to its wants, equal claims to national support; but, as the forms of ecclesiastical government in that part of the kingdom were so different from those of England, it would be impossible to embody in the same act the provisions applicable to each country. His majesty's government, however, would not lose sight of the application.

Dr. *Phillimore* said, he perfectly agreed with the right hon. gentleman as to the great importance of the subject. The plan of dividing parishes was most material; it would give the inhabitants of those places a better opportunity of attending divine worship; and it would afford them the advantage of the more immediate pastoral care of the several incumbents. With regard to patronage, the right hon. gentleman had pointed out the only proper mode of its being regulated, and he most completely agreed with him.

The resolution was then agreed to, and the report was ordered to be brought up to morrow.

TITHE LAWS AMENDMENT BILL.] The following petition of landowners, farmers, and inhabitants of Grappenhall, was presented, and ordered to lie upon the table. "That the petitioners have long been subjected to the grievous burthen of the tithing system, which they have patiently submitted to in the hope that the wisdom of the house would devise the means of freeing the people of these realms from a grievance so oppressive; that the petitioners are called upon at this time, with increased promptitude and energy, to lay their complaints before the house, inasmuch as they are now required by the rector of the parish of Grappenhall, to pay annually, in kind, the full amount of tithe for every species of animal and vegetable production arising from the lands in the said parish, in lieu of the moduses, compositions, or other payments which have been demanded and received for more than a century past, and which are recognized in several terriers which appear to have been exhibited at visitations held in the years 1696, 1709, 1728, 1778, and 1783, which moduses, compositions, or other payments, are small in comparison to the demand now sought to be exacted; that the tithe system at all times, and more especially when enforced with the rigour which is now attempted, cannot fail to be a fruitful source of vexation, animosity, and of disgraceful quarrels, between the clergy and their parishioners, and to oppose an insuperable bar to the benefits which might and ought to flow from the duties and functions of the christian ministry; that the weight and burthen of tithes are peculiarly grievous and oppressive in these times of general distress, and are a subject of loud and general complaint throughout the nation; the petitioners, therefore, earnestly pray the house will take this subject into their serious consideration, and that they will devise the most effectual means to relieve a loyal, a patient, and a suffering people from a burthen which entails only misery and vexation, which is the bane of religion, peace, and good neighbourhood; and which fosters discontent, ill-will, and strife."

Mr. *Curwen* moved the second reading of this bill. In making that motion, he said it was not his intention to trouble the house with more than a few words. Considerable misunderstanding had taken place with regard to the bill, which he hoped would not exist, when its provisions were well understood. The question was not whether any thing was to be taken from the church, but whether it had a right to take what never properly belonged to it? It was not his intention to attempt in any way to injure the clergy, but it was his wish that justice should be done to all parties. Having stated thus much, he would merely repeat, that he did not intend to press the first part of the bill, relative to moduses.

Sir *William Scott* took the bill in his hand, and objected to it clause by clause. He thought its provisions would seriously affect the interests of the clergy. The most important part of it, he said, had been given up as untenable, after all the pains that had been taken to prepare the minds of the public for its reception by elaborate arguments, which, it was now admitted, had totally failed of their intended purpose. However, he was not disposed to forget the charitable maxim of *de mortuis nil nisi bonum*, and, therefore, should not fling a single reflection upon its grave. He should only venture to express a hope, that it might impress a lesson of caution

to complain, that he was compelled to ordain many persons who knew no language but that of their mothers, and could scarcely read and write, because he could procure no others, and the stipend of the curates would not afford a superior education. In many parts of England, we have clergy, who, with all the Greek of Cyril, have not more than 100*l.* a year.—The revenue of the church of England has been stated by two writers—the late bishop Watson, in his "Letter to the Archbishop of Canterbury," printed in 1783, and Mr. Cove, in his work above mentioned. The learned prelate says, that the whole income of the church does not exceed 1,500 000*l* which would not yield, if it were equally divided, above 150*l.* a year to each clergyman. It is so inconsiderable, therefore, as not to admit of any diminution; but, he adds, that a somewhat better distribution of it might be introduced, with much advantage to the state, and without the least injustice to any individual. (See also his Life, vol. i. p. 159.)

and diffidence with respect to the other provisions of this bill, all of which appeared to him liable to objection, though not in the same degree with the one, which, after being considered as the great foundation of a reform, had been abandoned by its authors, as unfit to be further urged. He said, it would be necessary for him to go through the remainder of the bill clause by clause, for his intention was to dispute the propriety of its going to a second reading, and he had no other way of reaching that purpose, than by disputing the propriety of the several clauses, for general principle it had none; the only principle stated, was that which applied solely to the first clause, and that clause being now given up, and, of course, the principle on which it was bottomed, there remained no general principle which professed to support the remaining clauses, and, therefore, they could only be attacked separately, on their own provisions. He was sensible that this necessity would impose a burthen upon himself, and a still heavier upon his audience; but there was no choice; the bill offered no general principle on its behalf, and, therefore, could only be combated in its details.—The first remaining clause, (said the right hon. and learned gentleman,) is that which regards real compositions, and it professes to enact, that it shall not be necessary to produce the instrument under which such compositions took place, but that it shall be sufficient to state it generally, and prove it by usage only. Real compositions were agreements, by which the parson, with consent of patron and ordinary, granted a discharge for tithes in consideration of land or rent. These compositions were practicable till restrained by the statute of the 13th of Elizabeth: and they had had the effect of reducing in an enormous extent the patrimony of the church. 'The statute was made,' says Lord Coke, 'to prevent the decay of spiritual livings, dilapidations, the decay of hospitality, and the utter impoverishment of successors;' for vain was the triple fence which the law had erected against improvident compositions in the vigilance of the parson, the patron, and the ordinary. The parson is a man often in a state of dependence, ignorant of his rights, or, from a variety of causes, unable to maintain them. The patron has often an interest directly adverse to that of the benefice, if, as very frequently happens, he has lands in the parish upon which the rights of the benefice are to operate. And as to the case of the ordinary, it is evident that that can reach a little way towards the protection of the church. Several of these ordinaries are lay-persons, with no other connexion with the church than as possessing a most anomalous authority over it. And those who are the proper ecclesiastical magistrates of the church, can hardly be expected to give that personal attention which the urgency of the case requires. They are persons frequently living at a distance from the particular spots where the compositions take effect; sometimes persons of an advanced time of life, and very generally persons little conversant in business of that nature, or enabled to act upon their own knowledge and judgment in the particular transaction. Those who are at all acquainted with what has passed under the land-tax redemption act, or with what passes frequently under inclosure acts, can be no strangers to the very scanty protection which can be given to the property of the church, by the united care of all these guardians together, although the best which either the ancient or the modern law has been able to provide. After the first fervours of the reformation had subsided, when men began to look about them more coolly, and to survey the wrecks of church property which that great event had, through the influence of human passions, unavoidably produced, it was found necessary to stop the further progress of evils, by restraining the power of alienation; and this blessed statute, as it has been justly called, was one of the first-fruits of a settled reformation. Since that time no real compositions have been made; but those which were made before have been respected, where proved to have been so made. But the law expects a proof that they were actually made—that a mere non-usage of payment, which may have silently crept up, without any authority at all, without any other foundation than the negligence or other default of an incumbent or two, shall not be considered as a demonstration that the parson, the patron, and the ordinary had all executed a contract, but, that some proof must be afforded that such a contract had actually existed, if it now existed no longer. And surely, this is no unreasonable requisition; when it considered, that a mere non-payment is just as consistent with a temporary agreement between the parson and parishioners, as one that is perpetual, as being made under the proper authorities for that duration. Now, the intention of this clause is to throw down this barrier, to make it not at all requisite to shew that such composition ever was made, but that its existence is to be inferred from the mere fact of a non-payment. 'It shall be sufficient,' says the clause, 'to *plead* and *allege* generally that a composition real was made before the 13th of Elizabeth, the deeds or instruments of which have been lost or destroyed;' the mere *pleading* of all this shall be sufficient, without proof either of the existence, or of the destruction. Surely, nothing can be more evident, than that every bad modus will now be established in the form of a real composition. For if it be sufficient merely to plead it, this may be done, and will be done, in all cases: no payment of tithes before the 13th of Elizabeth will overthrow it; for the mere plea will sustain it that such a composition did take place in due time after the date of that payment; and thus the whole family of bad moduses will gain a settlement under the style and title of real compositions. Find that your modus will not do in its own real character, and you have nothing to do

but to christen it a real composition, and then, by virtue of this clause, it will pass muster in spite of any anterior evidence that would have affected its existence as a modus. This is no vain terror; for the attempt has been repeatedly made to put this change of character upon pleas of discharge in courts of justice; but the enlightened vigilance of those courts has always resisted such attempts, and determined each plea by the rules that belong to its own original and genuine character, the modus by the evidence of immemorial usage, and the real composition by some evidence of the former existence of an actual contract.—The following clause appears in a still stronger degree liable to the same objection, of its being an attempt to supersede the necessity which the existing rules of law have established of producing some written evidence to support an exemption, which must have had a written and formal foundation. The preamble states, 'that whereas many lands, &c. were parcels of the possessions of the dissolved monasteries, and were granted away by the crown to be held under the same discharges from tithes under which they were held by the monasteries, and whereas by the loss of deeds and muniments, it is become difficult to deduce regular titles to the descent of such lands from the privileged monasteries, in consequence whereof (it is said) such discharges are likely to be lost, *and the clergy to acquire tithes which the church never possessed.*' What is meant by this last assertion it is very difficult to discover, because the tithes, before appropriation to the monasteries, must have belonged to the parochial churches from which they were taken, and even after they were appropriated to these religious houses, they belonged to bodies which were as essential portions of the church establishment as the parochial churches themselves, and, in the notions of those times, much more essential; the members of these bodies being deemed and denominated, the *Religious*, and the others, the mere *Secular*, clergy. In general, the original descent of such lands from the religious houses is by no means so difficult of proof as is insinuated in this preamble. The transfers of property from the monasteries to the crown, and from the crown to the grantees, were executed in formal and authenticated modes—by deeds registered in public offices still existing, where searches may be made, though not, it may be said, without trouble and expense. But upon whom is that burthen of trouble and expense to fall? Upon the party who has the general common-law-right to tithes, or upon him who has no such right, to an exemption, but who sets up a particular exemption from the general law, which he is bound to prove? Surely, nothing can be more reasonable than that he should be charged with the production of his own evidences, and that it should not be thrown upon the other party to prove, in the first instance, the negative of a plea of privilege. Now what is proposed in the present clause for the just security of church property? It is proposed by these careful guardians of the church, that, wherever it can be shewn that such discharges have been enjoyed, and *reputed* to be lawfully enjoyed *as far back as living memory can go*, it shall throw the *onus* on the other side. Is it possible to place such a matter upon a more insecure foundation? It is within the reach of a single life to establish such an exemption. A patron, the landed proprietor of a parish and residing in it, has nothing to do but to present a subservient pastor (or two in succession) and to put about a report; which his tenants will very readily receive and propagate, that his lands ought not to pay tithes as having formerly belonged to some distant abbey; and it is a complete recipe under this clause for a perpetual exemption, unless the clergyman (presented probably by the same patron) will take upon himself the burthen of giving it a most troublesome, a most invidious, and a most expensive contradiction. Strong nerves, a weighty purse, and persevering habits of inquiry, are, at least, necessary for such an undertaking; and the history of the church too often exhibits a lamentable deficiency in these qualifications. If this clause passes, there can be little doubt that the love of ease, and the fear of reproach and expense, will carry it into very effective execution.—The next clause certainly does not affect the church, for it is levelled only against lay-impropriators, who have better means of fighting their own battles, both in this house and out of it*. But it introduces the new and dangerous alteration into the law of tithes, of making mere living memory a valid foundation of these perpetual discharges; and there is too much reason to expect that such an alteration, so introduced into the law, will not confine itself long within the sphere of lay possessions of this kind; the analogy will be too tempting not to extend itself to ecclesiastical possessions.—The next clause purports to legalize all the illegal alienations of church property that have been made

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in violation of the statute of the 13th of Elizabeth, between the date of that statute and the year 1766, after such agreements, however sanctioned by the ordinary and patron, or by confirmatory decrees of chancery, were declared to be invalid by a solemn decision of that court. And it certainly is a very extraordinary thing how such a practice could have grown up under such sanctions in the face of that statute: but the fact is certainly true, that many exchanges had been made of tithes, or lands, for lands within that period of time, and which are now upon better consideration pronounced to be illegal. It has, I believe, happened but in a very few cases indeed, that there was a difficulty in finding the representatives of the family which had been the party to the exchange, and which certainly ought to be restored to those representatives if forthcoming, (for I agree perfectly that it would be a monstrous injustice for the clergyman to keep both,) and if such representatives could not be found, I presume that the crown, upon an office found, would be entitled. Let that matter be duly provided for in a separate and substantive bill; nobody could object to it; but I do not object to it, in the present case, merely on account of the society in which it is found; for it is objectionable in its own provision, that the exchange, however mischievous and detrimental to the church, and impugned upon the ground of original injustice, is, nevertheless, to be confirmed. Surely, it is exposing the property of the church to a most unreasonable hazard, to say, that, because the mere fiduciary possessor of a benefice (for such he is in legal consideration as applied to such a subject) has thought proper to make the most unjust sacrifice of the rights of his benefice for some private convenience of his own, that shall bind the benefice in all time coming, be the sacrifice ever so gross and palpable. The more equitable mode of disposing of such a subject is to rescind the bargain, and to remit the parties to their former possession. It could hardly operate with injustice in any case to the family who resumed the lands; for they must have had possession of the other lands long enough since the year 1765, or before, to bring them back more than a sufficient indemnification for all voluntary expenditures in inclosures, and drainages, and other improvements enumerated in the preamble to the clause.—The three following clauses being merely subservient to the execution of the clause just recited, will, of course, be involved in its fate, if it should be deemed unfit to be adopted.—The next substantive clause provides 'that where by reason of inclosures, or other alteration of lands, the precise limits of lands covered by moduses cannot be precisely ascertained, there the court shall issue commissions to ascertain the lands so-covered, or set out other lands of the same owner sufficient to secure the same.' 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Why is the tithe-holder to be dragged into a litigation, without knowing what demand he is to meet? and the explanation of the demand is only to be ascertained after the course of a long litigation, and of all the expense and anxiety that may belong to such an inquiry.—The last clause provides, 'that where issues are directed for trial of moduses, compositions or exemptions informally pleaded, the court shall direct them according to the true sense and meaning of the parties pleading the same, and shall not be obliged to direct them in the same terms as pleaded;' that is to say, that the court is to know the meaning of the party in the claim he makes better than the party himself, and are to shape his claim for him, not as he propounds it, but as they choose to propound it for him. Certainly, if this is confined to mere correction of form, it cannot be deemed otherwise improper than as it is perfectly unnecessary; for the courts have such a power already. But if it be meant to extend to a correction of substance, surely nothing can be more unjust than that the tithe-holder is to resist one demand, and after all the inconvenience incurred in that resistance, he is to find that the real claim is of a different nature and extent, and that the sagacity of the court is to provide him with a totally new subject to which his powers of resistance are to be applied."—Having thus examined the several clauses of the bill, the right hon. and learned gentleman asked the house, where could be the use of going into a committee? If he was right in his view of them, they could only be corrected by *una litura*, one entire obliteration. If referred to a committee, it could be only for the purpose of framing an entire new bill, differently constructed: that surely ought not to be attempted in a committee; a bill professing to regulate property of a very sacred nature, and which the legislature had always regarded, in spite of popular clamour, with peculiar tenderness, ought to undergo the most deliberate consideration of the house in all preliminary stages of legislation. It was enough for this bill that it was radically vitious in all its provisions; it was formed upon principles that admitted no prospect of reasonable reformation. He should therefore move, that the

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If referred to a committee, it could be only for the purpose of framing an entire new bill, differently constructed: that surely ought not to be attempted in a committee; a bill professing to regulate property of a very sacred nature, and which the legislature had always regarded, in spite of popular clamour, with peculiar tenderness, ought to undergo the most deliberate consideration of the house in all preliminary stages of legislation. It was enough for this bill that it was radically vitious in all its provisions; it was formed upon principles that admitted no prospect of reasonable reformation. He should therefore move, that the

second reading be postponed till this day six months.

Sir *S. Romilly* observed, that the course which the right hon. gentleman had taken was not quite according to parliamentary usage. Instead of discussing the principle of the bill, as was usual, upon the second reading, the right hon. gentleman had examined each particular clause, as if the bill were in a committee. As a justification for this he had been pleased to say, that the bill proceeded upon no general principle, or, if any principle was to be found in it, it was confined to the first clause, which was now abandoned. This, however, was a most unfair representation. The principle of the bill was to place tithes, as far as they were alienable like other property, upon a similar foundation with respect to evidence and to presumptions as other property rested on; and this principle would not be at all affected by the rejection of the first clause. To that clause he had always been unfavourable; he saw no reason why every landholder who chose to set up a modus, though there might be no evidence to support it, should have a right, as matter of course, to have it sent to be tried by a jury. If the present state of the law as to the directing of issues were to undergo any change, he would rather take away from a rector that right, which, he could hardly say by law, but certainly by the present practice of the courts, he was in possession of—that of having every modus, however clearly established in proof, sent to be tried by a jury, merely because it was his pleasure to require it. To the rest of the bill, however, he was in general friendly, though there were some clauses upon which he entertained doubt, and others which, he thought, might be considerably improved in the committee. He could not understand why tithes in lay hands, or during the time they were alienable by the church, should not be open to similar presumptions with all other property; and why a title to tithes in a layman, instead of acquiring strength, like a title to land, from a long possession, should, on the contrary, by the lapse of centuries, and the consequent loss of muniments, be rendered precarious and invalid. He considered tithes, whether in the clergy or the laity, as sacred as any other species of property. The abolition of tithes, instead of being an act of justice to the land-owner, would be the grossest injustice done in his favour. It would be to give him, who, by himself or his ancestors, had purchased only nine-tenths, the remaining tenth, to which he had not the shadow of right. But, as tithes ought to have the same protection in the hands of the owner as any other inheritance, it ought not to have that extraordinary and superstitious protection which, in innumerable cases, must produce great injustice. With other property, an undisturbed possession of sixty years gives a title against all the world, even against the crown. But where the church is concerned, a possession of ten times that length is not sufficient to afford a proprietor any securities. If a modus is set up as a defence to a demand for tithes, and if it can be shewn that that modus had its origin at any time since the days of Richard I., (that is, within the last six hundred years) the modus is void.—With respect to compositions real, the statute of the 13th of Elizabeth, which restrained them, had only a *prospective* operation. The legislature did not venture to do an act of such flagrant injustice as to annul the contracts which had been made by persons who were at the time by law fully competent to make them. But the injustice at which the legislature scrupled, had been done by the courts of justice, which, by refusing to receive any evidence of a real composition but the production of the instrument itself, had given to the statute a *retrospective* operation. The right hon. gentleman had been pleased to say, that there was no great hardship in this, because these real compositions were preserved in the registries of the bishops. But, with great submission, he believed that the right hon. gentleman was mistaken. Very few were in existence: in the course of a long practice, he had never seen more than four or five of them, and the very statement therefore, which was made by the right hon. gentleman, that, before the statute, such compositions had become very frequent, and that the evil was then rapidly increasing, contrasted with the very few instances in which they had since been established in courts of justice, proved, in the strongest manner, to how great an extent those decisions must have operated retrospectively.—With respect to those lands which were formerly part of the possessions of dissolved monasteries, and which in the hands of those monasteries were exempt from the payment of tithes, it was only proposed by the bill to dispense with the necessity of proving, by the production of deeds, that the lands were so held, and to leave the same room for presumption, from a long enjoyed exemption, as applied to other property. To require the production of deeds in all such cases, was to require that which must often be impossible. The law as now acted on often operated to divest individuals of the inheritance which had descended to them through a long series of generations, because their ancestors had not preserved, and transmitted to them, those documents which, in the accidents of private life, and the confusion of civil wars and public tumults, must necessarily have been lost or destroyed.—To so much of the bill as related to lay impropriators no plausible objection could be raised; and though, since the great case of the corporation of Bury*, it had been held by the courts of justice, that nothing should be presumed against a lay any more than against an ecclesiastical rector, yet the ground of that decision it was extremely difficult to discover, or why the alienation of this species of property by those who had full right to alienate it, should be to be proved in a different way from that of all other possessions. And all, indeed, that the right hon. gen-

* The corporation of *Bury* against *Evans*, T. 1739.

tleman could say upon this part of the bill was, that it was an innovation, and therefore dangerous, and that, if the law were so altered with respect to the laity, the example might be followed hereafter so as to affect the clergy. The pretended innovation, however, was only to abolish an extraordinary anomaly in our law, and to make this part of it consistent with the rest of our judicial system; and there could be little danger that the example would be followed, unless it were recommended by its beneficial effects. The truth was, that the present state of the law of tithes was injurious to the laity, to the clergy, and, what was still more important, to the true interests of morality and religion. It was such as to occasion and invite tedious, expensive, and vexatious litigations, often ruinous to the clergy who were induced to embark in them, and always prejudicial to their parishioners, by exciting hostility and animosity towards their pastors, in the place of respect and confidence.

Mr. *Wetherell* said, that his right hon. friend who opened the debate had with so much force and accuracy developed the injurious tendency and operation of the bill, that he conceived it hardly possible to add any further explanation on the subject; he should, therefore, presume to trouble the house for a very few moments only. The bill, as originally framed, proposed to subvert the law of tithes in every one of its material branches—in its general principles and maxims, in its rules of evidence and presumption, and in its rules of pleading. The whole system was to be completely expunged, and a new one substituted. Now, upon what notion was all this to be done? The law as it stood at present had been long established. The doctrines and practice which were now represented to be so unjust and oppressive upon the land-owner, the farmer, and occupier, carried with them the sanction of upwards of two centuries—they were most of them as old as the time of Queen Elizabeth. Surely, it was most strange to imagine, that the judges who had administered this system of law, should never have found out this imputed injustice and oppression, and that they who ought to be indifferent between the payer and the receiver of tithes, should have gone on, invariably and uniformly, in a course equally reproachful to their understanding and their impartiality. And yet, this reproach belonged to them, if the ideas of justice entertained by the hon. gentleman who introduced the bill were well founded. He respected the opinions of that hon. gentleman very much on all subjects connected with the interests of the landed property of the country, and, any bill connected with those interests came under very favourable auspices, if it was recommended by that hon. gentleman. But he must be allowed, on a very extensive subject of legal right and property, in the first place to inquire, what were the sentiments of those enlightened men, who, from the time of Queen Elizabeth to the present day, had graced the seat of judgment in all the tribunals of the country. If they looked at that question, they would find a perfect uniformity of opinion. The fact was very remarkable, that no one judge, in any court, or upon any occasion, had ever complained of, or suggested the most distant idea of, the unfairness or hardship of any one of those principles, or those rules, which, by this late and modern discovery, were now stigmatised as so grievous and intolerable. That house was not, indeed, bound to wait till the judges called upon it to legislate. But, it was most singular, that, in the lapse of two centuries, no man on the bench had ever had sagacity enough to make this discovery, or spirit enough to avow it. With regard to the provisions of the bill which were not given up, he thought they were of a kindred quality with those which had been abandoned, and he trusted that they would follow the same fate. One of those provisions related to a point of very ordinary occurrence, namely, the mode of proving what is termed a real composition; that is, a deed commuting tithes for an annual pecuniary payment, and supposed to have been entered into by the parson, the patron, and the ordinary before the restraining statute of Queen Elizabeth. If the occupier sets up a pecuniary payment of this sort, in lieu of the right to tithes in kind, he must, as the law now stood, either produce a deed, or prove, by reasonable evidence, that such an instrument once existed, though it might have been lost and could not now be produced*. The rule of law on this subject was the rule of evidence, and the question was, what ought to be deemed reasonable and fair evidence that such an instrument had formerly existed. Now, it was proposed by the clause in question, to dispense with all evidence whatever, and to allow mere naked assertion, without the slightest circumstance of proof, to be sufficient. How was this to be done? Why, the occupier of land was to be at liberty to allege, and plead generally, that there was a real composition before the 13th of Elizabeth, that is to say, in plainer terms, he would have nothing more to do than barely to affirm that there once existed a deed of composition, and that the deed had been lost. All historical facts of times, dates, places, and names, were to be dispensed with—all the common *media* of circumstances, or probabilities, were to be rendered unnecessary, and supplied by an arbitrary and absolute presumption. The original existence, and subsequent loss of the deed, was not to be matter of history or proof, but of simple imagination. It was to be an idea which, to borrow an expression of Mr. Burke, was to stand aloof "in all the nakedness and solitude of metaphysical abstraction." Surely such a strange doctrine as this, whatever term might

* In the case of Knight v. Hatsey, which was an appeal from the Court of K. B. to the House of Lords, the rule laid down was, that where the deed cannot be produced, some evidence must be given referring to the deed, or shewing that it did exist, independent of mere usage. (2 Bos. and Pul. 172.)

be given to it, was nothing short of a direct spoliation of the rights of the clergy.—The next clause of the bill was much in the same spirit with the former. It related to that species of defence, against the claim of tithes, which consisted in shewing, that the land from which the tithes were demanded formerly belonged to one of the larger monasteries suppressed by the statute of Henry VIII. and entitled to an exemption from tithes on that ground. A defence of this kind depended on making out the proposition of fact, that the lands in question did belong to one of the suppressed monasteries. Now, it was notorious, in cases of this sort, generally speaking, that the land owner, if his defence were real and genuine, could adduce evidence, not perhaps demonstrative, but evidence upon which a jury would be authorized to find, that the land did belong to one of those monasteries. The archives of the court of augmentations, the proceedings under commissions, letters patent, and many other documents of a public nature, as well as the private conveyances from the parties who originally acquired the abbey lands from the crown, and other evidence of a documentary nature, were the sources of proof usually resorted to. Reputation might fairly be coupled with documents of this sort, and by these means a fair and rational conclusion, as to the identity of the lands as entitled to exemption, might be come to. Now, what was to be the new rule of evidence on this subject? Why, all historical traces and descriptions, all deductions of the title to the property were to be done away with. The occupier was not to be called upon to identify the possessions of any given monastery by any ordinary means of identification, but it was to be enough, if he brought forward a reputation, as far back as living memory extended, that the land belonged to one of the larger abbeys. Now, what was this, but to allow the most wild and vague rumour to ascribe to a monastery the possession of any particular estate, without any one link or circumstance of title, or connection, direct or indirect? Here again bare and naked assertion was to be substituted in the place of historical evidence. Upon the next clause in the bill he would make a few observations; it related to cases of commutations entered into by an incumbent, by which he took land in lieu of tithes. Bargains of this kind had been constantly treated by the courts of law as not binding in the successor, and he conceived the principle of allowing the successor to annul transactions of this kind to be so obvious, that it required no reasoning to support it. He said, many instances had occurred, in which a clergyman had been induced, or perhaps compelled, to take a scrap of land, in lieu of the most valuable tithes. It was true, that when a subsequent incumbent re-claimed the tithes, a difficulty sometimes occurred with respect to the restitution of the land given as an equivalent; for, it was difficult to find out who was entitled to the land, or, sometimes, the parties entitled to it were so numerous, that, practically speaking, there was no one to take it back again. Under those circumstances it undoubtedly sometimes occurred, that the clergyman re-possessed himself of the tithes in kind, and also retained the land given as an equivalent. Upon this subject he could only say, that he would willingly concur in passing a bill adapted to particular cases of that sort, in order to compel the land to be given up to the poor of the parish, or in any other mode, to be devested out of the clergyman. And, indeed, among the various and extensive provisions of the bill, this single point was the only one in which he could give it his concurrence.—There was another part of the bill which he could not refrain from adverting to. Upon every other subject of property and title, upon every other subject of civil right, certain rules of allegation and pleading were laid down, to which it was necessary to conform. And the rules of pleading had not imposed any peculiar hardship on those who set up a defence against claims to tithes. But the law in this respect was founded on general principles, applying indiscriminately. But when he looked into this bill, he found a most remarkable and extraordinary innovation. The bill went almost the length of saying, that, in setting up a defence against tithes, the party was to be absolved from all rules whatsoever. Now, if these rules were founded in good sense upon every other occasion, why were they to be considered as operating too strictly on this particular subject? Before he sat down, he would notice an argument of a general nature urged by his hon. and learned friend opposite (Sir S. Romilly) who seemed to think, that purchasers of landed property were often exposed to loss, in consequence of latent and unexpected demands to tithe being brought forward. He, however, differed with him in that respect. Whenever property was sold as tithe-free, it was always sold at a much higher price, and the exemption from tithe was always presumed by the purchaser to be most strictly made out. But, if land was not sold with that guarantee, the purchaser took it at a less price, and subject to all contingencies. It was not often that the purchaser was injured. The learned gentleman concluded with declaring, that he had now attained considerable experience in the law of tithes—that he could safely assert, that he had rarely known any fair, genuine, and well-founded defence, either by way of modus, or composition real, or by way of discharge as abbey land, or upon any other legal and regular ground of exemption or discharge, fail or miscarry. If he had thought that the law, as it stood, prevented a good defence, when in reality there existed one, and intercepted or obstructed its success; he should have been ready to consent to new-model the law of tithes. But, being convinced as he was, that the operation of this bill would be to give validity to every bad and fictitious defence, and destroy the undoubted rights of the church, he could consider it as little less than a bill of direct deprivation, under the colour of a bill to amend

the law, and should give his most cordial support to the motion of his right hon. friend.

Mr. *Smyth* said, he could not give his assent to the bill. He had stated, when it was introduced, that he thought there were some difficulties on the subject, which it might be impossible to overcome, and he was satisfied, from the speeches of the right hon. gentleman (Sir W. Scott) and of the hon. and learned gentleman who had just sat down, that those difficulties could not be surmounted. The provisions of the bill were of a most injurious nature, as they tended to invade the rights of the church, which ought to be sacred, and, therefore, he felt it his duty to oppose the second reading.

Mr. *Curwen* rose to reply. He said, he was far from being satisfied by what had been advanced on the other side, that the house ought not to go into a committee on this bill. The principle of the measure was not at all affected by the abandonment of the first clause. The principle which pervaded the other clauses was, to assimilate the law of tithes to that of every other property; and he had not heard any thing to convince him, that the claims of the church, or of the lay impropriator, ought not to be limited. The right hon. gentleman (Sir W. Scott) had rejected every kind of limitation; but it should be remembered, that the clergy had been secured in the quiet possession of their property by the acts which limited the dormant claims of the crown *; and was it too much now to ask, that the land-owner should be secured against similar claims on the part of the church? Against limiting the claims of the lay impropriator, no satisfactory reasons had been urged. The hon. and learned gentleman (Mr. Wetherell) had said, that no one judge, in any court, or upon any occasion, had ever suggested the most distant idea of the unfairness or hardship of those principles or those rules by which the law of tithes was governed. When he moved for leave to introduce the bill, he had cited several cases to shew, that the greatest law authorities had, at different times, expressed dissatisfaction at the doctrine laid down in the case of the corporation of Bury *v.* Evans, that nothing should be presumed against a lay, any more than against an ecclesiastical rector †; and those authorities had not been weakened by any thing that had been said by the hon. and learned gentleman. The hon. and learned gentleman had borrowed an expression of Mr. Burke, and had been pleased to add, that this measure was a direct spoliation of the rights of the clergy. He was surprised, however, that the hon. and learned gentleman had forgotten, that Mr. Burke, who was certainly no enemy to the establishment, had strongly supported the motion which was made in that house in 1772, for leave to bring in a bill, for quieting the people against the dormant claims of the church ‡. It was a great mistake to say, that any injustice was intended to be done, either to the church or to the lay impropriator. The sole object of the bill

* The first act that limited the claims of the crown was the 21 James I. c. 2. Lord Coke (3 Instit. 188,) says, " Before the making of this statute, in respect of that ancient prerogative of the crown, that *nullum tempus occurrit regi*, the titles of the king were not restrained to any limitation of time: for that no statute of limitation that ever was made, did ever limit the title of the king to any manors, lands, tenements, or hereditaments, to any certain time. *And where many records and other muniments, making good the estate and interest of the subject, either by abuse or negligence of officers by devouring time, were not to be found;* by means whereof, certain indigne and indigent persons prying into many ancient titles of the crown, and into some of later time, concerning the possessions of divers and sundry bishopricks, dean and chapters, and the late monasteries, chauntries, &c. of persons attainted, and the like, have passed surreptitiously in letters patent, oftentimes under obscure and general words, the mannors, lands, tenements, and hereditaments of long time enjoyed by the subjects of this realm, *as well ecclesiastical as temporall*: now to limit the crown to some certain time, to the end, that all the subjects of this realme, their heirs and successors, may quietly have, hold, and enjoy, all and singular mannors, lands, tenements, and hereditaments, which they, their ancestors, or predecessors, or any other, by, from, or under whom they claime, have of long time enjoyed; this act was made and named from the house of commons, the body whereof consisteth of three parts. The first part is negative, and exclusive of the right and title of the king; the second part is affirmative, and establishing the estate of the subject; the third part secures the subject against the subject, viz. against patentees and grantees of concealments, defective titles or lands not in charge, and all claiming under them. A beneficial law, *both for the church and commonwealth*, in respect of the multitude of letters patent, and grants of these natures and qualities, and many of them of large extents and in generall words, and had passed through the hands of many indigent and needy persons, &c." And, in folio 191, he says, " Of the benefit of this act, the poor doe participate as well as the rich; for hereby (amongst other things) above an hundred lay hospitals, having had priests within them in those days to pray and sing for souls, &c. (if need were) are established against all vexations, and pretences of concealment."

By this act, the king was disabled from claiming any manors, lands, or hereditaments, except liberties and franchises, under a title accrued 60 years *before the beginning of the then session of parliament*, unless within that time there had been a possession under such title. But the efflux of time rendering this provision continually more ineffectual, the 9th of George III. c. 16, introduced one of a permanent kind, by limiting the king to 60 years *before the commencement of the suit, or proceeding for recovery* of the estate claimed.

† See page 500.

‡ On the 17th of Feb. 1772, a motion was made by Mr. Henry Seymour, for leave to bring in a bill, "for quieting the subjects of this realm against the dormant claims of the church." The debate which followed is well summed up in the Annual Register. "A motion was soon after made, for leave to bring in a bill to quiet the possessions of the subject against dormant claims of the church. Many arguments were brought upon this occasion, to shew, that a limitation of this nature was as necessary with respect to the church, as it had been in regard to the crown; and that there was no more reason why the people

was, to make the decisions of our courts consistent with the general rules of law; and for that purpose, he hoped that the house would consent to go into a committee, when such alterations could be made in the enactments, and such periods of limitation fixed, as might be deemed most just and reasonable.

Mr. *Brougham* said, he admitted that the rights of the church ought to be sacred, that is, they ought to be as sacred as those of other property, but, he denied, that they ought to be more sacred. The rights of individuals ought to be respected; but, how often had the legislature interfered with them, for the benefit of the community? It possessed the same power over the rights of the church. To shew that this power had been exercised in every part of the empire, he referred to the act of the Irish parliament, brought in by the noble lord opposite (Lord Castlereagh) which abolished the tithe of agistment:—to the act of Charles I. who, on coming to the crown of Scotland, carried through a measure for the universal abolition of tithes in that country;—and to the acts passed in England, in the reign of Edward VI. for exempting newly-cultivated land from tithe, for seven years: in the reign of William III. for fixing the tithe of hemp and flax at a certain small sum; and, in the reign of Geo. II. for exempting madder from tithe. In all those instances, the legislature had interfered with the rights of the church, for the sake of the public good. Why, then, should not the property of the church be left to the same legal protection which was deemed sufficient for every other right? By the 32 Henry VIII. an undisturbed possession of sixty years gave a title against all the world; and, by the 9th of George III. the claims of the crown were limited to the same period. But, in the case of the church, where a modus was set up as a defence to a demand for tithes, the land-owner must go back to a period of six hundred years *. He contended, that the claims of the church ought to be limited to a shorter period, in order that the laity might be secured in the quiet possession of their property. The gentlemen opposite seemed to forget, that the clergy were the first to oppose the maxim, that *nullum tempus occurrit regi*, and, accordingly, in the 39th of Elizabeth, an act

should be disturbed in their possessions under the plea of immemorial time of the one, than under the *nullum tempus* power of the other. That the church now stood single, acting against the lay subjects of the crown, and superior, in point of law claims, to the crown itself, and that every subject in this free country should be put upon the same footing, in point of common law. Instances were pointed out of the heavy grievances that attended the revival of these dormant and obsolete claims; and one in particular, of a gentleman then present, whose family were losers to the amount of 120,000*l*. by a bishop's reviving a claim of this nature, though they had been in quiet possession of the estate in question above an hundred years.

"On the other hand it was said, that this power of reviving claims was absolutely necessary to the church, to preserve her from those encroachments, which the laity were always willing, if not endeavouring, to make upon her, that she had been sufficiently stripped at the Reformation; and that as our forefathers then saw the necessity of what was left being for ever secured to her, they for that purpose ordered that no length of time should be a bar to her claims. That the effects of this bill would fall particularly upon, and be peculiarly injurious to the poorer clergy, who were frequently unable to defend their rights, against the combination of rich farmers and the oppressions of their great neighbours; that the peculiar situation and quick succession of incumbents, made them particularly liable to suffer encroachments, and that it would be very hard, that the weakness or inability of the present possessor should deprive his successors of their property, and of the only means they had of support. That the *nullum tempus* claimed by the crown, was an engine in the hands of the strong to oppress the weak; but that the *nullum tempus* of the church, was a defence to the weak against the strong.

"It was replied on the other side, that most of these objections were guarded against by the provisions of the bill, in which the limitation is considerably extended in favour of the clergy, and a period of three incumbencies added to the sixty years which are allowed to the crown in the same case; that the gentleman who moved for the bill, and those who supported it, wished, and were ready, to admit of any further ease or advantage to the poor parochial clergy that could be pointed out, and that did not strike at the principles of the bill; and that the first of these had already made his proposal to the two metropolitans, and desired their lordships' assistance in it. But that, in fact, the poor clergy were only the mask upon this occasion to screen the rich; that poverty was used as an instrument to protect riches, and necessity employed, to guard and defend luxury and superfluity. The motion was opposed by the whole force of administration, and it was much complained of, that a bill brought in upon public grounds, and apparently for the public benefit, should not be allowed a reading. The majority, however, was not so great as might have been expected the numbers being 117 to 141, who opposed the question."—The Lord Advocate of Scotland gave as a reason in favour of the bill, though he voted against it, "that a law of a similar nature had passed in Scotland, and that the whole kingdom, clergy as well as laity, found the very best effects from it."—It may be proper to mention here, that the clergy in Scotland receive no tithes, but are paid certain fixed sums by the possessors of church lands. Their claims are not strictly speaking, limited to any period of prescription, but are subjected to the discretion of the court of session, constituted by the act alluded to by the learned lord into a court of commissioners of *teinds*, or church claims. There is a further modification of those claims, by the right of all proprietors of church lands to have their lands valued by a regular process for that purpose, beyond which valuation no claim can at any period be set up by the church. The only subject of litigation with them therefore is, what is called a process of augmentation, that is, an action before the court of commissioners for an increase of stipend at the pleasure of the court, upon shewing that the actual stipend is less than the valued *teinds* in the parish.

* In Chapman v. Smith (2 Ves. 506) Lord Hardwicke, speaking of the time at which a modus must

was passed, "for the establishment of the bishoprick of Norwich, and the possessions of the same, against a certain pretended concealed title thereunto *." He denied that any innovations were intended on the property of the church. The clergy had gained much by lapse of time, and he did not wish to deprive them of what they had acquired. Formerly, and, indeed, down to the reign of Elizabeth, they were bound to provide for the poor out of their tithes. The act of 21 Henry VIII. c. 13. which regulated the residence of the clergy, was made, not only for the increase of devotion, and the good opinion of the laity towards spiritual persons, but also "for the maintenance of hospitality" and "the relief of poor people." But they were now exonerated, from the burthen of providing for the poor:—they were also released from the charge of repairing the whole fabric of the church, another condition on which they formerly held tithes, being now bound only to repair the chancel.—With respect to lay impropriators, there existed no reason whatever why they should not be subject to the same limitation which governed the property of all other persons; and, upon this point, at least, if on no other, the house ought to go into a committee.—Upon the whole, there was nothing in the principle of the bill either to injure, or alarm, the clergy. On the contrary, he most conscientiously believed, that an alteration of the present law of tithes would be most beneficial to them, as well as to the laity. It would put an end to those disputes and animosities which too frequently occurred between pastors and their parishioners; it would render the former more respectable in the eyes of the latter—harmony and peace would prevail between them—the one would be more useful and successful in their ministry—the other more sincere and religious in their conduct. (*Hear, hear.*)

Mr. *Peel* said, he assented to the proposition of the hon. and learned gentleman, that the property of the church was not more sacred than any other kind of property, considered in point of absolute security; but there were some peculiarities in it, which distinguished it above all secular property. The municipal laws of all countries had provided a decent maintenance for their clergy; ours had established this of tithes, and it ought not to be rashly or wantonly attacked. Tithes were due of common right, unless by special exemption, either by a real composition, or by custom or prescription. The courts of law had decided what evidence should be sufficient to prove this exemption, and the nature of that evidence could not be altered, without greatly endangering the rights of the church. It had been justly said, that a perpetual body with a perpetual duty ought to have a perpetual provision; but the hon. member's bill, to say the least of it, exposed their claims to a most unreasonable hazard. With this view of the subject, he felt it his duty to support the motion of his right hon. friend.

The house then divided on the question, "That the bill be now read a second time."

Ayes 15, Noes 42.

The bill was consequently lost †.

LONGITUDE AND NORTHERN PASSAGE BILL.] The house went into a committee on this bill.

Mr. *Croker* proposed, that the blanks regard-

be supposed to commence, says,—"which the law of England, by a pretty extraordinary stretch, and which, I believe, no other country does, makes from the transportation of king Richard I. to the holy land."—Sir W. Blackstone observes, that, "This rule was adopted, when by the stat. of Westm. 1. (3 Edw. 1. c. 39.) the reign of Richard I. was made the time of limitation in a writ of right. But, since by the sta'. 32 Hen. VIII. c. 2. this period (in a writ of right) hath been very rationally reduced to sixty years, it seems unaccountable, that the date of legal prescription, or memory, should continue to be reckoned from an æra so very antiquated." (2 Comm. 31.)

* See the observations of Lord Coke on this statute, in his 3d Instit. 191. In his 4th Instit. chap. Consistory Courts, &c. he has given the case of the bishop of Norwich at large.

† As the subject of tithes is very important both to those who receive and those who pay them, and as it has been recently ventilated from the press in a variety of shapes, the Editor will take the liberty of extracting a few passages from a writer, whose opinions on this matter were solicited by persons of the highest rank in church and state. The late Bishop Watson, in a letter to the Duke of Rutland, then Lord Lieutenant of Ireland, (Sept. 1786,) says, "It is of use to bear in mind the true principles of legislation, though it may not be always expedient to practise them. The clergy are hired by the state, and they are paid by tithes. When these tithes were first granted, there was but one sect of Christians, the Catholics. Whether the mode of paying the clergy, which was then established, was the best which could have been thought of, has been doubted by many. I think there was none preferable to it at that time; when all men were of the same religion, and when that religion had some hold on men's minds. The case is now much changed in both these points; a variety of sects have sprung up in England and Ireland, and religion itself is not so highly esteemed as it was formerly. Most men of fortune care little about religion, and they grudge the clergy what is due to them, by laws which were made long before they or any of their ancestors possessed the estates, which are now saddled with the incumbrance of tithes.—It does not become any legislature to give way, on principles of equity, to the demands of these men: they are as evidently founded on avarice and injustice as if all the copy-holders in the kingdom were to demand an exemption from the payment of the lords' rents, to which their estates have for many centuries been subject. But, on principles of utility, it may be expedient to sooth their prejudices, if their combination is a powerful one, by listening to any change which they may propose in the mode of paying the clergy; provided the change be grounded on a principle, which they will not readily admit, that the clergy be not plundered, and that the gentlemen who propose the change be not benefited by the plunder. —The other point, which respects the payment made by sectaries, has more difficulty in it; and it be-

ing rewards should be filled up by the same sums as in the preceding acts.—The resolution was agreed to, the house resumed, and the report was ordered to be received to-morrow.

HOUSE OF LORDS.

Tuesday, March 17.

ROYAL ASSENT.] The Royal Assent was given by commission to the indemnity bill, the mutiny bill, the mutiny act mistake bill, the marine mutiny bill, and the West Indies indemnity bill. The commissioners were the Lord Chancellor, the Earl of Shaftesbury, and Lord Melville.

GREENLAND FISHERY OATHS BILL.] This bill was read a second time, the commitment

comes perplexed indeed, when a great majority of a country is not of that sect which is established by government. The just principle is this: every man should contribute his due proportion to the maintenance of the ministers of religion, (for no state can subsist without some religion,) and a Christian state should allow a co-establishment of the different sects of Christians; that each individual might have an opportunity of frequenting his own place of worship, without being burdened by any additional payment to his own minister, exclusive of what he paid to the minister established by the state.—This co-establishment cannot, probably, take place in countries, which have been long accustomed to patronise one particular mode of worship, with a simple toleration of others, nor is there any injustice in its not taking place, whilst the majority of the persons of property in the country are of opinion, that it is more for the interests of the state to support one sect exclusively, than to support all sects promiscuously. The dissenters in England constitute, it has been said, a fourth part of the whole community; but they do not possess, I think, a fiftieth part of the property of the whole kingdom. Whether it would be advantageous to the state, that their ministers should be paid by the state, is a question on which I have had no occasion to form an opinion; but I am clear in this, that they suffer no injustice in paying tithes, because the lands, out of which the tithes issue, were subject to that payment ages before the name of a dissenter was heard of. They may as justly be compelled (not to frequent a place of worship which they dislike, that is quite another thing) to pay towards a religious establishment which they dislike, as your Grace and I, and many other good whigs, were compelled to contribute to the support of the American [illegible] h we reprobated from the first as impolitic [illegible] t. The minority in all such cases is rightly [illegible] l by the majority."—In a subsequent letter, the bishop says, "With respect to the subject of a commutation of tithes, I will state what I think just, and perhaps, expedient on that head. I am a friend to a commutation, because I am a friend to charity and good neighbourhood; I wish the commutation to be in land, because I would have the means of the clergy certain, and not dependent on the fluctuation in the value of money. The cry against tithes has not arisen from any extortion of the clergy, either in this kingdom or in Ireland; but it does now subsist in both countries, and it obstructs in both the Christian utility of the ministry, and on that account I wish to see the occasion of such obstruction removed. —The quantity of land which should be given in exchange I pretend not to ascertain. The clergy must be contented, in the present temper of the Irish, with what they can get: yet it ought to be so liberal a commutation, as will enable every parson to live creditably and hospitably in the midst of his parishioners. A proper provision being made for every minister, his residence should be made an *absolute condition* of his receiving it.—Pluralities and non-residence are scandals in the Christian church, as a church, and injurious to those interests of the state, for the promotion of which it is at the expense of maintaining a clergy.—One thing I beg to recommend to you, and it is an act of only pure justice—that none of the present clergy be compelled to accept the commutation. If an act is passed, let it take place, either in such cases, as the present incumbents shall of themselves desire, or as they shall severally die. There is no injustice in altering either the value of the benefice, or the mode of raising that value, when the property of the benefice reverts as it were to the state on the death of an incumbent; but there would be injustice in compelling the present incumbent of any church to accede to a change of property which he disliked.—In another place, the Bishop gives us the following information. "In January, 1799, I received from the Archbishop of Canterbury a paper which had been sent to him by Mr. Pitt, and was desired to deliver my opinion on the subject The paper contained a plan for the sale of the tithe of the country, on the same principle that the land-tax had been offered for sale in the preceding session of parliament. It was proposed, that the money arising from the sale of the tithe should be vested in the funds, in aid of public credit, and the clergy were to receive their income from the funds; the income, however, was not to be a fixed income which could never be augmented, but was to be so adjusted as, at different periods, to admit an increase according to the advance in the price of grain. This plan was not introduced into parliament; it met, I believe, with private opposition from the bishops, though I own it had my approbation; but that approbation was founded on very different principles from that of aiding public credit; I did not indeed clearly see how, if the full value was given for the tithe, that credit would be assisted thereby. I remember having said to Mr. Arthur Young on the occasion, that I for one never would give my consent, and that I thought the houses of parliament never would give theirs to the sale of the tithe, unless its full value was paid for it. "Then," said he, "there is an end of the whole business; for unless the people in the west, who are now most clamorous against tithe, are allowed to purchase at the price they now pay by composition, they will on their knees beg Mr. Pitt to let things continue as they are." I sent to the Archbishop the following observation on the proposed plan, to be communicated to Mr. Pitt:—

"The Bp. of Landaff is of opinion, that an income arising from the funds will neither be so permanently secure, nor so independent, as one arising from tithe.

"He is further of opinion, that the proposed change will much augment the influence of the Crown; which augmentation, he conceives, will be ultimately ruinous alike to the just prerogative of the Crown, and the liberty of the subject.

"Notwithstanding these distant and contingent dangers, he approves of the plan, on the ground of its tendency to amend the morals of the people, by extinguishing the discontents often subsisting between the clergy and their parishioners, on account of tithes, and on the principle of its promoting the agriculture of the kingdom.

negatived, and the bill ordered to be read a third time to-morrow.

HOUSE OF COMMONS.

Tuesday, March 17.

LONDON NEW PRISON.] Sir *James Shaw* presented a petition of the prisoners being freemen of the city of London, and others arrested therein, confined in the wards of Ludgate, Giltspur, and Poultry, in the debtors' prison for London in Whitecross street: setting forth, "That they are confined for debt in the debtors prison under writs issuing out of his majesty's courts of King's Bench, Common Pleas, and exchequer, and by process of the lord mayor's and sheriffs' courts, whereby they are excluded from the important and highly valued privilege of day rules during the four terms of court which enable the prisoners confined either in the King's Bench or Fleet Prison to personally communicate with their creditors in a much more efficient manner than can be done by letter or otherwise through the medium of attornies; and the petitioners most humbly beg leave to state to the house, that if in their wisdom they may be pleased to grant the same privilege to the prisoners, being freemen of the city of London and others arrested therein, confined in the prison of Whitecross street, they would then be enabled personally to wait upon their creditors, and make arrangements that would in many cases be highly advantageous to their creditors and productive of much happiness to the petitioners, their wives, families, and relatives; and they beg leave further to state to the house, that circumstances frequently occur to unfortunate debtors which require that a full statement of their affairs should be laid before a general meeting of their creditors by the debtor in person, and which the petitioners are prevented from doing, being deprived of the aid and benefit of day rules, and thereby accomplishing settlements which might prove highly satisfactory and beneficial to their creditors, and in many instances prevent their being obliged to have recourse to the benefit of the insolvent act, by explaining their misfortunes and awakening commiseration in the breasts of their creditors; the petitioners could urge other strong arguments in favour of the indulgence they most humbly solicit from the house, but they abstain therefrom, confining themselves solely to the interests of their creditors, on which grounds they most humbly pray that the house will be pleased to grant the privilege of day rules to the citizens of London and others confined in the prison of Whitecross street during the four terms of court, under such security and upon paying such fees to the sheriffs of London, or to such other authority, as the house in their wisdom may appoint, and as are now given and paid to the marshal of his majesty's prison of the King's Bench, or to the warden of his majesty's prison of the Fleet."—The petition was ordered to be printed, and to be referred to the committee on prisons of London and Southwark.

LONGITUDE AND NORTHERN PASSAGE BILL.] This bill was reported, and ordered to be read a third time to-morrow.

PARLIAMENTARY REFORM.] Mr. *Lambton* presented a petition from Newcastle-upon-Tyne, setting forth, "That the petitioners are ardent admirers of the British constitution, and of those principles of government which placed the house of Brunswick on the British throne, and therefore view with deep concern and regret any dilapidations of that fair fabric reared by the wisdom and virtue of their ancestors as the best means for preserving the natural, civil, and political rights of Britons; that the petitioners view with much concern the great waste of public money by useless sinecures, unnecessary places, unmerited pensions, and exorbitant salaries attached to offices executed by deputies, and also greatly deprecate the undue influence exercised

"He considers the particulars of the plan as well arranged in general; but he thinks that a *fair* valuation of the great and small tithes of each living should be made by proper commissioners; apprehending that the mode adopted, when enclosures are made, is not applicable to lands now in tillage, and destitute of commons.

"He does not see that the abolition of tithes, on the enclosures of commons, (*in futuro*), is taken into consideration.

"He wishes that some provision might be made for the recovery of tithes which are now due by law, though the right to them may not, for various reasons, have yet been prosecuted.

"He is desirous that the following points may be ascertained, before the measure is submitted to parliament:—

"1st, What number of parishes in the kingdom are now entirely exempted from the tithe of corn and hay?

"2d, In what number of parishes, subject to the aforementioned tithes, are the tithes in the possession of the parochial clergy?

"3d, In what number of parishes, subject to the afore-mentioned tithes, are the tithes in the possession of spiritual or lay corporations?"

I heard no more of this matter. If ever it is resumed, it will be proper to obtain accurate answers to the three questions here proposed, that it may appear how small a part of the grievance of tithes is attributable to the parochial clergy. In the answer to the petitions which were exhibited to parliament and Cromwell, for the taking away of tithes in 1652, it is said—"There are in England and Wales 9,725 parishes; and, though the one half of these rectories were not appropriated as to the number, yet certainly as to the yearly values, the ministers at this day have not one half of the profits of the tithes of corn and grain."

If acts of parliament for enclosing commons and open fields, go on for twenty years more, as they have done for twenty years past, the grievance of tithe will be almost wholly done away; as in these acts the lay and spiritual owners of tithes, generally acquiesce in receiving a portion of land in lieu of their right of tithe.—(See the life of Dr. Watson, written by himself, vol. 1. pp. 243. 256: vol. 2. p. 56.)

by placemen, pensioners, and sinecurists in the house, contrary to the constitution and to the express letter of the act of settlement for the limitation of the crown and better securing the rights and liberties of the subject; that the petitioners regard the suspension of the habeas corpus act as contrary not only to the British constitution, but to the legitimate end of all government, namely, to protect the people from wrong, and as depriving the subject of the benefit of those laws which are his rightful and most invaluable inheritance, by which alone his life, liberty, and property, are protected; that the petitioners have deeply to deplore the great abuse of the power exercised by his majesty's ministers during the late suspension of the constitution, by which many of his majesty's subjects have suffered much wrong, cruelty, and injustice, without even the ordinary forms of law, or any means whatever of redress; and the petitioners therefore pray that the house will be pleased to summon to their bar all persons however high in office, who may have been guilty of such wanton abuse of power, and of such flagrant injustice and cruelty, that they may suffer the punishment due to their enormous crimes; that the petitioners know of no other remedy for the complicated evils which the nation suffers, and the wrongs to which they are constantly exposed, than a full, fair, and free representation of the people in parliament co-extensive at least with direct taxation; they therefore pray, that in order to secure these important purposes, the house will without delay pass a law to this effect."—Ordered to lie on the table, and to be printed.

Mr. Alderman *Wood* presented a petition from Rochdale, in the county of Lancaster, setting forth, "That the petitioners, deeply impressed with the evils that have resulted, and the ruin that threatens to follow, from the injurious state of the representation of the people, intreat an early attention to the question of parliamentary reform; a great proportion, perhaps a majority of the house, so far from being the representatives of the people, are notoriously known to represent the interests of wealthy peers or trading borough-holders, or to have purchased seats in the house for the express purpose of disposing of them to the best advantage to the ministry of the day: such a state of pollution has entailed upon this injured country all the mischiefs attendant upon a state of corruption so gross; and being firmly convinced a radical reform in the representation, a recurrence to annual parliaments, and the adoption of universal suffrage, are the only means of preventing a fatal revolution, they ask from the wisdom of the house those measures which can alone restore the confidence and secure the tranquillity of the nation; the petitioners further entreat the house not to suffer any bill of indemnity to pass by which his majesty's ministers may be screened from the legal consequences of their injustice, because, if they have done right, let them face inquiry, and depend upon their integrity and the attachment of their country; but, if they have done wrong, if they have violated the constitution, if they have insulted the sacred rights of their countrymen, if they have thirsted for blood and shed it in indecent triumph, let them be amenable to the still remaining laws, and, as well as the people, be answerable to God and man for their conduct."—Ordered to lie on the table, and to be printed.

Sir *Francis Burdett* presented a petition of inhabitants of St. Matthew, Bethnal-Green; also, two petitions of inhabitants of Newcastle-upon-Tyne; also, six petitions of inhabitants of Ashton-under-Line; also, of inhabitants of Sheffield; also, twenty-five petitions of inhabitants of Burslem, in the Staffordshire Potteries; also, of inhabitants of Marksbury; also, fifteen petitions of inhabitants of the county of Middlesex; praying for a reform of parliament.—They were ordered to lie upon the table.

RIGHT OF VISITING PRISONS.] Lord *Folkestone* observed, that, pursuant to notice, he rose to move for leave to bring in a bill to remove certain doubts, supposed to exist, as to the right of magistrates to visit common or county gaols, under the act of the 31st of the present king. Whether it might be thought by some, that such a power should exist in the magistracy—whether it might be thought, by others, that such power should not exist, or whether it should exist in some cases, and not in others; all, he should suppose, would agree as to the propriety of having the law on the subject clear and explicit, and no longer capable of doubtful or forced interpretation. As the object of his motion was to settle the question, he could not expect any opposition. Certainly, the bill which he should feel it his duty to introduce, would give to the magistracy of the county the right to visit common gaols. But if the gentlemen opposite did not wish to afford that right, or wished to limit its exercise in certain cases, it would be open to them in the committee to submit enactments to those purposes. That doubts now existed on the subject was undeniable, and his great object was to put an end to them. The house would recollect, that, on the 18th of June, in the last session, he submitted a motion to their consideration, relative to the refusal given to the magistrates of Berkshire, who wished to visit the county gaol. (See Vol. 1. p. 1436.) That motion having been refused, he had preferred an indictment against the gaoler of Reading. The verdict of a jury had since acquitted him *. The whole question depended on the construction of the act of the 31st of the king, which was intituled, "An act for the better regulating of county gaols and other places of confinement." Some of the clauses of this act, referred to houses of correction and penitentiaries; but the fifth section enacted, "that certain justices of the peace, appointed

* See the Report of the Trial in the note at the end of this debate.

by the general or quarter sessions, *shall*, either together or singly, personally visit and inspect both the common gaols and other the houses of correction or other places of confinement, at least three times in each quarter of the year, and oftener if occasion shall require, and *shall* examine into the state of the buildings, and the behaviour and conduct of the respective officers, and the treatment and condition of the prisoners; and furthermore shall, at any general or quarter sessions, make a report in writing of the state and condition of the same, and of all abuses which may occur to their observation; and the chairman of the said sessions is hereby required to call upon the said visitors for such report." It is moreover in the same section expressly declared, that "It shall be lawful for every justice of the peace for such county, riding, or division, of his own accord, and without being appointed a visitor, to enter into and examine the same at such time or times, and as often as he shall think fit, and if he shall discover any abuses therein, he is required to report them in writing at the next general or quarter sessions of the peace." By the first part of this clause, it appeared to him, that the law was express, and not only gave permission, but rendered it imperative upon magistrates to visit the prisoners. There was no exception as to state prisoners: it was a general imperative direction, that they *shall* visit the gaols, and inquire into the state of the prisoners. The second part of the clause was not imperative, but it authorized magistrates to enter into gaols, and examine into the treatment of the prisoners. With respect to that verdict, having himself attended most minutely to the trial, he must say, that if the charge of the judge who presided, did not actually direct, it bore so strong to the one side as to lead to the acquittal of the defendant. He felt that he should not have done his duty, if he had not complained of what fully and solemnly struck him as the partiality of the judge, not a personal partiality, but a marked partiality to one side of the question. This impression of his conduct, he felt at the time—he felt it the stronger the more he considered it, as being demonstrated in the whole of the summing up. Though it was a question, on each side of which, it appeared to him, a great deal might be advanced—though it was a subject the most removed from any very decisive opinion, yet it was remarkable, that the learned judge who tried it, who confessedly had turned his attention to it, and consulted authorities, could not find any one argument, but what bore on the one side. He verily believed, that on any question where the government was the one party, and himself the other, he should not stand a chance of a verdict. If this act did not apply to common or county gaols, why did the legislature pass it? If these prisons were excluded, the act was wholly unnecessary. By the 24th of George II. and the 19th of George III. houses of correction and other prisons of that character, were open to the visiting magistrates—so that, as applicable to them, it was not wanting. At the late trial, the lieutenant of the tower was brought forward, with his portmanteau stuffed with warrants, from the year 1660 down to 1817, for the sole purpose of establishing the interpretation to be put on the terms, safe and close custody. He (Lord F.) denied the propriety of the interpretation that had been put on those words. In the common acceptation of the English language, the word close did not bear the meaning of solitary *. From the year 1791 down to the present time, the magistrates had always visited the prisons; and, indeed, under the recent suspension, in various other counties, no such obstruction as was given to the Berkshire magistrates, had taken place. But, even if the usage had

* Neither does it bear that meaning in our ancient writers. Solitary confinement was unknown to the old laws of England. When a person was committed to prison for an offence that was not bailable, or he could not find bail, he was committed, there to remain, *sub salvâ et arctâ custodiâ*, till delivered by due course of law. Those words by no means justified solitary imprisonment. He was *in salvâ custodiâ*, while he continued in the custody of the gaoler, and he was *in arctâ custodiâ*, while he was within the four walls of the prison. Still less did those words justify a gaoler in fettering a prisoner, unless he was unruly, or had attempted to escape. The following is the humane language of our ancient law givers: "*Custodes pœnam sibi commissorum non augeant, nec eos torqueant; sed omni sævitia remota, pietateque adhibita, judicia debite exequantur.* (Flet. lib. 1. c. 26.)—Lord Coke, in his 3d Institute, fo. 34, says, "It is now necessary to be known, how prisoners (to speak once for all) committed for *treason*, or *any other* offence ought to be demeaned in prison. Bracton (lib. 3. fol. 105.) saith, *Solent præsides in carcere continendos damnare, ut in vinculis contineantur, sed hujusmodi interdicta sunt à lege, quia carcer ad continendos, non ad puniendos haberi debeat.*" Fleta says, (lib. 1. c. 26.) "*Omnes autem attachiabiles licet vicecomiti in prisona custodire, &c. non tamen ad puniend', sed ad custodiend', &c.*" The Mirror of Justices says (c. 5. s 1,) "*It is an abuse that prisoners be charged with irons, or put to any pain before they be attainted.*" So far Lord Coke. It may be proper, however, to cite the Mirror more fully. The author says, "And because it is forbidden that none be pained before judgment, the law requireth, that none be put amongst vermin, or in any horrible nor dangerous place, nor in any other pain; but it is lawful for gaolers to fetter those they doubt, so as the fetters weigh no more than 12 ounces for those who are outrageous, violent, &c."—In the 3d Inst. fol. 52. Lord Coke says "If a prisoner by the dures of the gaoler, cometh to untimely death, this is murder in the gaoler, and the law implieth malice in respect of the cruelty. And this is the cause, that if any man dieth in prison, the coroner ought to sit upon his body, to the end it may be inquired of, whether he came to his death by the dures of the gaoler or otherwise." And, again, in folio 91, he says, "If the jayler keep the prisoner more straitly than he ought of right, whereof the prisoner dyeth, this is felony in the jayler by the common law. And this is the cause, (as before hath been said) that if a prisoner die in prison, the coroner ought to sit upon him."

anciently been different, as was endeavoured to be established by the production of the warrants, the statute of the 7th of William III. c. 3. which allowed the benefit of counsel to persons charged with high treason, and provided free access for them to the prisoners, had overthrown it. The act of the 31st of the king had violated that usage still further, by extending the power of access to the visiting magistrates. The house would recollect, that this act was the first of a series of laws introduced at a time when the attention of parliament was more directed, than it formerly had been, to the correction of abuses in prisons. Should it now deprive the magistrates of the right of inspecting gaols, they would become nurseries of crime and oppression. The noble lord concluded with moving, "That leave be given to bring in a bill for removing doubts, whether Magistrates may visit Common or County Gaols, not being houses of Correction."

The *Attorney-General* expressed the astonishment which he had felt at hearing the noble lord, in the House of Commons, accuse, in plain terms, the learned judge who had tried the cause in question, of partiality. It was impossible that any man, exercising the functions of that high office in the state, could have a more serious charge brought against him, for it implied every thing that was base and unworthy. If an individual, who had sworn to administer the law with strict impartiality, lent himself to any purpose, political or otherwise, he did that which ought to subject him to universal reprobation. Although he (the Attorney-general) was not present at the trial, he had the most accurate information of all that had passed; of the patient and laborious attention, without any interruption on the part of the judge, to the learned and ingenious, though fallacious statement of the noble lord's counsel, and to the evidence in every point of the noble lord himself, as well as of the patient and laborious attention which he gave to the statement on the part of the defendant. And this last he supposed the noble lord would not deny, that the learned judge was bound more especially to do, when a man was charged with a crime (whether by the noble lord or any one else) who had (he spoke it parenthetically) been punished already on *ex-parte* evidence, by the magistrates of the county in which he was faithfully discharging the duties of his station. If ever there was an individual entitled to call on a learned judge for protection from the prejudices excited against him, the defendant was assuredly the man. When, therefore, the noble lord vented a charge of partiality against a learned judge, let him not be quite sure that he himself, at two successive quarter sessions, did not exhibit great bias, partiality and prejudice; more especially when he and the other magistrates voted this person guilty before he was tried—a person placed undoubtedly in a situation of the greatest embarrassment and difficulty, having the whole—no, that would be an unjust accusation against the magistracy of Berkshire, but a large portion of the magistrates of that county pressing him on one side, and the orders of the sheriff, and the directions of the secretary of state, pressing him on the other—a person, too (he was sure there was no one who could contradict the assertion), who, from the first moment of his appointment to the situation which he held, and during the whole of his previous life, had borne the highest character, and who, in the exercise of the functions of his office, had never been exceeded by any of his predecessors in his claims to the approbation of his superiors, to the respect of his equals, and to the gratitude of the unfortunate individuals who were committed to his custody. So far, however, was the learned judge from having manifested any partiality towards the defendant in this case, that if he (the Attorney-general) might presume to find any fault with his conduct, it was, that he had not stated the law quite so strongly against the prosecution, as, in his humble judgment, would have been warranted.—The house would suppose, from the statement of the noble lord, that the question was, whether or not the magistrates (visiting or other) had the right of entering the gaol of Reading, for the purpose of visiting it? No such thing. The noble lord himself had visited it; and was told that he might visit it again. That, however, was not his object. His object was, to see if he had a right to hold communication with the state prisoners confined there. Although he (the Attorney-general) admitted, that the statute of the 31st of the King was in some respects strangely constructed, yet, in his humble opinion, there was not the slightest doubt, that the clause in question had nothing like the meaning attached to it by the noble lord; nor was such a construction ever put upon it until the noble lord's time. If, indeed, it was actually liable to such a construction, instead of opposing the noble lord's motion, he should feel it his duty to move for leave to bring in a bill to repeal the act. What! was it possible to suppose, that this or any other statute gave to any and all the magistrates the right of entering the King's gaols, and holding communication, when and how they pleased, with the prisoners confined in those gaols on charges of high treason? That all these common gaols were the King's, for the benefit of the state, was established or rather recognised (for the establishment was too remote to be traced) by the earliest statutes. The sheriffs having been for a time dispossessed of their ward of these gaols, the statute of the 14th of Edward III. c. 10. restored things to their ancient footing. In the 19th of Henry VII. another statute of a similar description was passed, in which those gaols were expressly termed the "King's gaols." What evils might not result from admitting the interpretation given by the noble lord to the statute of the 31st of the

King? There had been, and there might again be, times of treason and rebellion, in which, on the question of a disputed succession, or, on other topics, there might be a very divided opinion among the better orders of the community. What would be the consequence, if the whole of the means which the law had provided for the custody of persons accused of high treason, were, in such times, to be beaten down? By the existing statute, the magistrates had power to visit the gaols, in order to see that they were in good repair and well conducted, and nothing further, and by no means to hold such communications as those to which the noble lord imagined they were entitled. The ancient warrants for commitment to gaols, in the difference of terms which they exhibited, proved the distinction between persons imprisoned for other crimes, and persons imprisoned for high treason. In the one, they were ordered to be kept safe, in the other to be kept close. Even in modern times, so lately as 1794 or 1796 (he did not remember which) a person was committed by the Court of King's Bench on a charge of high treason and other offences, and the warrant directed, that he should be kept safe and close, as to the treason with which he was charged; and as to the other matters with which he was charged, that he should be kept safe. The object of this close confinement was, to cut off that communication with others, which might promote the purposes of a conspiracy detrimental to the state. In 1722, Christopher Layer, Esq. was confined for high treason in the Tower. Lord Chief Justice Pratt then made a rule, that Mr. Layer's wife should be admitted to see him, but all other persons were excluded, without an express order from the gaoler; and the prisoner was kept in irons *. He humbly contended—nay, he confidently contended, that, in the case of Eastaff, the learned judge was perfectly right in his construction of the law. Were he not so, the statute ought to be repealed. He had the highest respect for the magistracy of the country. He was perfectly aware of the importance of their duties, and of the exemplary manner in which those duties were generally discharged. But to say, that because a man happened to be in the commission of the peace, he had, therefore, a right to do that which would be destructive of the prerogative of the crown, and dangerous to the safety of the state, was to advance a proposition which never ought to be, and he was persuaded never would be, listened to by parliament. The noble lord had said, that, previous to the statute of the 31st of the King, there were statutes empowering the magistrates to visit the gaols. Yes; but for what purpose? One statute gave the magistrates the power of whitewashing the gaols once

* It is true, that irons were put upon Mr. Layer during his imprisonment in the Tower, and that he was brought into court, under a guard, and in irons. It appears, however, that when he was first arrested, he not only attempted to escape, but actually escaped: he got out of a window, two pair of stairs high, and from thence over the water into Southwark. Under those circumstances, the use of irons by the lieutenant of the Tower might be warrantable. When he was brought into court to be arraigned, his counsel moved, that the irons should be taken off, and cited Lord Coke, in his 3d Instit. fol. 34 who says, that "when prisoners come in judgment to answer, they shall be out of irons, and all manner of bonds, that their pain may not take away their reason, nor constrain them to answer, but at their free will." The chief justice, however, (Sir John Pratt) made a distinction between the time of arraignment, and the time of trial; and, as the prisoner had escaped after he was taken, his lordship would not suffer the irons to be taken off. But, on a future day, when he was brought up to be tried, his counsel desired, that the irons might be taken off. The chief justice said, "The irons must be taken off, we will not stir till the irons are taken off:—they should have been taken off before he came to the bar." The attorney-general (Sir Robert Raymond) said, "There was direction given for their being taken off before; how they came not to be taken off, I cannot tell."—There is nothing, therefore, in this case, to impugn the principle, stated in the note, page 1109, that prisoners are not to be charged with irons before they are attainted. The special circumstances of this case made it an exception to the general rule. In a later case, reported by Sir James Burrow, it appears that three prisoners (Rogers, Matthews, and King) were kept chained during the trial of issues concerning their identities; but, in that case, the prisoners had been capitally convicted for felonies in robbing on the highway, and received sentence of death; and while they were in custody upon those convictions, they murdered their keeper, and then broke out of their prison, and were during a considerable time a terror to the neighbouring country. However, while the issue in the case of one prisoner was tried, the two other prisoners were permitted to sit down.—Upon the whole, then, it appears, that, in no case whatever, except where the prisoner has attempted to escape, or has become violent and ungovernable, is a gaoler justified in putting irons upon him; and if irons be put on, where none of those circumstances seem to warrant them, it is conceived, that the gaoler would be answerable. Lord Coke says, that if a gaoler keep a prisoner more straitly than he ought of right, and the prisoner dieth, this is murder, and the law implieth malice in respect of the cruelty. It should seem to follow, that if a gaoler puts on irons, where he ought not, he is responsible for such treatment. The law, in that case, must also imply malice. Irons are a species of torture, and Lord Coke says, (3d Inst. fol. 35.) "there is no law to warrant tortures in this land; and, accordingly, all our ancient authors are against any paine or torment to be put or inflicted upon the prisoner before attainder. And there is no one opinion in our books, or judicial record (that we have seen and remember) for the maintenance of tortures or torments, &c."—Lord Chancellor King said, when a gaoler applied to be allowed to put a prisoner in irons for security,—"No, the law does not permit a man to be punished before he is condemned—you have no right to put him in irons; make your walls higher, if it be necessary to secure him."

a-year. Another gave them the power of repairing them. But could any man contend, that such statutes vested in the magistrates the power of destroying the prerogative possessed by the crown, of keeping prisoners charged with high treason, in the way specified in the warrants for their apprehension? He objected to the bill proposed by the noble lord on two grounds. If it were meant to say, that there were any doubts as to the right of the magistrates to visit the gaols, for the limited purposes which he had described, he denied that there was the slightest foundation for those doubts, and, in that point of view, therefore, the bill was unnecessary. If it were intended to carry the measure a jot farther, and to say, that the magistrates should be allowed to do what the noble lord tried to do, the bill would be most detrimental. He wished to call to the noble lord's recollection, that the unfortunate defendant in the cause about which so much had been said (for unfortunate he must call him, standing in the predicament in which he had been placed), had told the noble lord, that if he would converse with the prisoners in his presence, he would not refuse to allow him to do so. On this, however, the noble lord himself called to that person's recollection the orders he had received, not to admit the magistrates generally; and he then receded from his offer. Why did he state this? To shew that the noble lord's object (it might be a meritorious object in his own opinion) was not to exercise the power which was actually vested in the magistrates by the statute of visiting the gaols, for the purposes therein distinctly specified; but to assert the right of the magistrates to destroy the prerogative of the crown, to keep in safe custody persons charged with high treason *—to assert the right of the magistrates to access, intercourse, and communication with persons so committed to safe custody; a construction of the statute of which, until the noble lord fancied that it bore it, no one had ever thought it capable, or, at least, had ever acted as if he thought so. He should therefore oppose the introduction of the noble lord's bill.

Mr. *Sturges Bourne* said, that after the able speech of the hon. and learned gentleman, he would not argue the law of the case; but confine himself to the statement of a few facts. The noble lord, it appeared, went to the gaol at Reading, with a view to gain admission to the state prisoners, and, having been refused admission, he indicted the gaoler. But the noble lord had not told the house a circumstance, which, if true, was a most important feature in the case. And here he would observe, that this was the first time since he had sat in that house, that he had heard an attack on a learned judge, not in the shape of a charge which that learned judge could answer, but in a speech which he could not answer, imputing to him direct and gross partiality, nay, the noble lord had declared that in any cause in which he was one party, and government were the other party, he was convinced that, whatever might be the merits of the case, the verdict would be given against him. Now, when such an accusation was preferred against an individual filling so high an office in the state, it was worth while to inquire whether or not the accuser himself stood on fair grounds. The noble lord had not stated what, he understood, had occurred, although he could not believe it—namely, that at the quarter sessions for Berkshire, the noble lord persuaded the majority of the magistrates to punish a man, first by turning him out of the office which he held, and then to bring a prosecution against him. Nor was that all. He had been told, that the noble lord and his associates were not content with the usual publication of the resolutions of the quarter sessions, with the names of the magistrates passing them; but, while the trial of the individual in question was pending, they caused the resolutions of the magistrates of Berkshire, pronouncing him guilty of the charge on which he was about to be tried, to be published in the county newspaper. Nor was that all. He had been told, that to those resolutions were attached, not only the names of seventeen magistrates who voted for them, but the names of thirteen other magistrates who voted against them; and this, he repeated, pending the trial of the person charged. He hoped the noble lord would say, that he had been misinformed, and that all this was not so; for, he must declare, that so complete an instance of partial and prejudiced proceedings no man ought to believe, unless it were stated in that house, and not contradicted. If, however, it should turn out, that such had actually been the case; if the noble lord had really been a party to the acts which he had described; the noble lord might make what speeches he pleased in that house on the subject of liberty, but his conduct would be a complete answer to them all.

Sir *F. Burdett* said, he was not well acquainted

* On the 23d of December, 1678, the commons brought up an impeachment against lord Danby for high treason. On the 27th, the lords proposed three questions to the judges:

1. Whether the judges do not always commit, or take bail, upon an accusation, in due form, of misprision of treason? To which the lord chief justice gave the unanimous answer from all the judges, "That the court of king's bench, upon an accusation of misprision of treason, do always commit, or take bail, as they think fit."

2. Whether, if any person shall be indicted by a grand jury of misprision of treason, the judges are not in justice obliged to commit him, without taking bail?—To which they answered unanimously, "That the court of king's bench may bail him."

3. Whether the judges can bail any person, in case of misprision of treason, wherein the king's life is concerned? To which they severally answered, "That the court of king's bench may take bail for high treason of any kind, if they see cause."

The lords then refused to commit lord Danby.

with the merits of the case, but he would offer a few words on the question. As to what had fallen from the hon. gentleman who had just animadverted so freely on his noble friend, he had no doubt, that when his noble friend came to reply, he would answer the hon. gentleman's statements very satisfactorily: for he was so confident of the candour, fair dealing, and good sense of his noble friend, that although comparatively ignorant of the facts, he was persuaded that he would entirely exonerate himself from the hon. gentleman's charges. The hon. gentleman said, that the gaoler had been punished, as he termed it, before trial. Now, as far as he could collect the nature of the case, it was this:—the magistrates of the county, considering the gaoler their servant with respect to a particular part of the gaol, and he having (very properly perhaps—that was not the point) disobeyed their instructions, they, not with a vindictive feeling, but to try the question, suspended him from that part of his office which related to the Penitentiary, until the result of the trial should ascertain the state of the law. He did not apprehend, that by this proceeding, the gaoler had experienced much inconvenience, as the proceeding did not appear to originate in any feeling of hostility or animosity. The question at issue was, whether or not magistrates had the right to visit every part of these gaols. With respect to the warrants for keeping prisoners in safe and close custody, it was to be observed, that, according to the old practice of the country, and the opinion of some of our greatest lawyers, the common law considered every thing custody that ever so slightly infringed the liberty of the subject, even when the prisoner was committed to the care of his friends. But if by close custody was meant solitary confinement, he would assert that it was totally unknown to the ancient law. It had been argued, that because the common gaols were the King's gaols, neither sheriffs nor magistrates had a right to visit persons confined in them on charges of high treason. They were called the King's gaols in the same manner as the high roads were said to belong to the King, and no more was meant than that they were used for a public purpose. If, however, there were doubts on the legal question, it was necessary that they should be immediately set at rest. Although the hon. and learned gentleman had no doubt on the subject, other gentlemen of the profession, equally learned, might entertain very considerable doubts. He should therefore vote for his noble friend's motion.

The *Solicitor-General* contended, that the only ground for the motion was, the acquittal of Eastaff. His trial was, in fact, the trial of the legal right claimed by the magistrates, and if that claim had been found inconsistent with the law, was the house prepared to say that the law ought to be changed? (*Hear, hear.*) Before the act of King William, the prisoner's counsel, in cases of high treason, could not visit him; and, if it had been meant to extend the same power to every magistrate, would not the statute have expressly said so? In such cases no person had ever been admitted, except by leave from the secretary of state, or the court where the indictment was found. The act of William was therefore passed wholly *diverso intuitu*, and strictly confined the right to the counsel for the prisoner. If it were proposed to enact a new law, it would become the house to pause and maturely consider what might be its consequences. With regard to the particular circumstances of this case, and the assertion that no punishment had been inflicted on the gaoler, it was remarkable, that the magistrates had suspended him from the government of the penitentiary, an office in which it was not even pretended that he had misconducted himself. (*Hear.*) They had thus suspended him before trial, for having, as it now appeared, acted according to law, and for having discharged his duty. The accusation of partiality came, therefore, with a very ill grace from those who had deprived and punished a man only for having rightly decided on what must have been to him a very doubtful point of law.

Lord *Folkestone*, in reply, said, that he had never before heard that there were no doubts on the subject. On the contrary, he had believed that doubts were very prevalent upon it, and it was for the purpose of removing those doubts, that he had made his present motion. As the Attorney-General, for whose opinion he entertained great respect, now told him that there were no doubts on the subject, he was not foolish enough to wish to introduce a bill to remove doubts which did not exist. His conduct in this affair had been called in question. It had fallen once or twice from the hon. and learned gentleman, that he had wished to establish the right of the magistrates to go and hold secret communication with suspected traitors. He had no such object. He thought he had a right to visit them; and he went to try that right. He allowed, that after he had been in the first instance refused admission, the gaoler offered to let him in, if he would previously stipulate what he would say when in. This he refused, as unbecoming a magistrate; and he had told the gaoler, that were he to admit him on those terms he would not satisfy him (lord F.), and might offend those whose peremptory orders he had received on the subject. Now he wished to know what there was improper in that? An hon. gentleman had been pleased to say, that he had stated only parts of the case, and not the whole. The fact was that he had not stated any part of the case. He had not alluded to any part of the proceedings before the quarter sessions. He would now relate the whole story:—On the 10th of June he went to visit the gaol, accompanied by several magistrates. They had a good deal of discussion with the gaoler, who refused to admit them. And here he would observe, without having the

least animosity to that individual, that the discovery of his great merits had taken place since the recent occurrences, and that he had no reason to believe that the high eulogies bestowed on him were perfectly well founded.—He attempted to persuade the gaoler that he was acting illegally, to which he replied, "I quite agree with you; I believe I have no right to keep you out; but I am ordered by my superiors to do so, and I must obey." On the 14th of June, he again went to the gaol, but the gaoler persisted in his refusal to admit him. At the ensuing quarter sessions he attended, made a formal complaint of the conduct of the gaoler, and moved a set of resolutions, one of which was, that the magistrates had a right, under the statute of the 31st of the King, to go into the gaol. The court unanimously agreed in his opinion. The gaoler was called in and admonished; and told, that the magistrates considered they had a right to visit the gaol. The gaoler applied for leave to write to the secretary of state. This was refused, and an hour given to him for his determination, at the expiration of which period he said he would let them in. (See Vol. 1. p. 1450, *note*.) He then thought the question was set at rest; but a month afterwards, he was told, that the gaoler persisted in his refusal to admit the magistrates. A few days before the next quarter sessions he called at the gaol, and required admittance, but was refused, and a letter of lord Sidmouth's was shewn to him. He was then on his way to town; and when he arrived there, he had an indictment drawn against the gaoler. Returning to the quarter sessions, he there made another complaint. He found on the bench an unprecedented number of magistrates. Gentlemen were there who were not in the habit of attending. He learnt, that they had come for the purpose of reversing the order of the last court. As the gaoler had refused to obey the unanimous order of the court, whose servant he was, it was the duty of the court, in the maintenance of their character and dignity, to take notice of that refusal, and that notice was only to suspend him until the trial of the indictment in question. (See Vol. 1, Appendix, xxvii.) That this was the least which the court of quarter sessions could do was his opinion then—it was his opinion still. As to the publication of the resolutions in the newspapers, he had voted against it; and, with respect to the names of the magistrates, who voted against the resolutions, being attached to them, the hon. gentleman who had made that charge ought to know, that when any resolutions passed at a court of quarter sessions were published, the names of the magistrates present always preceded them. There was no part of the whole proceeding which he felt the least ashamed of, or that he would not go over again under the same circumstances.

The noble lord then requested and obtained leave to withdraw his motion.

REPORT OF THE TRIAL.

WM. PLEYDELL BOUVERIE, commonly called Viscount FOLKESTONE, M.P. *v.* GEO. ERNEST EASTAFF, gaoler of Reading.

This case came on before Mr. Justice Park and a special jury, at Reading, on Tuesday, March 3, 1818. The counsel for the prosecution were Mr. Taunton and Mr. Eden; for the defendant, Mr. Jervis, Mr. Dauncey, and Mr. Shepherd.

Mr. Eden opened the indictment, which charged the defendant, being keeper of the common gaol, with having, on the 6th of October, in the 57th year of the reign of his Majesty, wilfully, knowingly, and unlawfully refused to admit the prosecutor into the common gaol, he, the defendant, well knowing that the prosecutor was a magistrate for the county. There were four other counts, varying the charge, as, the defendant being also keeper of the house of correction, &c.

Mr. Taunton then rose, and addressed the jury. "He said, that the indictment was upon the prosecution of Lord Folkestone, against the defendant, who was keeper of the common gaol of the county, and also governor of the house of correction; and it stated, that he, Lord Folkestone, being one of his Majesty's justices of the peace for the county, had a right to examine the common gaol whenever he thought fit; that he applied to the defendant, as the keeper of that common gaol, for the purpose of obtaining access into it; and that he, as keeper of the said gaol, did refuse his lordship admission; and he (Mr. Taunton) would take upon himself to say, that however simple the case might appear to be in its nature, or however narrow its limits of evidence, from the time of the Revolution to the present day, there never was a subject more important in its consequences. The indictment was founded upon the 31st of Geo. III. c. 46; which was entitled, "An Act for the better regulating of county gaols, and other places of confinement." By the 5th section it was enacted, that, "For preventing all abuses, as well in the common gaols, houses of correction, and other places of confinement, to be used as penitentiary houses, the justices of the peace for the county shall appoint two or more justices visitors of each of the said gaols, &c. who are to visit and inspect such prison at least three times in each quarter of a year, and oftener, if occasion shall require, and examine into the state of the respective officers, the treatment and condition of the prisoners, the amount of their earnings—the expenses of such prison, and they are to make a report thereon." The clause went on to state, "That it shall be lawful for any justice of the peace for such county, &c. of his own accord and without being appointed a visitor, to enter into and examine the same at such time or times, and as often as he shall think fit; and if he shall discover any abuses therein, he is required to report them in writing to the justices at the next general or quarter sessions, who are thereupon to inquire into and rectify such abuses." Now, this was the part to which he wished to draw their attention.—"It shall be lawful for any such justice to enter into and examine the same;" namely, common gaols and houses of correction.—And if he shall discover any abuses, to report them at the next general or quarter sessions."—These were the clauses upon which the prosecution was founded. He had already stated, that his lordship was a very active justice of the peace, and, in the month of

EDUCATION OF THE POOR.] Mr. *Brougham* brought up the following report, which was ordered to lie upon the table, and to be printed. "The select committee appointed to in-

October last, he thought proper to exercise that part of his functions given him by the act which had been quoted. It appeared, that there were at that time in the gaol certain persons who had been apprehended upon charges of high treason, or upon suspicion of treason.—His lordship was desirous of going into the prison, and, on the 6th of October, he applied to Mr. Eastaff for that purpose; but Mr. Eastaff gave him a peremptory refusal, adding, that he had received instructions from lord Sidmouth to prevent all, except the visiting magistrates, from seeing those persons who were committed upon his lordship's warrant for treason. These were the facts upon which the indictment was founded. But this was not the first time that lord Folkestone had been refused admission into the prison; for, in the month of June, in the company of other magistrates, Mr. Eastaff gave a refusal to all. A few days after, lord Folkestone was passing through Reading by himself, and he again went to the prison to demand access. The defendant was then more complaisant than he had been before, and told his lordship, he would admit him, if he would not enter into any conversation with the prisoners but such as he should dictate. His lordship said, he did not like to be admitted upon conditions so limited, and reminded him, that, perhaps, he had better not admit him, lest he should offend those who had given him instructions. Upon mentioning this, the defendant refused to admit him at all. Thus was lord Folkestone three times refused admission into the common gaol. The defence, he apprehended, would be, that the magistrates might be refused access to certain parts of houses of correction or penitentiary houses; those parts, however, the legislature had not designated. He had looked over (but he might have overlooked) the acts of parliament upon this subject, with the greatest care and scrupulosity; but he could not find any authority to empower justices, where a common gaol existed, to appropriate any parts of it to a house of correction or a penitentiary. Houses of correction and penitentiary houses were buildings of recent establishment, and the law had [illegible] magistrates an entire control over them, but [illegible]ly of the common gaol was confided to the [illegible]ne. It was well known that the sheriff did [illegible]te his office in person; but, in point of [illegible]gislature had abridged his responsibility, [illegible]ustices a participation in the care and re- [illegible] prisons. He had been told, that this was [illegible] which the prerogative of the crown was [illegible] and that the king was not bound by the [illegible]t was said, that all common gaols were [illegible] but, surely, they were not the king's in [illegible]e: in a limited sense they were; they [illegible] the confinement of prisoners for offences [illegible] against his crown and dignity. In some [illegible] gaols were not the king's, and he would [illegible] learned friends to controvert that state- [illegible]roposition more unconstitutional, more [illegible] its tendency, and more destructive in [illegible]ences—a proposition more absurd, had [illegible] laid down in a court of justice. If [illegible] case were a prerogative, let it be so; [illegible]t one prerogative be set up against an- [illegible] In every instance where a magistrate [illegible] his authority was delegated to him from the [illegible]n; and when lord Folkestone made the applica[illegible]on to the defendant, the king was speaking to him. The king was by the mouth [illegible] lord Folkestone addressing him:—he was speaking to Mr. Eastaff: yet he should be told that the prerogative of the crown denied access to lord Folkestone. It was said, that Eastaff received authority from lord Sidmouth for the denial of lord Folkestone. It was not now a time to go against the office of the secretary of state; but it had been (and it was from law and authority,) whatever it might be now, an office of very inferior importance until the reign of Henry the Eighth· before that period, the secretary of state exercised very limited authority. The office consisted of keeping a little seal; but it was a matter of legal and constitutional knowledge, that the office of magistrate was as ancient as that of secretary of state. It was not to be taken politically, but a magistrate before that reign executed matters of more importance than the secretary of state. How a secretary of state could be considered by law the personal organ of the king, or how he could be considered to have an authority over a justice of the peace, he was at a loss to know; but he would take upon himself to say, that nothing could be more preposterous than the defence which was to be set up, namely, that his Majesty, by his minister, had a right to interfere with the regulations of a prison, or with a justice of the peace. It had been solemnly enacted by the 14th of Edward III. c. 10. that the custody of gaols should be conceded to the sheriffs, and that they should have the right of putting in a gaoler; and by the 19th of Henry VII. chap. 10. it was declared, that every sheriff should have the custody of the gaols and the persons therein, and that every such sheriff should be chargeable with the care of such gaols and such persons, as would appear from the following citation:—"Be it therefore enacted and published, that for every negligent escape of persons confined for high treason, no less a fine than 100 marks shall be paid for each escape." This act included every species of crime, not excepting even suspicion of high treason. It might be said, that the tower was an exempted jurisdiction; but if any precedents on that point were introduced, he should say that they did not apply to the present case.

Lord *Folkestone* was then called, to prove that the defendant had refused to admit him into that part of the gaol in which the state prisoners were confined.

Mr. *Jervis* said, he had the honour of appearing as counsel, not for Mr. Eastaff, but for lord Sidmouth, his Majesty's Secretary of State for the home department, and this he stated thus early, because his learned friend had said that Mr. Eastaff sunk into insignificance, when the importance of the case was considered. He agreed with his learned friend in one thing, that it was as important a subject for the consideration of the jury, as had ever occurred since the period of the revolution. The question was, whether the defendant had offended against the letter of the statute, to which his learned friend had so particularly called the attention of the jury? for, unless he had offended against that particular statute, he had not offended at all. His learned friend had questioned the authority of lord Sidmouth, in commanding the defendant to keep the prisoners in close confinement. He would read to the jury the letter of instructions, and then let them see how far the defendant was blameable. The learned gentleman then read the letter of instructions, signed by Mr. Becket, the then under Secretary of

quire into the education of the lower orders, and to report their observations thereupon, together with the minutes of the evidence taken before them, from time to time, to the house;

State, and selected passages from it.—" That no persons be admitted to the prisoners without receiving an official order from me." His lordship not only had a right to make this order, but also to commit them to close custody. The next passage was as follows: " And allow no communication with them." To have altered this measure would have been impracticable. " That they should not be put in irons, unless it should be necessary for their safe custody." Although lord Folkestone had not seen this paper, it was no secret; for it had been submitted to the visiting magistrates, and they had acted on it, by sending certain queries to the secretary of state. He should not trouble the jury with reading the official answer *. On the concurrence of the visiting magistrates, the prisoners were confined in such an apartment as had been appropriated to prisoners similarly situated in the year 1799, who were charged with high treason, although it was greatly to the inconvenience of the defendant and his principal turnkey. Lord Folkestone had admitted, that he did not go for the purpose of seeing the state of the prison, but for the purpose of trying the great constitutional question, which there was no doubt it was. He went in the company of certain magistrates, who might have been called, but who had not been called: and it must be acknowledged, that although his lordship stood higher in title, yet in his character of magistrate, he could be no higher.—On the 14th of June, his lordship went, not for the purpose of inviting a denial, but of seeing whether the defendant had changed his mind. The jury would perceive that he did not go to examine the general state of the prison, but to see if any thing had been done which would induce the defendant to admit him. The defendant, under the influence of a great majority of the magistrates, and under the high authority of that bench, was induced to acquiesce in allowing the magistrates to see the persons confined for high treason; but this was at a time when he had nobody to advise with, and before he had any communication with a higher power. The third demand of the noble lord was not to visit the gaol in general, but to inspect the apartment in which the prisoners were confined—to see those patriot prisoners, and for the purpose of raising a question when there was no necessity for it. His learned friend had told the jury, that a Secretary of State was not a justice of the peace; he knew he was not, and that by common law he had not authority to administer an oath. He had spoken of the antiquity of the office of magistrate, and said that the office of Secretary of State was, in comparison, one of insignificance.

Mr. Taunton:—I said, he was not a conservator of the peace†.

Mr. Jervis continued. His learned friend had held out a sort of delusion; he did not say that a Secretary of State could not commit at all; but that a person holding that office was only competent to commit *ex concesso*; and whether the Secretary of State came under that limited definition or not, he would tell his learned friend, that he had a right to commit without an oath, and a magistrate had not that power. A Secretary of State had not only a right to commit, but he had a right to commit to safe and close custody; but a magistrate had no right to commit to close custody, let the crime be what it might. He begged the jury not to take this as his opinion alone, for the table should be loaded with authorities until it groaned under the burthen. His learned friend had said, that commitments to the Tower had no reference to the present case, but he would convince him, that, from the Tower to the most obscure place of confinement, the Secretary of State had a right to commit to safe and close custody; and he would take leave to say, that if the present defendant had violated the act of parliament, there was not a person, from the learned judge on the bench to the most menial constable, who had not often violated it. Whatever might be the sentiments of his learned friend with respect to liberty, he could assure him, that he took as extensive views of its glorious privileges, and his mind glowed with as great and as animated a passion for it. In quoting precedents authoritative of the conduct of the noble Secretary of State on the present occasion, he should refer the jury back to the period of the commonwealth, when a monarch was dethroned, and brought to the block. On the 24th of April, 1660, colonel John Lambert was committed to safe and close custody for high treason. Thomas Scott was committed to close custody; Major-General Overton was also committed to close custody, without pens, ink, or paper, and without any person being allowed to see him; there were also in the list, the names of Hampden, Sydney, and lord William Russel. If these were the idols of his learned friend, he should have enough of them. He would shew what had been done by the crown from 1660, down to the present day; thank God, however, there were but few cases of high treason in this country. He would come down to the year 1817. Could the jury think, that his learned friend had just found out the law upon this subject? Did he think that that great and learned person, John Horne Tooke, would not have availed himself of the law, when he was committed for high treason? Would he not have raised this great constitutional question?—The learned gentleman then traced the commitments for high treason down Thistlewood and others, and observed, that, in most of the cases, they were committed by the Secretary of State into safe and close custody; and such persons only permitted to visit them as their nearest relatives and legal advisers, and then only in the presence of the keeper. With regard to liberty, he felt as much for that desirable object as his learned friend could, and he was proud to say, that although he respected the liberty of the subject, he was a strenuous advocate for the just prerogative of the crown. In the year 1684, a prisoner, who was under a charge of high treason, addressed Lord Chief Justice Pemberton as follows:—

Prisoner:—My Lord, I hope I shall have an opportunity of seeing my wife to-day? Lord Chief Justice Pemberton: Yes, but it must be at a proper time, and she must be attended. Lieutenant of th

* See Vol. 1, p. 1289.

† The power of electing the principal subordinate magistrates, the sheriffs, and conservators of the peace, formerly belonged to the people; but it was taken from them in the reign of Edw. III. and justices of the peace were established instead of the latter.

and to whom the several reports which were made to the house, in the two last sessions of parliament, from the select committees appointed to inquire into the education of the lower

Tower: Will your lordship let us have rule for the persons to see him? L. C. J. We will make out a rule.—In that case a rule of court was made.

In the year 1696, Cranburne, Rookwood, and Lowick, were arraigned upon charges of high treason, and the following dialogue took place before Lord Chief Justice Holt.

Cranburne: My lord, I desire your lordship would grant me the favour for my wife to come to me in private, and that I may have pen, ink, and paper? Lord Holt: Pen, ink, and paper you must have; but, as to the other, we must consider of it. Keeper of Newgate, what has been usual in those cases? Keeper: My lord, we let nobody come to them in private but their counsel. Lord Holt: that's provided for by the act that allows them counsel; but has it been usual heretofore to permit any body else to be with them in private; the wife, or any other relations? Keeper: it has not. Lord Holt: It is very dangerous if it should: therefore let him have his wife come to him in the presence of the keeper. Rookwood: My lord, I beg to have my brother come to me. Lowick: And I desire, my lord, I may have my sister come to me. Lord Holt: Your friends may come to you at seasonable times, in the presence of the keeper; you shall have every thing that is reasonable, but the safety of the government must be looked after*.

The learned gentleman then cited the case of Christopher Layer esq. before Lord Chief Justice Pratt, in 1722, and other authorities, confirmative of his point, down to 1817, at which time, he said, the right of the crown was unequivocally acknowledged—he meant the suspension of the habeas corpus act, the sixth section of which was in these words—"And whereas divers persons are in custody, on charges of high treason, and suspicion of high treason, under warrants from the Secretary of State; which persons it may be proper to keep apart from each other, except such communication as his Majesty may think fit to permit, &c." This, he contended, was a strong legislative recognition of the right of the crown; and even were not others in force, this would have been a full and sufficient authority for what had been done. He concluded by observing, that the prerogative of the crown could not be taken away; if this were allowed, the constitution would be shaken to its very foundation—the liberty of the subject would be destroyed; and although his learned friend had so emphatically dwelt upon it, he would shed his dearest blood in the defence of liberty and the prerogative of the crown.

Mr. Dauncey then put in lord Sidmouth's warrant and instructions, which were read; also the queries of the magistrates and the answers to them.

Major John Henry Ebrington, lieutenant of the Tower, was then called: he produced a trunk, containing a variety of ancient commitments, some by privy councillors, and some by secretaries of state: the greater part of the persons to whom they applied were ordered to be kept in safe and close custody, without their friends being admitted to them, unless an order should have been first obtained, and then they were not to be in private, even upon suspicion of high treason.

Commitments.—April 1, 1660, Colonel John Lambert; July 13, Thomas Scott; December 16, Robert Overton, commonly called Major; 1666, Henry North.—June 12, 1681, William Lord Howard; November 18, 1681, a protestant joiner.

Mr. Dauncey said he would not give the jury the trouble of hearing the whole.

Mr. Justice Park. I am afraid I must have them; but I think you need not read all those before the revolution.

The next was Anthony East, dated the 7th July, 1681; 1683, Algernon Sidney; October 30, 1683, William Lord Russell; 1685, Thomas Earl of Stamford; November 17, 1685, Charles Jerrard, and Lord Branden; 1685, Henry Lord Delamere; April, 1691, Henry Earl of Clarendon.

Mr. Justice Park. "This is after the revolution." August 7, 1694, Bartholomew Walmsley, Esq.; August 11, 1694, Sir T. Stanley; August, 1772, the Bishop of Rochester; September 20, 1772, Christopher Layer, Esq.; and September 29, William Lord North. October 27, 1772, the Duke of Norfolk, William Earl of Claremark, and Lord Belmano; August 1780, Lord George Gordon; May, 1794, John Horne Tooke; March 6, 1798, James John Fivey, alias Quigley, alias Coigley; 1799, John Bonham, Esq., and Valentine Brown Lawless, Esq.; April 28, 1817, Arthur Thistlewood.

Mr. Dauncey. Those are the documents which refer to the persons confined in the Tower.

Mr. Capper, of the Secretary of State's office, next produced a variety of books containing committals to Newgate of persons on suspicion of high treason, who were ordered to be kept in safe and close custody. Mr. Hardy, clerk of the papers at Newgate, produced a variety of others. Among whom were Thomas Spencer, John Smith, James Hatfield, Roger O'Connor, and Edward Marcus Despard.

Mr. Beeby, keeper of Clerkenwell prison, produced others, and several were produced from Horsemonger-lane gaol.

The Rev. Charles Manesty, one of the visiting magistrates of Reading gaol, was then called. He remembered the state prisoners being in the gaol. A letter from the Secretary of State was presented to the sessions by the defendant. The state prisoners were confined in ward No. 3, and were afterwards put into a room over the chapel, by order of the court of sessions. Witness went to the gaol and the defendant said, it would be extremely inconvenient for the prisoners to be placed in that room, as one of his turnkeys occupied it. On the 26th of April, the defendant shewed the witness a letter which he had received from Mr. Becket, giving him directions to follow the instructions implicitly. Witness saw the prisoners at various times, to know if they had any complaints to make; and they said, they had no complaints whatever to make: they appeared to him to be as comfortable, in every respect, as their situation would admit of. He told lord Folkestone, that Mr. R. Palmer and he had given directions, and if there was any blame, it was to be attached to them. Mr. Palmer and witness were never refused access to the state prisoners. Witness begged to say, that the queries were put to the state prisoners by Mr. Palmer and himself.

Mr. Taunton, in reply, said, his learned friend had endeavoured to controvert all his positions, yet, in one he agreed; namely, that the case was one of momentous importance. He had, however, done him the honour to throw out allusions, and to scatter about insinuations, that his language was dangerous

* Vide Howell's State Trials, v. 13. pp. 142-3.

orders in the metropolis, were referred, have considered the subject referred to them, and agreed upon the following report: your committee are proceeding in the further consideration of the subject referred to them; but in the mean time they recommend the bringing in of a bill for appointing commissioners to inquire into the abuses of charities connected with the education of the poor, in England and Wales; that no unnecessary delay may take place in prosecuting this investigation." The hon. and learned gentleman then moved for leave to bring in the bill.—Leave being given, the bill was ordered to be brought in by the hon. member, by Mr. Babington, and Sir Samuel Romilly.

LEATHER TAX.] A petition against this tax was presented from the tanners, curriers, and others, of Louth; and a similar petition from Gainsborough.—Ordered to lie on the table.

DEFAULTERS.] Mr. *Brougham* said, he had given notice of a motion, which stood for that day, respecting defaulters in the collection of

to the state; but, upon re consideration, he had not said any thing that he wished to retract, nor did he think there was any thing in what he had said, which the most loyal subject would wish to unsay: and he hoped that all gentlemen, who filled the character which he did, would do their duty to the best of their talent and judgment, whether they were for or against the crown. The circumstances and law of the case were as simple as circumstances and matter of fact could be. It was not a case that required delving into the mine of antiquity, and he would satisfy the jury that the law as well as the fact was in favour of the prosecution. The indictment was for refusing access to lord Folkestone, in his character of magistrate; and the only facts which the jury had to inquire were, whether they believed that the defendant did deny him; and, secondly, whether the statute applied to such refusal. The evidence which his learned friend had brought forward, was, in his mind, quite irrelevant to the case. He would appeal to all present, whether he had denied the authority of the Secretary of State to imprison for high treason, or for seditious practices.

Mr. Justice Park. "But you questioned the safe and close custody."

Mr. Taunton said, he never insinuated that the warrants were illegal, but that the Secretary of State had no right to interfere with the detail and management of a prison. When he had executed his warrant, he became *functus officio.* The learned gentleman, in conclusion, begged the jury, as they valued their liberties, and as they hoped for the liberties of their posterity, to find a verdict against the defendant.

Mr. Justice Park, in summing up the case to the jury, said, the trial had occupied the attention of the court nearly the whole of the day. The defendant was charged with having refused to admit lord Folkestone into the gaol, he the defendant being keeper of the said goal: there were other counts, stating him to be keeper of the house of correction, &c.; but only one of the counts had been proved. He had no reason to doubt the understanding of the jury, but the law must be received from the bench. The high rank, great talents, moral worth of lord Folkestone—all these must be laid out of their consideration; but they must consider him as a magistrate; and he was sorry—he thought it proper to mention it—seeing so many of the magistrates before him; he was sorry the magistrates should have suspended Mr. Eastaff, of whom he knew nothing; and he regretted the more that it had been mentioned, as it might be capable of creating a prejudice against him in the minds of the jury, and might, perhaps, have been better avoided, until the result of the trial should have been known. The evidence was extremely short, but the jury had heard a great deal of argument; and, in his opinion, many points had been introduced unnecessarily, particularly that part which attributed to the King the power of dispensing with any particular law; he should hope that no judge would ever maintain such a doctrine. It was not likely to meet much controversy, that the King could not have the care and custody of a prison, after all the skill that had been used. He thought the question resolved itself into this, whether lord Folkestone had a power of going into the apartment in which the state prisoners were confined? If the law were doubtful, there was nothing so common as to call in other assistance. He had had a copy of the indictment, and had looked into the statute several times in the course of the day, and the result of his opinion was, that he did not think the statute applied to a case of this description. One rule of law must prevail, and surely the legislature never contemplated that 300 magistrates, as he supposed there were for the county of Berks, should have free access to those three men committed on suspicion of high treason. Such a law might be productive of the most dangerous consequences; and was it because they were clothed with magistracy, that they were to go in indiscriminately? Colonel Despard was a man of high military character, and was, in all probability, competent to the duties of a magistrate; yet, had he been created one, what mischief might have occurred from the privilege of visiting prisoners under charges of high treason? One of the greatest friends to liberty that had adorned the bench, he meant Mr. Justice Holt, had said, that personal communication with such persons was most dangerous, and the government must be looked to. Lord Clarendon was imprisoned for high treason; and would it be unfair to say, that a learned magistrate of the county of Berks might be guilty of it? He meant nothing personal. Colonel Despard might have been a magistrate: and he might have communicated to A. what B. said, and so on. Several precedents had been quoted: some of them had occurred since the passing of the act upon which the defendant was indicted; they were the contemporaneous exposition of the statute, and of infinite validity. It was but justice to Eastaff to say, that in all that had been urged, there was not a tittle to reflect upon his character, either in a moral point of view, or with reference to his conduct to the prisoners; and all that the jury had to decide was, whether or not he had offended against the particular statute. The law made no distinction; it was the same to the poor man as it was to the prince, and as the law stood, so let it be. He had stated his opinion, that this case did not fall within the meaning of the act of parliament; it never was in the contemplation of the legislature to give unlimited power to a magistrate to visit persons in prison under peculiar circumstances; and he was further of opinion, that there was a contemporaneous exposition of the law as it regarded the case.

The jury, after consulting a few minutes, found the defendant not guilty.

the property-tax and the assessed taxes; but he should wish to defer any discussion on the subject, in consequence of a communication with the Chancellor of the Exchequer last night. He would, however, move for a copy of the circular letter issued on the 1st of December 1817, from the tax-office, to which motion, he hoped, no objection would be made; and would move, to-morrow, for an account of the particular districts, and the defaulters, to which that circular referred.

The *Chancellor of the Exchequer* stated, that he had no objection to the production of the circular; but, not being aware of the hon. and learned gentleman's intention to move for any thing beyond that, he was not prepared at present to agree to his second motion.

Mr. *Brougham* said, he should confine himself at present to the circular, but after the holidays he should call the attention of the house to the abuses in the collection of the assessed taxes, and to defaulters. He wished, however, at present, to call the attention of the right hon. gentleman to one branch of defaulters, through whom great injustice had happened—and he did it that the right hon. gentleman might apply his mind to the subject during the holidays. It was a very great hardship that persons should be exposed to pay their taxes twice over, from the embezzlement of some defaulter. In general, the persons who collected taxes might be said to be chosen, in some degree, by the persons paying taxes. But this was not always the case; and it was a great hardship that persons, who had no control over collectors, should still be liable for defaulters. He alluded particularly to the case of a late defaulter in the ordnance department, who had absconded with 20,000*l.* in his hands: in consequence, many military and civil officers, and, in particular, many half-pay officers, had considerable sums to pay over again. Those persons had no control over the appointment of this defaulter, and yet they were liable for him. Of all men half-pay officers were least able to bear such a loss. How this person could be allowed to have so large a balance in hand, he was at a loss to know—he hoped it was not through favour.

The motion, that there be laid before the house a copy of the circular letter from the tax office, of the 1st December, 1817, was then agreed to.

PROPERTY-TAX RETURNS.] Mr. *Brougham* rose to ask the Chancellor of the Exchequer whether the tax-office had prepared its statement respecting the returns under the property-tax. He had intended to bring the subject under the consideration of the house that night; but, in consequence of several important communications which had been made to him since he gave notice of the motion, he should defer the discussion for a few days. He was afraid it would appear, that proper care had not been taken to destroy the returns, as he had now in his possession the original return of a very respectable clergyman, whose income was under 100*l.* a year.

The *Chancellor of the Exchequer* said, he was not prepared to state what progress had been made in the account to which the hon. member had alluded.

SAVING BANKS.] The *Chancellor of the Exchequer* moved, that the act of the 57 Geo. III. c. 130, for the encouragement of saving banks in England, be entered as read.—The right hon. gentleman then stated, that he rose to move for leave to bring in a bill to amend the said act. The object of the bill was, to obviate several difficulties which had been found in carrying the act into execution—for instance, it required an order to receive the principal, and another order to receive the interest. The present bill would authorize general orders for both principal and interest. During the recess, gentlemen would have opportunities of becoming acquainted with other difficulties which it might be proper to remedy. He congratulated the house and the country on the establishment and rapid progress of these institutions. Their growth was far beyond expectation, and would have given great delight and satisfaction to the author of the measure, (Mr. Rose,) had he lived to witness it. It would possibly surprise the house to learn, that since the 6th of August last, when the operation of the act commenced, to the 11th of March, 1818, no less a sum than 657,000*l.* had been deposited in saving banks. (*Hear, hear.*) He most sincerely hoped that they would continue to prosper, as he considered them intimately connected with the morals, frugality, and industry of the people.

General *Thornton* said, he was glad to hear that these institutions were going on so well. Much praise was due to the right hon. gentleman who had brought in the act, and he heartily wished he had been present that night to make an amendment in it. He was a great honour to the house, and to his country, and his loss must be deeply regretted by both. The hon. member doubted, however, whether some further amendment ought not to be made in the act, as many persons, for whom these establishments were not intended, were induced to put money into them, on account of the high interest which they received. If the rate of interest were to be 1*l.* 11*s.* 3*d.* instead of 4*l.* 11*s.* 3*d.* it would be equally agreeable to them. (*A laugh.*) He was persuaded, that the lower orders of the people wanted merely a security for their money—they had rather an aversion to a high rate of interest. (*A laugh.*)

Sir *John Newport* said, that the praise which the hon. member had bestowed on these establishments, and the opinion he had given that the poor did not wish to make their money productive, formed a paradox which he would not attempt to solve. He viewed those institutions in the same light as the Chancellor of the Exchequer, and had felt very grateful to the right

hon. gentleman from the first moment that he turned his attention to them.

Mr. *Babington* observed, that nothing had taken place in modern times that was calculated to produce so much benefit to the country as the establishment of saving banks, but there was reason to apprehend that persons of an improper class would avail themselves of them. The house would be surprised to learn how many persons who were not poor, but considerably above the lower orders, were anxious to be admitted into them. There was one person who was worth 30,000*l.* or 40,000*l.* who wished to invest money for his children in a bank of that kind. That was an extreme case, but it was highly reprehensible to see people taking advantage of such institutions, and putting money into funds that ought to be kept sacred to the lower orders. He thought that the right hon. gentleman would do well to confine these institutions to their original object.

Mr. *Thompson* concurred in opinion with the hon. member who had just sat down. He had known instances of persons who had done as he had stated; who had put 100*l.* perhaps into a saving bank for their children, and, following the same principle, had not confined themselves to one bank, but had paid sums to others in the same manner. He thought it his duty to suggest to the right hon. gentleman the propriety of introducing a clause, to discriminate on the investment of money into saving banks. He had known other facts of the same kind with those to which he alluded *. The interest of country banks was in many instances lowered, and people would perhaps go to the saving banks, where they could get much better interest. Such institutions would be abused, if measures were not taken to counteract their abuse, against which he hoped the right hon. gentleman would endeavour to provide. It might be said, that by exchequer bills, and other modes, 4 per cent. interest could not be obtained, and the saving banks would be resorted to by niggardly people, who did not see the thing in its proper light. He hoped that the interests of the poor would be protected, and that such establishments would not be allowed to be employed in a manner contrary to their original purpose.

The *Chancellor of the Exchequer* obtained leave to bring in the bill, and afterwards moved for an account of sums vested in the several saving banks in England, on the 11th March 1818, which was ordered. The right hon. gentleman then brought in his bill, which was read a first and second time, and committed for to-morrow.

NAVY ESTIMATES.] Mr. *Brogden* brought up the report of the committee of supply, to which the navy estimates had been referred. On the first resolution being read,

Mr. *Forbes* rose and said, he wished to call the attention of the house and of his majesty's ministers to the situation of the officers of the navy. When they received pensions for wounds, those pensions were not granted on the same grounds as to wounded officers of the army. It was understood by the order in council applicable to this subject, that both services were to be placed on the same footing. He had lately seen many instances of officers in the navy receiving for the same wounds considerably less than officers of corresponding rank in the army. He could not discover any reason for this distinction. It was a sufficient compliment to the army to say that it was equal to the navy. A post captain in the navy, who ranked with a colonel in the army, received only 250*l.* while the other received 300*l.* a year. He wished also to allude to the case of pursers' clerks, some of whom had risen to that situation from the rank of midshipmen, and, after eleven years' service, had been turned adrift without a sixpence. The whole of the persons in this situation amounted to thirty. He complained also of the alteration which had been adopted in the case of pursers. All the ships had been taken from them, and they had been put on a very inadequate half-pay.

Mr. *Croker* said, nothing could be more mischievous to the navy than the views of the hon. gentleman, if carried into effect. This was not the first time he had introduced this subject to the attention of the house; and it was not now the first, or second, or third time he had been answered. The hon. gentleman ought to know something of the state of the two services, and the different advantages enjoyed by each, before he recommended any change with regard to them. It was true a lieutenant-colonel had 6*d.* a day more half-pay than a young post captain of the same rank. But then the post captains went on rising without interruption, till they were equal to full colonels; whereas, a lieutenant-colonel remained where he was. For instance, in 1814, there were 200 post captains who ranked as lieutenant-colonels. At that time there were also 1,100 lieutenant-colonels. There

* The following facts will show that no abuse of this nature exists in the saving banks in the metropolis; and, perhaps, the *general* practice of the country saving banks is equally free from it. Out of 5,678 single deposits of money made in the Bishopsgate church-yard Bank, between the 21st of July, 1817, and the 16th of March, 1818, there were 1,905 from 1*s.* to 5*s.*; 1,166 above 5*s.* and not exceeding 19*s.*; 1,878 above 19*s.* and not exceeding 5*l.*; 291 above 5*l.* and not exceeding 10*l.*; and 215 above 10*l.* and not exceeding 20*l.* So that more than one half were under 20*s.* and very nearly seven-eighths of the deposits (4,949 out of 5,678) were from 1*s.* to 5*l.* Again, the single deposits of money made in the Southampton-row bank, between the 10th of February, 1817, and the 3d of August, 1818, were 7,970 in number. Of these—

2,768 were from 1*s.* to 5*s.*
2,456 —— above 5*s.* and not exceeding 20*s.*
1,575 —— above 20*s.* and not exceeding 5*l.*
489 —— above 5*l.* and not exceeding 10*l.*
334 —— above 10*l.* and not exceeding 20*l.*
246 —— above 20*l.* and not exceeding 50*l.*
108 —— above 50*l.*

was not one of those post captains who had not risen to a rank equal to that of full colonel: whereas, there was not one of the 1,100 lieutenant-colonels, who was not still lieutenant-colonel. The hon. gentleman complained that all the ships had been taken from the pursers. But how many of them could have ships? Not above 400. There were 900 in all; and so to give ships to 400 of them, he would reduce the other 500 to actual starvation. Pursers were brought up generally to the pen and ink line *(a laugh)*, and, in port, not one of them would live on board their respective vessels; so that the pay, which was only about 70*l.* a year, if they did not remain on board, would really be less than the present half-pay allowance. Not one of them would make the exchange. The old plan of rewarding pursers, while it profited them but little, was expensive to the country. The lowest rate of a purser's half-pay was 3*s.* a day, which was more than the most of those who had ships before received; the higher-rates were 4 and 5*s.* a day. There were no complaints from any one purser of this arrangement. But with this liberality the Admiralty had made a provision for economy, and had determined, that no more pursers should be made till they were reduced to the number of those who would have had ships under the old system. The hon. gentleman had next mentioned midshipmen who had been promoted to be officers called pursers' clerks. This statement was a bundle of blunders, and if he had not known the gentleman from whom it came, he should have attributed it to one of his own countrymen, and the genial influence of the day. A midshipman could not be promoted to be a clerk, for the situation of clerk was inferior to that of midshipman. Secondly, there was no such office as purser's clerk. There were, indeed, persons denominated captains' clerks, who were not officers, and who had nothing to do with pursers—but who kept the captain's accounts, were appointed and might be dismissed by him, and were the private servants of the captains, except that an allowance was made for them by the public. It was true that, as they were the only persons in civil employ con nected with ships, it was usual to select the pursers from the most deserving of them; but they could have no more claim to half-pay than the amanuensis of any member of that house. He complained of the hon. gentleman, who, with a zeal meritorious in its origin, but mischievous in its effect, chose to attack a board of Admiralty which had laboured with anxiety, diligence and success, for the good of the service—which, in five or six years, had done more for the benefit of the navy, and thence of the nation, than ever had been done in twenty-five or twenty-six years before. He did not mean by that to blame former administrations: he knew they were all, without excepting even his political opponents, equally zealous to promote the comfort of the navy.

Mr. *Money* said, the object of his hon. friend seemed to have been misapprehended. It was not his intention, he believed, to throw any imputation upon the conduct of the Admiralty, but simply to submit the fact to the notice of the house, that a great difference existed in the rate of providing for the officers of the army and navy. The services of the navy, and the glorious deeds achieved by its means, were in a special manner entitled to the gratitude of the country; for, without our navy, the triumphs of our army would not have been so signal and complete. Without the co-operation of our navy, the exertions of Wellington and his victorious troops would not have been attended with such brilliant and decisive success. When he considered the many and signal triumphs they had obtained, the long and arduous blockades they had sustained for years together, it was impossible for him to admit that the rate of compensation to which they were in justice entitled should be inferior to that of the army. Great and important were the advantages this country had always derived from the ascendancy of our navy; but its original value seemed in a manner swallowed up and lost in its last great and splendid achievement—he meant the attack upon Algiers. This was not an ordinary triumph over a rival power, it was a just and merited punishment of unprincipled barbarians, whose inhuman outrages and cruelty had been too long tolerated. The cordial co-operation of the army and navy was always most desirable, and a good understanding between them ought to be carefully cultivated.

Mr. *Huskisson* said, that the hon. gentleman had spoken of our navy as if that house had heard then, for the first time, of their gallant deeds—as if their services had been altogether forgotten. Had he been, however, at pains to inform himself, he might have been soon satisfied, that the country had neither been insensible to the services of our gallant seamen, nor unmindful of making due provision for their comforts. He would likewise have found, that no such distinction existed in the rate of compensation to the army and navy as he had been led to think; or, if it did, that it was easily to be accounted for from the nature and circumstances of the different services. In the army, the opportunities which an officer had of improving his fortune by prize-money did not often occur; and when they did occur, it was for the most part to an inconsiderable amount. In the navy such opportunities were frequent, and often to a very great amount. The officers of the navy were sensible of these advantages, and never looked to any further compensation. On the late triumph at Algiers, to which the hon. gentleman had alluded, the sum of 100,000*l.* had been distributed among those who had been engaged in that service, besides honours and distinctions conferred upon those who had signalized themselves by their conduct and valour. The crown and that house readily concurred in

doing justice to their meritorious services. He contended, that nothing could be more false in argument, or more mischievous in its consequences, than the practice of forming comparisons between the different services, and maintaining unfounded distinctions. It had been said, that the late war had been barren in prizes; but he believed he was well warranted in saying, that no war in the annals of this country had been more productive. The capture of Banda had afforded to many the opportunity of acquiring the means of independence, comfort, and wealth. With respect to the compensation for wounds sustained in the service, he believed there was not that difference which the hon. gentleman supposed. If an officer of the navy lost a limb, he had a compensation as in the army; but with this difference—that in the army, should an officer sustain a very severe wound, if it was not equal to the loss of a limb, he received no compensation at all; but in the navy, when the wound was found to be very severe, though it might not be equal to the loss of a limb, it was taken into consideration, and a compensation allowed accordingly.

Mr. *Forbes* said, the hon. gentleman (the Secretary to the Admiralty) might have saved his lungs, by sparing much of what had fallen from him on this question. The sum of 2 or 3000*l.* would put both services on the same footing with respect to pensions for wounds; and he was sure that the country would not grudge such a sum. For himself, he was a plain man, and could not bring so much eloquence to the subject as the hon. secretary; but then he received no pay for exerting his voice on this question (*order* which he should continue to do every session. The general sentiment in the navy was, that it was not so well provided for as it ought to be.

Mr. *Croker* said, he had not denied the hon. gentleman's right to discuss any subject he thought proper; but what he complained of was, that the hon. member had not brought forward his remarks in the committee. He should be ready and happy to meet the hon. gentleman at any proper opportunity, or on any individual case, and he had no doubt that he should be enabled to give a satisfactory account to the house, if not to the hon. gentleman himself.

The report was then agreed to.

BUILDING OF CHURCHES.] Mr. *Brogden* brought up the report of the resolution of the committee, respecting the building of churches.

Mr. *A. Brown* said, it appeared to him to be very improper to vest the right of removing curates exclusively in the bishop. He illustrated the inconvenience of this arrangement by referring to the case of a curate, who refused to lend his pulpit on the occasion of a charity sermon, though repeatedly required to do so by the rector. The consequence was, that several months elapsed before he could be removed, and the charitable institution for which the sermon was intended suffered severely. He therefore recommended to the Chancellor of the Exchequer to consider the propriety of extending this right to rectors as well as to bishops.

The *Chancellor* of the *Exchequer* thought it would be better to defer the consideration of these matters, till the bill which he intended to introduce went into a committee. As the law now stood, a curate who had been licensed could not be removed without the consent of the bishop; but the bill would only prevent the removal of curates from one chapel to another.

Mr. *C. Grant*, sen. expressed his satisfaction at the statement made on a former night by the right hon. gentleman, that it was in the contemplation of government to extend the benefits of the proposed measure to Scotland. The parishes in that part of the kingdom were so extensive, and the population so thinly scattered, that it was impossible all the inhabitants could have access to the parish church. This was an evil which ought to be remedied.

The *Chancellor of the Exchequer* repeated, that such was the intention of Government; and he had no doubt it would be followed up by the liberality of parliament in a separate bill.

Mr. *Wilberforce* said, he highly approved of the proposed measure. He considered the grant not merely an act of munificence, but of justice; and he knew no way in which the money of the country could be expended to more advantage. Many years had elapsed since he first turned his mind to this subject: it had always been an object of his sincere and earnest wishes, and he rejoiced to find that it was now brought forward, under the auspices of his right hon. friend *.

* On the 1st of April, 1800, the late Bishop of Landaff addressed the following letter to Mr. Wilberforce.—

"My dear Sir,—Your great and unceasing endeavours to promote the cause of virtue and religion, deserve and have obtained the applause and good will of all serious men; and I know not any person to whom I can communicate my notions on two points, respecting the improvement of the morals of the people, with greater probability of having them well considered, and, if thought useful and practicable, brought into effect.—The parish-churches of this metropolis are greatly too few to afford an opportunity of attending divine service to the increasing numbers of its inhabitants, and this inconvenience is much augmented by the pews which have been erected in them. What I would propose is—the building an additional number of new churches, each on a large scale, in proper situations, which should have no appropriated seats, but, being furnished merely with benches, should be open alike to the poor and rich of all parishes and of all countries.—The structure of these edifices should be as simple, and of as comprehensive a figure as possible, that no public money might be unnecessarily expended, and a clergyman of great character and ability should be appointed to officiate twice every Sunday in each of them, and to explain the Catechism on Wednesdays

The resolution was then agreed to, and a bill was ordered to be brought in by Mr. Chancellor of the Exchequer, Lord Viscount Castlereagh, and Sir William Scott.

HOUSE OF LORDS.

Wednesday, March 18.

CHIMNEY SWEEPERS.] Lord *Kenyon* moved, that the evidence taken before the committee on the chimney-sweepers' regulation bill be printed.—Ordered.

GREENLAND FISHERY OATHS' BILL.] This bill was read a third time, and passed without any amendment. It was in these words.

"Whereas an act was passed in the 26th year of the reign of his present majesty, intituled, 'An act for the further support and encouragement of the fisheries carried on in the Greenland Seas and Davis's Streights:' and whereas by the said act, certain oaths are required to be taken by one or more of the owners, and by the master or chief officer of every ship or vessel going to and returning from the said fishery: and whereas the said oaths may preclude persons from applying for and obtaining the rewards to which they may become entitled, in pursuance of any act of parliament for discovering the longitude at sea, and encouraging attempts to find a northern passage between the Atlantic and Pacific Oceans, and to approach the northern pole; be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that so much of the said recited act as relates to the oaths to be taken by one or more of the owners, and by the master or chief officer of every ship or vessel going to and returning from the said fishery, shall be and the same is hereby repealed.

II. And be it further enacted, that previously to the licence specified in the said act being granted, one or more owner or owners, and the master or chief officer of such ship or vessel, shall make oath before the persons authorized by the said act to administer the same, that it is really and truly their firm purpose and intention, that such ship shall, as soon as licence shall be granted, forthwith proceed, manned, furnished, and accoutred in the manner directed by the said act, on a voyage to the Greenland Seas and Davis's Streights, or the seas adjacent, and there, in the then approaching season, to use the utmost endeavours of themselves and their ship's company, to take whales or other creatures living in the sea, and on no other design or view of profit in such voyage, save and except any reward or rewards offered by any act of parliament for more effectually discovering the longitude at sea, or encouraging attempts to find a northern passage between the Atlantic and Pacific Oceans, to approach the northern pole, and to import the whale-fins, oil, and blubber thereof into Great Britain (naming the port thereof to which it is their intention to return); and that, on the return of any such ship or vessel to Great Britain, the master and mate shall make oath that they did, in pursuance of the licence granted in pursuance of the said act (mentioning the day of their departure), proceed on a voyage directly to the places before mentioned, and have not since been on any other voyage, or pursued any other design or view of profit, save and except any reward or rewards offered by any act of parliament for more effectually discovering the longi-

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and Fridays in Lent, without interfering with the emoluments or the duties of the parochial ministers within whose parishes the new churches should be built.—The salary of each clergyman should be, I think, about 400*l.* a year, but no curates should be allowed except in cases of extreme necessity.—I forbear dilating on this scheme; many advantages and probably some objections will occur to a man of your penetration; but it is needless for me to enter into the consideration of either, till there is some prospect of the idea being adopted by government; and if the notion meets your own approbation, I can have no objection to your hinting the matter to Mr. Pitt.—Twenty churches might be erected for an hundred thousand pounds, and the salaries of all the clergymen, clerks, and door-keepers would not amount to ten thousand a year. These sums, or sums larger than these, appear to me to be trifles, when expended for so beneficial a purpose.—It might be of use to have a charity-box at each door of each church, the produce of which might be applied to some charitable purpose, (such as the reformation of prostitutes, the relief of prisoners for small debts, &c.) and the annual produce, I think, would not be inconsiderable; for many country-families, which come to town for a few months, would frequent these churches, and they would frequent them with more readiness if they had an opportunity of distinguishing themselves from the lower classes by voluntary donations to the charity-box.—Another thing which deserves, in my humble judgment, the attention of government, is an evil which has increased very much, if it has not entirely sprung up in many places within the last thirty years—*the travelling of waggons and stage coaches on Sundays.* There are laws, I believe, to prevent this being done during the hours of divine service, but the difficulty of putting them in execution renders them, in a manner, useless. This evil might be remedied by an act of parliament of ten lines, enacting the payment of a great additional toll at each turnpike-gate which should be passed by such carriages, between the hours of six and six on every Sabbath day.—The avarice of commerce, I fear, would oppose the extension of such a law to mail coaches; and the indifference of the opulent to religious duties, together with their fondness for travelling on a day when they experience the least obstruction on the road, would raise a cry against it, if it were proposed to extend it to all coaches and chaises.—I am, &c. R. LANDAFF."

The Bishop adds, "Mr. Wilberforce, in his answer to my letter, promised to embrace any opportunity of giving effect to the object of it." (See the life of Dr. Watson, written by himself, vol. ii. p. 110. to 114.)

tude at sea, or encouraging attempts to find a northern passage between the Atlantic and Pacific oceans, and to approach the northern pole, and that they did there (mentioning the time of their stay in those seas) use the utmost endeavours of themselves and their ship's company to take whales and other creatures living in those seas, and that all the whale-fins, oil, and blubber (if any) imported in such ship or vessel, were really and *bonâ fide* caught and taken in the said seas by the crew of such ship or vessel only, or with the assistance of the crew of some other British-built ship or vessel licensed for that voyage pursuant to the directions of the said recited act; and the taking of the said respective oaths in the form prescribed by this act shall (all the other requisites of the said act being duly complied with) be sufficient to authorize the granting of the licences for the sailing of such ships and vessels, and the payment of the bounties granted by the said act."

BANK TOKENS BILL.] On the motion of the earl of *Liverpool*, this bill was read a third time, one of the clauses, (respecting which his lordship stated there were some doubts, but which, in fact, was wholly unnecessary) being first struck out. The bill was sent back to the commons, and was shortly afterwards returned by Mr. Brogden, and other members, with the amendment agreed to. It was in these words.

"Whereas by an act passed in the last session of parliament, intituled 'An act to prevent the further circulation of dollars and tokens issued by the governor and company of the bank of England, for the convenience of the public,' it was enacted, that from and after the 25th day of March, 1818, the dollars and tokens in the said act mentioned should no longer pass or circulate, or be received in payment or exchange, or otherwise howsoever, under the penalties in the said act mentioned: and whereas a considerable quantity of the said dollars and tokens yet remain in circulation, and it is expedient to allow the same to be tendered and received in payment, for the purposes hereinafter mentioned, for the period hereinafter specified; be it therefore enacted, that from and after the said 25th day of March, 1818, and until the 5th day of July, 1818, the said dollars and tokens shall and may pass and circulate, and be received in payment or exchange, by such persons as shall be willing to accept thereof, in like manner as before the passing of the said recited act of the last session of parliament, any thing in the said recited act to the contrary in anywise notwithstanding; and that it shall and may be lawful for any person or persons, from and after the said 5th day of July, 1818, and until and upon the 5th day of April, 1819, to utter, offer, and tender any such dollars or tokens in payment of any taxes, rates, or duties under the management of the commissioners for affairs of taxes, or of the commissioners of customs or excise, or stamps in Great Britain, or of any postage, or in the purchase of any stamped paper, or in the payment of any rent by the tenants of any lands, tenements, messuages, or hereditaments in Great Britain, or of any parochial or other public rate, or in payment to any banker or bankers, or any common carrier, or to any other person or persons whomsoever, for the purpose of such dollars or tokens being transmitted to the bank of England; and that any person or persons who shall during the said periods respectively offer, utter, or tender in payment any such dollars or tokens, according to the provisions of this act, shall not be liable to any penalty under the said recited act; any thing in the said recited act to the contrary notwithstanding.

II. And be it further enacted, that the said recited act of the last session of parliament, and all the provisions and clauses therein contained, shall be and continue in full force and effect, except only so far as the same is and are altered by the express words of this act.

III. And be it further enacted, that this act may be amended, altered, or repealed by any act or acts to be passed in this present session of parliament."

GOLD AND SILVER COIN.] The Earl of *Lauderdale* moved for an account of the silver issued from the Mint since the new coinage, distinguishing the different kinds of shillings, sixpences, crowns, and half-crowns. He moved for this, as he had already done for other papers, preparatory to a motion which he intended to submit to their lordships at an early day after the recess, on the general state of the circulation of the country. In calling their lordships' attention to that subject, he did not mean to confine himself merely to an inquiry into the state of the paper system, but wished also to take into consideration the state of the silver coinage in relation to the gold. He did not now mean to enter into the question of the depreciation of bank-notes; but if even it should appear that there was no depreciation of that description of paper, still such was the state of our silver coinage as issued from the Mint, of which only 42*l*. was a legal tender, it appeared to him impossible gold should circulate in the country. It would then be a question for their lordships' consideration, whether, if the bank opened for payment in specie, it would be practicable to keep up the circulation of gold. If it should be found to be the case, that the state of the coinage did not admit of the measure being carried into full effect, it would be committing a great evil to adopt a measure which would call upon bankers to circulate gold at a time when its circulation with silver would be impracticable. He thought it right to throw out this hint of the view with which he should bring forward the motion he intended to submit to their lordships, and which he would propose, not for the purpose of stating his own opinions, but in order to hear those of others, and to afford an opportunity of coming to a decision on this important question. He should bring forward the motion on the 14th of April next, for which day he moved that their lordships be summoned.—Ordered.

HOUSE OF COMMONS.

Wednesday, March 18.

RIBBON WEAVERS.] The report of the minutes of evidence taken before the committee appointed to consider of the several petitions relating to ribbon weavers was presented.—Ordered to lie on the table, and to be printed.

WATCHMAKERS.] The report of the select committee appointed to consider of the laws relating to watchmakers, was presented.—Ordered to lie on the table, and to be printed. The committee concluded their observations in these words: "Resolved, that it is the opinion of this committee, that it is highly expedient, that some parliamentary regulations, which shall embrace the general interests of the empire, in the preservation of the art, manufacture, and trade of clock and watch-making, and the various branches and matters connected therewith, and the individuals engaged therein, should be adopted with respect to the several points enumerated in this report, and for the speedy relief of the petitioners, and thereby to effect a reduction of the poor rates now levied, and bearing heavily on real property, for the support of the willing, industrious, and hard labouring artizan, in so far as the deficiency in the reward of labour is supplied by charitable contributions."

IONIAN ISLANDS.] Mr. *Goulburn* presented the constitutional chart of the United States of the Ionian islands, as agreed on and passed unanimously by the legislative assembly, on the 2d of May, 1817. It was ordered to lie on the table, and to be printed.—The following are the articles of General Organization.

Art. 1.—The United States of the IONIAN ISLANDS are composed of *Corfu*, *Cephalonia*, *Zanté*, *Sta Maura*, *Ithaca*, *Cerigo* and *Paxo*, and the other smaller islands, situated along the coast of Albania and the Morea, which formerly belonged to the Venetian dominions.

Art. 2.—The seat of the general government of the United States of the Ionian Islands is declared to be permanently fixed in the capital of the island of Corfu.

Art. 3.—The established religion of these states is the orthodox Greek religion; but all other forms of the Christian religion shall be protected, as hereinafter stated.

Art. 4.—The established language of these states is the Greek; and in consequence, it is hereby declared to be an article of primary importance, that the language of the nation should become, as soon as possible, that, in which all the records of government should be held, all process of law alone conducted, and in fact, the sole recognized language for official proceedings within these states.

Art. 5.—It being impossible, however, from the circumstances of the case, to carry the above principle into immediate effect, the whole business of the country having been hitherto conducted principally in the Italian language; it is ordained, that during the first parliament, the Italian shall be the language in which all public business is to be conducted, save and except in the instances of the minor courts of law, where it may be judged expedient by the government to introduce the native language, with a view to its encouragement and general propagation.

Art. 6.—With a further view, at once to encourage the propagation of the languages of the protecting and protected states, his highness the president of the senate shall be bound, within six days after the first meeting of any parliament, to send down to the legislative assembly, a projèt of a law, to be therein discussed, relative to how far it may be possible to extend the native language to other departments, or to the whole of the government; and it is to be clearly understood, that whenever a law is passed, declaring the Greek language to be the sole official language, that the only other language that can be made use of in copies, or otherwise, is that of the protecting power, viz. —the English.

Art. 7.—The civil government of these states shall be composed of a legislative assembly, of a senate, and of a judicial authority.

Art. 8.—The military command in these states being placed, by the treaty of Paris, in the hands of his majesty's commander in chief, it remains with him.

Art. 9.—The legislative assembly shall be elected in manner and form hereinafter laid down, from the body of the noble electors.

Art. 10.—The senators shall be elected out of the body of the legislative assembly, in manner and form as may hereinafter be directed.

Art. 11.—The judicial authority shall be selected by the senate, in manner and form as shall hereinafter be directed.

Art. 12.—These elections, and all other civil appointments, shall be valid for the period of five years, except as may be hereinafter provided for.

Art. 13.—At the expiration of five years, all appointments of right fall to the ground, and the new election of the new legislative assembly shall take place on the day of the expiration of the term of five years; but his highness the president of the senate, and the senators, the regents of the local governments, the judges, together with all the ministerial officers in the various departments, shall continue to exercise their duties; the first till replaced by the new senate and president; the second till relieved by the new regents; the judges and ministerial officers, till removed or re-appointed by the proper authority.

Art. 14.—When the legislative assembly holds a session at the seat of government, the civil authority shall be termed the parliament of the United States of the Ionian Islands; and such session, being the first, shall be termed the first session of the first parliament.

Art. 15.—The second parliament, and the

subsequent sessions, shall be styled numerically in the same manner.

Art. 16.—All acts of the legislative assembly, of the senate, and generally of all the departments of government, shall be registered according to the parliament and session in which they may have been enacted, or otherwise carried into effect.

Art. 17.—During the first parliament an annual session shall take place, of right, the first day of every March, and shall continue in activity for three months; but such sessions may be prolonged beyond the said three months, in the event of necessity, for a period to be declared by the senate and approved of by his excellency the lord high commissioner of the protecting sovereign.

Art. 18.—In every subsequent parliament a session shall take place, of right, on the 1st day of March, in every two years, and shall continue in activity for the same period, as stated in the preceding article.

Art. 19.—The power of assembling and proroguing parliament, on an emergency, shall be vested in his excellency the lord high commissioner of the protecting sovereign; but parliament cannot be prorogued for a longer space than six months.

Art. 20.—The power of dissolving parliament, on any special emergency, shall be solely vested in his majesty by an order in council.

Art. 21.—On parliament being prorogued, the session of the legislative assembly shall forthwith cease for the period of prorogation; and all bills and acts of every kind, not completely carried through the parliament, shall fall to the ground.

Art. 22.—When the parliament is dissolved, all bills and acts of every kind, not completely carried through, fall equally to the ground.

Art. 23.—The public instruction of youth being one of the most important points, connected with the prosperity and happiness of any state; and it being of the utmost importance, both to the morals and religion of the country, that its pastors in particular should receive a liberal and adequate education, it is hereby declared to be a primary duty, immediately after the meeting of parliament, subsequent to the ratification of this constitutional chart by his majesty the protecting sovereign, that measures should be adopted by the parliament for the institution, in the first place, of primary schools, and subsequently for the establishment of a college for the different branches of science, of literature, and of the fine arts.

Poor Laws.] Mr. *Thompson* presented the following petition of several householders, shopkeepers, warehouse-keepers, and other inhabitants of the town of Kingston-upon-Hull. "That, from the general distresses of the country, and from the peculiar operation of those distresses at Hull, the petitioners are burthened with a poor tax of such magnitude in its amount, as to threaten in its effects the annihilation of those possessions which the petitioners have hitherto enjoyed; that, in order to discharge a large debt incurred in 1816, and to provide for the maintenance of the poor in this year, the guardians of the poor have been under the necessity of levying a poor tax of 600*l*. per week, the pressure of which is most severely felt by the householders of the town, many of whom, in consequence of this enormous rate, are unable to pay the just demands of their creditors; that one great cause of the rapid and ruinous increase of the poor tax in Hull is the want of employment for the poor, but especially for persons who have been brought up in the sea-service, and who, from their habits of life, are as unwilling as they are unable to attempt any productive labour on land; that, during the winter of 1816, the expense of maintaining the seamen and their families in Hull, principally belonging to the fishing ships, was near 200*l*. per week; and that, but a few weeks after the return of those ships with their numerous crews, the petitioners regularly experienced a great increase in the demand of the poor rates; that it is well known to the house that the poor tax is levied principally on real property, and that personal property is by law, or from the difficulty of assessing it, almost wholly exempt from the payment of the tax; that the petitioners are constrained to represent to the house, the justice and necessity of passing a law which shall subject the shipping of the kingdom, and other personal property, to the payment of the poor tax; and they beg leave to state, that it appears to them especially equitable that the commerce of the country should contribute, by a poor tax, to the support of the numerous population which it has produced, and by which it has so greatly benefited; that many ship-owners, whose vessels frequent the port of Hull, do not occupy any house in Hull, although their apprentices, completing their service and lodging in Hull, obtain settlements there; and that, to the knowledge of the petitioners, the rate on the profits of certain vessels used as passage-boats has been lost altogether, in consequence of the residence of the owner being in one parish, and his property in another; that the petitioners are informed that, in several of the sea-ports in the kingdom, a rate is levied at present on ships, either by the consent of the ship-owners, from a conviction of its justice, or under the authority of local acts of parliament for the purpose; the petitioners therefore humbly pray, that the house will consider their distressed state, arising from the enormous increase of the poor tax, and they confidently hope that they will devise such measures of amelioration or reduction of this most oppressive impost, as may avert the dreadful consequences which must arise from a continuance of it."

The petition was referred to the committee on the poor laws, and ordered to be printed.

Parliamentary Reform.] Five petitions

of freeholders and others of the township of Harrington; also, a petition of inhabitants of Liverpool; also of Nottingham, in favour of a reform of parliament, were presented, and ordered to lie upon the table.

LONGITUDE AND NORTHERN PASSAGE BILL.] On the motion of Mr. *Croker*, this bill was read a third time, and passed.

SAVING-BANKS.] Mr. *Douglas* moved for leave to bring in a bill for the protection of saving-banks in Scotland.

Sir *R. Fergusson* stated his approbation of the bill, which was drawn up by a reverend gentleman, who had been very useful to the country of Scotland. Leave was given to bring in the bill.

SPANISH SLAVE TRADE.] Dr. *Phillimore* said that, in rising, pursuant to notice, to bring forward his motion respecting Spanish ships engaged in the slave trade, it would be unnecessary to trespass long on the time of the house, as the subject was confined within narrow limits. By a treaty concluded between his Britannic majesty, and his Catholic majesty, for preventing their subjects from engaging in any illicit traffic in slaves, signed at Madrid, the 23d of September, 1817, (see page 40,) the sum of 400,000*l.* sterling was agreed to be paid as a compensation for losses sustained by the subjects of his Catholic majesty engaged in this traffic. By a petition presented to this house, on the 9th of February last, from Mr. Page, who described himself as legally appointed by several merchants, planters, and ship-owners of the Havanna, to obtain satisfaction from the British government, for various illegal captures and condemnations of Spanish vessels and cargoes engaged in the African trade, (see page 189,) it appeared, that the whole property of Spanish claimants thus seized might be reduced to three distinct classifications—first, those cases of vessels condemned in the colonial courts, where the appeal was interposed too late: 2dly, the cases of appeals in progress; and, lastly, those cases where the decrees of the courts of this country had ordered restitution to the full value of the property. With the two first classes, his motion had nothing to do. It exclusively referred to the case of those claimants who were in possession of sentences of restitution from British courts in this country. It might be said, and he did not mean to controvert the position, that the king of Spain possessed the power of contracting for his subjects in arrangements with foreign states. It was not his intention to enter on that view of the question. It was much more material with him to uphold and preserve inviolate the ancient and pre-eminent character of the courts in which the laws of nations were administered in this country. The parties who had sought for restitution of their property had appealed to the British courts, in the fullest reliance on their acknowledged character for undeviating good faith and justice. And, in referring to the cases where the sentence of restitution had been made, he found, that restitution was ordered in two instances, as far back as January, 1817; another in May of the same year, and the fourth in December last, while the treaty with Spain was not ratified until the end of that month. Yet, by that treaty, a decree of the law of nations, putting these parties in possession of their property, or the value of their property, was rendered, to all useful purposes in this country, but as so much waste paper (*hear, hear.*) It was unnecessary for him to trespass on the attention of that house with any panegyric on the character of those courts. Happily for the times in which we lived, their decisions did not rest on abstract or speculative notions; they had attained to a certainty equal to those of the municipal courts. It must therefore be a source of regret to see their decrees reduced by any transaction to a perfect nullity. Before the execution of the recent treaty, no merchant in England would have refused the most liberal advances to these claimants on the security of those sentences of restitution. At present they were wholly valueless. But the case of these claimants stood on stronger grounds than the mere sentence of restitution. They were protected by an act of parliament, the 55th of the present reign, by which, not only a restitution in value was enacted, but it was ordered, that payment should be made on the production of the sentences by the treasurer of the navy. Applications had been made by these claimants to the courts, in order to accelerate the payment, and the answer was, that a treaty was pending. Of the treasurer of the navy, the value of the property had been demanded, but the claim was, from time to time, evaded, although, under the provisions of the very act of parliament, a sum of 48,000*l.* was paying to French claimants, similarly situated. He could not but consider it due to the character of the tribunals in this country, in which the law of nations was administered, that government should specially provide for those, who held sentences of restitution under their order, and that it should not go forth to the world, that they were vilified and of no effect. It was endeavoured, by those who looked at our maritime character with jealousy, to attach a political character to those tribunals. To that aspersion their pre-eminent character was the best refutation, and therefore it was, that he regretted any event that had a tendency to impair the value of their decisions. Why should not these claimants be indemnified?—There remained one point on which, from what he had heard since he entered the house, he was anxious to be fully understood. No man more sincerely wished for the total abolition of the slave trade—no man was more sensible of the embarrassments this country had to contend with, in achieving that important concession, by which the tract of the African continent, to the northward of the equinoctial line, was at length

placed within the pale of civilized society, and relieved from the predatory attacks of the Spanish slave dealer, and all others, who had so long carried on their detestable pursuit, under the cover of that flag. The question which he had the honour to submit stood wholly independent of the slave trade. The hon. and learned gentleman concluded with moving, "That an humble address be presented to his Royal Highness the Prince Regent, to represent to his Royal Highness, that it appears to this house, that several Spanish subjects have obtained sentences of restitution of vessels engaged in the African slave trade, which had been detained by his Majesty's cruizers, and brought to adjudication in the courts of admiralty of this country, but have not yet been put into possession of the same: and that they commenced and prosecuted their suits at considerable expense, under the implicit confidence which they have reposed in the justice and integrity of the British tribunals, and upon the faith of an act passed in the 55th year of his majesty's reign, intituled, 'An act to provide for the support of captured slaves during the period of adjudication.'

"That, being deeply interested in upholding and maintaining inviolate the decisions of the tribunals of this country, most earnestly to entreat his Royal Highness, that he will be graciously pleased to take effectual measures to provide that the Spanish subjects, who are actually in possession of sentences of restitution, may receive the full amount of the property decreed to be restored to them."

Lord *Castlereagh* said, that he had listened with great pleasure to the fair exposition of the learned and hon. gentleman. He trusted, however, that he should be able to prove to him, that neither the principles nor practice of the law of nations had been violated in the late arrangement with the court of Spain. He contended, that by the principles of international law, the sovereign of one state had not only power to contract with the sovereign of another state as to the claims of his subjects, but could even proceed to the extent of releasing them. This right was founded on the common principle of the public security; for unless the sovereign possessed that right of interference, to what an extent of warfare and contention would the transactions of individuals most probably lead? On the common reason of the thing, therefore, it was clear, that the power of compounding the claims of subjects resided in the crown. All writers on the law of nations, had asserted and maintained this point. But it was not in theory alone that such a right existed; it had been exercised in two very particular cases. One was, the treaty of Vienna in 1815, when 300,000*l.* were given to Portugal, in compensation for the same description of claim as the 400,000*l.* were given to Spain in the present instance. The other was the case of the American treaty in 1783, by which it was stipulated that British suitors were entitled to legal remedies in the courts of that country. In some cases, they obtained justice, but the denials of justice were so numerous, that the respective governments interposed by a public arrangement. There were two modifications entered into on the subject. The first established the right of going with claims, not to courts of justice, but before commissioners, who were to examine them, and to order payment. The proceedings before the commissioners not having given satisfaction, a second modification was entered into, in 1794, which compounded the whole claims for 600,000*l.* This composition was received by the crown, although the claims, if prosecuted, would have amounted to five or six millions. In the present case, however, the sum given to the Spanish king was not only ample enough for all the claims of his subjects, but was considerably beyond their amount. The precedent of America, followed by the treaty of 1815, and the common sense and laws of nations, thus established the right and power of one sovereign to compound with another for the interests of his subjects. There was a general observation made by the hon. and learned gentleman, to which every man was alive—that it was of the utmost importance to the national honour to support the national tribunals; but the hon. and learned member had neglected to remark the natural distinction between tribunals for internal cases of justice, and those for the laws of nations. Whenever a treaty was agreed upon between two nations, from that moment it formed a part of the law of nations. If, then, the proposition he had stated, that it was in the power of a sovereign to enter into treaty respecting the claims of subjects, was right, it was no more an impeachment upon the treaty in question to have recognized a composition, than it was upon this country to have entered into the composition with America. The judgments referred to by the hon. and learned gentleman, were not judgments affecting the revenue of the country, through the treasurer of the navy, but the captors of the vessels in question. In proof of this, he would remind the hon. and learned gentleman, that his clients would have sold those judgments at such a discount as to take a few shillings in the pound before the treaty had been known, and that he had presented a petition for his Spanish clients, praying for a public compensation, the same as had been given in the case of Portugal, because there was so much litigation and difficulty in the way of getting satisfaction from the captors. Was it not hard, then, after not only the same measure of justice, but a greater had been meted out to them, that complaints should now be urged on that ground? But to argue more closely with the hon. and learned gentleman. He had represented the great hardship and injustice of stepping in between individuals and the tribunals which had given judgment in their favour. This he wished to be

kept particularly in view by the house, for he could shew them that the claimants were deprived of no right which they had had either in equity or by statute. There were two views to be taken of the question: 1. What was the principle on which any claim in equity could be founded; and, 2. What the claimants were entitled to on that principle. With respect to the first view, they were entitled to nothing in equity. The statute of July, 1815, was passed for purposes of humanity, that slaves found in captured vessels might be immediately relieved from their unhappy situation, and not obliged to wait the issue of a long litigation. With this view it was enacted, that if the capture should afterwards be declared illegal, an equivalent should be given for the slaves by the treasurer of the navy. As this act could only operate prospectively, not one case of those in question could be, in any view, brought within its operation. All of them but one were *extra* the whole proceedings contemplated by the statute. The hon. and learned gentleman had been guilty of a fallacy, if not of misrepresentation, respecting the cases in question. There were altogether twenty-one cases in different stages. In sixteen of those cases the captures had taken place before July, 1815. The act of parliament of that date could by possibility, therefore, apply only to five of them. The sixteen cases had no reference whatever to the act, and could claim no remedy whatever, except from the clemency of parliament, if parliament chose to extend it to them; four cases out of the other five were still in course of litigation, and no judgment whatever had been given upon them. Only one case, then, could be attempted to be included in the provisions of the act, and this case he should shew to be on grounds very different from those contemplated by the act. It was the case of the *Rosa*. That vessel had not been captured by our cruisers, but had been driven by stress of weather on the coast of one of the Bahama islands, and had been taken, because some slaves were on board. Upon the hon. and learned gentleman's own shewing, therefore, no claim could be urged against the treasurer of the navy. There were only five judgments, and those were against the captors, and surely the claimants, as to the remedy now afforded to them, compared with their prospect of recovering from the captors, had no right to complain of this country for turning them over to the justice of their own country. He had thus shewn that the claimants had no right against the state, but against the captors; and that their claims against them could not stand in the way of entering into treaty, otherwise they would stand in the way of all treaties. Looking at the treaty with Spain, he would say, that the claimants, by going to their king with judgments obtained in this country, would have an additional claim for justice, and an impediment against injustice. But, if individual cases had been specially stipulated for in the treaty, it would have occasioned much obscurity. Nothing could be more unwise than to include in a treaty all cases in progress in the courts. There was nothing so dangerous as introducing unnecessary words into a treaty. By this treaty the King of Spain had taken upon himself to make satisfaction for all losses sustained by his subjects. If, then, the judgments were not, as they were, against the captors, but against the public, it would be difficult to prove that we were bound to make twofold restitution. He would not attempt to prejudice any man; but if Americans and others, who, under the disguise of Spaniards, had trafficked in slaves, had applied to our courts, and managed their disguise so well as to have obtained judgments, was it not the wisest and the most just course to refer them to the country to which they affected to belong? He believed that there were such claimants, and Spain had better means than ourselves of detecting them, and of separating the real Spanish claimants from the illicit traders who had carried on depredations under its flag. It was thus an essential ingredient of justice, to refer them to the country to which, they said, they belonged. It was impossible to get at the truth in any other country. Upon the whole, he trusted that he had satisfied the house, that no doubt had hitherto existed with regard to the competence of the sovereign power of a state, upon all the principles of international law, to conclude a treaty with another foreign power, of the nature of that under consideration. He had shewn, that it had been recognized on two solemn occasions, and that there was no ground of charge against the navy board, as having placed itself between a judgment on statute law, and its execution. He had only to remind them, that the Spanish flag had been made use of by the subjects of other states as a cloak to their violation of the law, and that the Spanish courts must necessarily be the fittest places for determining any questions which might arise out of that practice. Hoping, therefore, that he had relieved the hon. and learned gentleman's mind from all apprehension with respect to the authority of our own tribunals, he should conclude by expressing his intention to oppose the motion, as unnecessary.

Lord *Archibald Hamilton* said, he addressed the house with reluctance on this subject, but he considered that, by the noble lord's own admission, injustice had been done somehow and somewhere. He was sorry that a claim in equity should be connected with any thing so atrocious as the slave-trade; but he nevertheless thought the honour and justice of the country implicated in this question. With regard to the precedent of the American treaty, he believed no previous adjudication had taken place, and that the aggrieved merchants had never been reconciled to it. If the noble lord thought this last circumstance of small importance, would he inform the house whether Lord Sidmouth was

reconciled to it? The noble lord had referred the claimants to the Spanish government; but the correspondence on the table shewed that the answer of Spain would be, that the parties in question were excluded by the treaty. Had the captors really paid the damages and costs incurred, could it be denied that our government would have borne them harmless? And had not the sufferers, therefore, a clear equitable claim for compensation? He could not think it fair, after they had gone successfully through a long and laborious process of litigation for the recovery of their demands, to turn them over to the Spanish courts, there to establish their claims a second time. In any view of the case, great blame appeared to him to attach, not to the courts in this country, but to the noble lord and his colleagues, for making a treaty which so directly interfered with the legal rights of individuals.

Lord *Castlereagh* observed that, for all vessels captured before the treaty, the claimants would have a right to proceed in the courts of Spain.

Mr. *Wynn* said, he did not mean to deny that the noble lord had correctly described the extent of the sovereign authority; the only question now was, as to the manner in which it had been exercised. He admitted that such claims as had not been adjudicated were a fit subject for negotiation; but here were cases in which sentence had been pronounced, and an express act of parliament providing in such cases for the sufferers. The claimaints had acted in reliance upon this security, and had therefore, at least, an equitable claim upon the government for compensation to the full amount of the sums they had recovered. The precedent of the American treaty was qualified by a great variety of circumstances. It was notorious, that, after the ferment of the war, the courts of justice in that country were not to British subjects the seats of equity. In the present instance, the interests of the claimants should be protected by the decisions of the courts, and not transferred to another tribunal, where the parties must incur fresh trouble and expense.

Mr. *Brougham* was of opinion, that if the consent of the court of Spain to abolish the trade were the only result of the payment of 400,000*l.* it would be sufficient; but he considered that the additional arrangement relative to the right of search without which the abolition of the trade would be impossible, was of itself worth the whole sum. It was also to be recollected that the Spanish government received this money partly in consideration of their making good the losses sustained by their subjects by captures; to which, indeed, one-half of it would probably be applicable. The hon. and learned gentleman argued, that the act of our government was not the cause of any injustice that might be apprehended; for if no treaty had been concluded, it would have been competent to the Spanish government to bar the claims of the parties in question by an act of state. It was certainly a case of great hardship on the parties who had brought actions and obtained judgments, and on the credit of those judgments had, perhaps, obtained advances; but there were many other cases of hardships arising out of the established principle, that subjects were bound by the acts of their sovereign. Up to the final adjudication, the whole claim of a captor might be abandoned for him by his government; saddling him with all the costs of his action. He thought, however, that it would have been much better had resort been had in the instances in question to the droits of Admiralty. In conclusion, the hon. and learned gentleman expressed his earnest and anxious hope, and, indeed, his sanguine expectation, that by the stipulations which had been entered into between some of the governments of Europe (which he trusted would be speedily extended) and more especially by the admission of the right of search, the great measure of the total abolition of the slave trade would, ere long, be completely accomplished.

Lord *Castlereagh*, in reference to what had just fallen from the hon. and learned gentleman, was persuaded it would be satisfactory to him and to the house to be informed, that the government of the Netherlands had signified their readiness to assent to the principles of the treaties with Spain and Portugal; and that a treaty to that effect was in a state of great forwardness. (*Hear, hear, hear.*)

Mr. *Wilberforce* said, that the cases involved in the present question could not be distinguished from those of the ordinary exercise of the sovereign power. The hon. and learned gentleman had dwelt on the losses likely to be sustained by Spanish claimants, if the awards of our courts were not carried into execution; but it was known, that the Spanish flag had been fraudulently used as a protection for carrying on the odious and inhuman traffic in slaves. The very solicitude now manifested to obtain payment from the British government, was a strong evidence of the truth of his representation. Such was the disposition to evade every measure which had been adopted for putting a stop to the African slave-trade, that the whole tract of country along the banks of the Senegal was one continued scene of desolation. The mischief was to be imputed to the French settlements on that coast. The noble lord opposite had stated that one governor had been already discharged for misconduct in this matter; (see page 224) and he trusted that the French government, alive to its own engagements, as well as to the general rights of humanity, would soon remove every obstacle to the complete accomplishment of so desirable an object. He trusted that, when Spain and Portugal had done so much, France and America would soon follow their example. He hoped that the present French Monarch, a man of humanity and religion himself, and who knew what it was to be unfortunate and to suffer,

would lend the authority of his exalted station to do away the wrongs and sufferings of so large a portion of his fellow beings. If he was led to augur thus favourably with respect to France*, there was less doubt with respect to the United States of America, friendly as that country ought to be to the general liberty and happiness of mankind†. The treaty which had been concluded with the government of Spain seemed well calculated to secure the great object at which it aimed. That government had made such concessions as appeared to warrant the expectation that the arrangements of the treaty would be faithfully acted upon, and he should be grieved extremely if this motion should tend to disturb its operations.

Mr. *Money* said, he considered the 400,000*l.* given to Spain under this treaty expended for one of the most just and noble purposes. It reflected the highest honour on the country; and he believed, that if for such a purpose the people were to be called on for their contributions, the penny of the poor would be blended with the pound of the rich.

Dr. *Phillimore* said, that the hon. gentleman who had just sat down had directed his remarks entirely to the slave trade. For his own part, he could yield to no man in the sincerity of his wishes for the total abolition of that inhuman traffic. It was on that account he had been at pains to shew that the present motion was a distinct and separate question. The question was, whether the Spanish claimants who had obtained sentences of restitution in the admiralty court of this country, should be placed by this treaty on a different footing from that on which they would have been if this arrangement had not been entered into? The present question did not turn on the right of the Spanish crown over Spanish subjects—here British subjects were also concerned. He still maintained that the credit and character of this country would be impeached, if the decisions of its highest tribunals should be nullified. There were four cases, of which three did not come within the act; the fourth did. The noble lord had said, that the remedy of the claimants was not against the public, but against the captors; but would it be just that the captors should be forced to indemnify the claimants? The good faith of the country was pledged to give either the restitution of the thing itself, or the value in money. The decrees were obtained long before the date of the treaty. He found no fault with giving 400,000*l.* to the king of Spain; but when the treaty was entered into, the cases of those who had obtained sentences for the restitution of their property, or an equivalent, ought to have been taken into consideration. On the faith of the decree, money could have been raised in any town of Europe. The credit of a British court of admiralty ought not to have been made to depend on the conduct of a king of Spain. Hitherto the decrees of the court of admiralty had been unimpeached, but now, the parties were left to the mercy of the Spanish government, and it was well known, that there was no court in Europe whose credit was so low as that of Spain. The claimants had not the smallest chance of receiving any thing from that government. It was rather unfair too, to say that the claimants had been guilty of fraud, which was the reason why they were so anxious to apply to England rather than to Spain. They had been recommended to him as men of fair character, and he had no reason whatever to doubt their respectability, or the validity of their claims. They had obtained the sentences of several courts in their favour, with costs and damages. The cases had been appealed from the viceroyalty courts to the highest court—and the claims stood, therefore, on the authority of the highest tribunal known to the law of nations. If there had been any fraud, it would have

* It has since appeared, that the King of France has determined that a squadron of ships of war shall constantly cruise on the African coast, for the purpose of visiting all French merchantmen, and enforcing the due execution of the laws which have been enacted in France for the abolition of the slave trade. The following Royal Ordinance appeared in the Paris papers of the 26th of June, 1818.

"Louis, by the Grace of God, &c.

Considering the various laws by which France has prohibited the traffic known under the name of the Slave Trade, and especially our ordinance of the 8th of January, 1817, and the law of the 15th of April, 1818;

Wishing to secure by every means in our power the abolition of the slave trade in every part of our dominions—

On the report of our Minister Secretary of State for the Marine and Colonies,

We have ordained and do ordain as follows:—

Art. I. There shall be constantly maintained on the coasts of our African Establishments, a cruising squadron of our marine, for the purpose of visiting all French vessels which shall appear within the limits of our possessions on the said coasts, and of preventing every violation of our laws and ordinances."

Saint Cloud, June 24. (Signed) LOUIS.

† It appears, however, by recent accounts from the southern parts of America, that this abominable traffic is still carried on to a great extent. An article dated at New Orleans, July 14th, 1818, says, —"The slave market appears to be very brisk, constant demand, and high prices, notwithstanding the arrival lately of more than 300 from the States, and 159 in the brig Josepha, from Africa. We are, however, much indebted to the enterprising and successful exertions of Mr. C. Morgan, for the copiousness of the present supply, which, with the aid of 3 or 400 that have been seized by General Jackson's officers at Mobile, will probably suffice for the next crop. Jersey Negroes appear to be peculiarly adapted to this market, especially those who bear the mark of Judge Vanwickle, as it is understood that they afford the best opportunity for speculation. We have a right to calculate on large importations in future, from the success which has hitherto attended the

appeared on the trials; but nothing of that kind had appeared. It was too much, therefore, to say that the claimants had been now unveiled —they ought to have been unveiled before the able and learned judge who presided on the different occasions. As to the precedent of the American treaty, his hon. and learned friend had shewn, that it was not applicable to the present case. Upon the whole, he had not heard any thing from the other side which made against his motion, or from which he was not the more convinced of the justice and necessity of its being acceded to.

Mr. *Wilberforce*, in explanation, observed, that he did not mean to cast any imputation on the character of the individuals alluded to by the hon. and learned gentleman; he meant only to say that, in general, the Spanish flag had been used for protecting the ships of Americans and others employed in the transportation of slaves. The real traders were not Spanish subjects, which accounted for their anxiety to urge their claims in this country.

The motion was then negatived without a division.

COMMISSION OF THE PEACE (IRELAND).] Sir *S. Romilly* presented a petition which, he said, had been put into his hands by the hon. member for Winchelsea (Mr. Brougham,) from Mr. O'Hanlon, a magistrate of the county of Down, and which, he understood, differed in no essential respects from a petition presented last year from the same gentleman. (See vol. I. p. 1378.)

It was ordered to lie upon the table.

DEFAULTERS.] An account having been ordered yesterday of a circular letter from the tax-office, that order, on the motion of the *Chancellor of the Exchequer*, was now discharged, and a copy ordered " of the circular letter from the board of taxes to the commissioners of districts, dated 1st December 1817, with an account of the number of districts in which the deficiencies therein referred to have been discovered, and the amount of such deficiencies, so far as the same have been ascertained."

DEBTOR AND CREDITOR LAW.] Sir *S. Romilly* presented the following petition of John Moxon, of the town of Kingston-upon-Hull, merchant, which was ordered to lie upon the table, and to be printed. " That Mr. Robert Christie Burton, a gentleman who, on the death of an uncle, came into the possession as tenant for life of real property exceeding in value 5000*l.* per annum, being indebted to the petitioner in the sum of 1000*l.* the petitioner was under the necessity, in the year 1812, in consequence of the whole of the said Robert Christie Burton's furniture, and other tangible property, having been put out of the reach of creditors by a cautious investment thereof in trustees on his marriage, of suing out execution against his person on a judgment obtained against him, and he was thereupon committed to the Castle at York; that from York Castle the said Robert Christie Burton removed himself to the King's Bench prison, where he remained for some time, enjoying the benefit of the rules, living in great splendour, and having then, as he still has, a regular supply of game from his manor of Hotham, in the neighbourhood of Hull, where the petitioner resides; that the imprisonment of the petitioner's debtor, which, under existing circumstances, was the only satisfaction the petitioner could have for his debt, was merely nominal, as the said Robert Christie Burton did not even remain within the confines of the rules of the Bench; and the petitioner frequently received information (the truth of which he has every reason to believe) of his having made excursions to Brighton, and other fashionable places; that at length in the latter part of the year 1814, the petitioner obtained positive evidence that the said Robert Christie Burton had been at Doncaster, and he immediately caused a bill to be filed against the marshal of the King's Bench for an escape; that the marshal however pleaded that Mr. Burton had escaped without his privity, and had since returned into his custody, and the petitioner was therefore advised that he could not further prosecute his action with any chance of success; that the said Robert Christie Burton, as the petitioner has been accidentally informed, was lately removed, though without the petitioner's consent, and without any notice being given to him, from the King's Bench to the Fleet prison; that within the last month the petitioner heard that the said Robert Christie Burton was preparing to pay a visit to Beverley in Yorkshire, for the purpose of canvassing that place previously to offering himself at the next election as a candidate to represent that borough in parliament; that the petitioner determined to avail himself of this flagrant breach, as he considered it, of the law when it should take place, and he accordingly gave instructions to his law agents to watch the said Robert Christie Burton's departure from the Fleet, and then to file a bill against the warden for an escape; that, to the petitioner's great surprise, he has learnt from them that no bill can be filed, either against the marshal or the warden, except in term time, and that as the term is now over, the said Robert Christie Burton may, during the vacation, make his immediate appearance amongst his friends in Yorkshire, and remain among them until the eve of the next term, without the possibility of the petitioner being able to fix the warden; that the petitioner humbly begs leave to draw the attention of the house to this important fact, and particularly as it is stated in the report from the select committee on the Insolvent Debtors' Act, page 246, that Mr. Brooshooft, the deputy marshal of the King's Bench, in answer to the following question, put to him by the committee, viz. 'Is there a certain time of the year when it (viz. travelling and visiting the Continent) may be done without any risk to the marshal?' said, 'No, he is at all times liable;' that the said Robert Christie Burton's property, though considerably encumbered in

consequence of his extravagance, is sufficient, after satisfying all his debts, to leave him a very respectable income; but as he has long since got over the shame of being a prisoner for debt, the petitioner is afraid his creditors are doomed, without redress, to continue to witness and support his useless profusion, until the whole of his substance shall be entirely wasted; the petitioner therefore humbly prays, that the house will be pleased to take his case into consideration, and to make such alteration in the law relating to prisoners in execution for debt, as will afford relief to himself and others in his situation."

SAVING BANKS (ENGLAND).] On the motion of the *Chancellor of the Exchequer*, the house went into a committee on the saving banks act amendment bill.

General *Thornton* again objected (see page 1130.) to the high rate of interest paid upon the sums deposited in these institutions.

Mr. Alderman *Atkins* asked, to what particular sums individuals would be limited, in placing their money in these banks?

The *Chancellor of the Exchequer* said, that this was a question which required great consideration; it might be expedient, perhaps, to limit the sum to be deposited; but other opportunities would offer for proposing any amendment on that head. With respect to the rate of interest, 4½ per cent. was allowed; but when the expenses were deducted, it would be reduced to 4 per cent. A lower rate than that would not be an inducement to persons of small property to invest their money. The committee were aware that 5 per cent. could readily be had upon private security; but the most lamentable scenes of ruin and distress had occurred in consequence of such securities being taken, by the failure of the persons in whose hands the money had been placed. He entertained the utmost confidence, that these establishments would produce a most beneficial effect on the morals and industry of those for whom they were intended, and he trusted, therefore, that parliament would not think 6000*l.* or 10,000*l.* a year too much in aid of the plan. It would be repaid to them, not three fold or ten fold, but, perhaps, a hundred fold.

The house then resumed, and the report was brought up, and ordered to be taken into further consideration on Monday, the 15th of April.

CUSTOMS CONSOLIDATION BILL.] The report of the customs consolidation bill being brought up,

The *Chancellor of the Exchequer* stated, that it was intended in this bill to consolidate the various duties imposed since 1809, which was the period when a consolidation last took place. The duties would remain nearly as they were, with a few exceptions. There were a few general principles to which, on this occasion, he wished to call the attention of the house. With respect to the Irish duties, which must soon undergo a revision, it was intended that they should remain for the present unchanged. No alteration would take place in the duty on timber. With respect to *ad valorem* duties, at present a duty of 30 per cent. was laid on unmanufactured goods, and a duty of 70 per cent. on manufactured goods. The duty on the manufactured goods was to be reduced to 50 per cent., and the duty on the unmanufactured goods was to be reduced from 30 to 20 per cent. It would, perhaps, be advisable, that the duties on sugar should be reduced to one fixed rate; but this would be a subject for future consideration. The duties on goods carried coastwise, would continue in their present state, except the duties on stone and slates, which would be rendered more simple. The duties on tonnage would not be altered. The present duties on East India goods would be assimilated to the duties on light articles imported from other parts of the British dominions. The thrown silk would be imported from India in the same manner as from ports of Europe. He congratulated the house on the great growth of the trade to India since the free intercourse with that country. The private trade exceeded not only what the evidence at the bar gave reason to expect, but the most sanguine hopes of the adventurers. *(Hear.)* It would be proper to give every fair encouragement to this trade which might be consistent with justice to our own manufacturers. It was proposed that raw silk, manufactured here into thrown silk, should, when exported, receive a drawback equal to the duty on raw silk imported. East India sugar would be subject to the same regulations as West India sugar, if the proposed fixed duty were established. In the linen trade there would be no alteration; nor would it be fair to make any, without allowing the Irish manufacturers to be heard on the subject.

Mr. Alderman *Atkins* thought it highly impolitic, that the same duty should be laid on sugar of different qualities. Nothing could be more prejudicial than to rate the duty on sugar grown at 50*s.* as high as on that grown at 90*s.* He trusted that some alteration would be made in that particular, or the consequence would be, that the growth of sugar at 50*s.* would be altogether discouraged. He suggested also, that the expences which attended the bonding of goods should be lessened, by which means, he was convinced, we might again become the great carriers of Europe.

Mr. *Forbes* concurred with the Chancellor of the Exchequer as to the great increase of the trade to India in British manufactured goods, especially cotton. But he remarked, that, in India, as if to check this trade, duties had been laid upon British manufactured cottons, which did not exist before.

Mr. *Butterworth* was of opinion, that it would be expedient to allow, in all cases, drawbacks on importation equivalent to the duties paid on import.

The report was then agreed to, and a bill

ordered to be brought in by Mr. Brogden, Mr. Chancellor of the Exchequer, and Mr. Frederick Robinson.

FINANCE COMMITTEE.] Mr. *D. Gilbert* brought up the ninth report of the committee on public income and expenditure. It related to the ordnance, and was ordered to lie on the table, and to be printed.

HOUSE OF LORDS.

Thursday, March 19.

ROYAL ASSENT.] The royal assent was given by commission to the Greenland fisheries oaths' bill, and the Bank tokens bill. The commissioners were, the Lord Chancellor, the Duke of Montrose, and the Earl of Shaftesbury.

LONGITUDE AND NORTHERN PASSAGE BILL.] Mr. *Brogden* brought from the commons this bill, which was read a first time.

GAS COMPANIES.] The order of the day being moved for the third reading of a bill for lighting the city of Bath with gas,

The Earl of *Lauderdale* reminded their lordships, that he had on a former occasion stated his general objections to the increase of corporations. It was not, however, on that ground that he intended to offer any observations on the present bill, but because he thought it due to the public to say, that, in his opinion, the gas companies were not so careful as they had been, and as they ought to be. The consequence of their neglect was, that the gas had not been of so pure a kind as it had been at first made; it did not pass freely through the tubes, and they were liable to be stopped. This was a serious inconvenience; for the neglect might not only suddenly deprive the metropolis, and other places which depended upon corporations, from the advantage of being regularly lighted, but might also be attended with danger to the inhabitants. He thought it his duty to take this public notice of the subject, but did not oppose the present bill.

The Earl of *Shaftesbury* said, that there was a clause in this, as in every bill of the kind, rendering the corporation liable to be prosecuted for a nuisance, if they were guilty of any neglect of the kind pointed out by the noble earl.

The *Lord Chancellor* thought, that the best clause that could be inserted in such bills, would be one to dissolve the corporation, when any negligence of the sort which had been mentioned should occur.

The bill was then read a third time and passed.

EASTER RECESS.] On the motion of the Earl of *Liverpool*, their lordships adjourned from this day till Thursday the 2d of April.

HOUSE OF COMMONS.

Thursday, March 19.

On a message to attend the lords commissioners, the House went; and being returned, Mr. *Speaker* reported the Royal Assent to the Greenland fisheries oaths' bill, and the Bank tokens bill.

MASQUERADES.] General *Thornton* adverted to a notice he had given of a motion for suppressing public masquerades; but as he did not find that it would meet with support, he should withdraw it.

MOCK AUCTIONS.] Mr. Alderman *Atkins* brought in a bill "to prevent fraud upon the revenue, and injury to trade, by unfair and mock auctions."—Read a first time.

CITY REVENUE.] On the motion of Sir *W. Curtis*, the order of the house of the 24th of February, for an account of the Bridge-house estates, was read, and discharged. An account was then ordered "of the produce of certain estates called the Bridge-house estates, and how the same have been disposed of, for the five years ending December 31, 1817, setting forth to what uses the said estates were vested."

PUBLIC-HOUSES.] Sir *M. W. Ridley* presented a petition of several innkeepers, victuallers, and publicans in North Shields, in the county of Northumberland, and places adjacent, setting forth, "that the duties imposed by an act passed in the 56th year of his present Majesty upon licenses for retailing ale, wine, and spirituous liquors, are so heavy, that the same cannot be borne by, and have proved ruinous to many of the petitioners, and are exceedingly burthensome and oppressive to the whole; that the present monopoly of public-houses by common brewers, the existence of which is too notorious to be denied, deprives the public of the advantage which would otherwise be derived from an improved quality of malt liquor, necessarily resulting from that competition which a free trade would, in the opinion of the petitioners, not fail to create; and that therefore such a monopoly is not only highly injurious to the interests of the petitioners, and particularly prejudicial to the labouring classes, but also a great public grievance; that, whilst the petitioners acknowledge the justice of their being subjected to all such regulations as are necessary for the preservation of the public peace and morals, and admit, therefore, the expediency of their houses being placed under the control of the civil magistrate, yet they most humbly submit to the house, that, as by the powers now vested in justices of the peace they are liable to be deprived of or refused their licenses, and thereby ruined in their concerns, without the privilege of being heard in their own defence, they are thus subjected to a species of hardship and oppression from which all other classes of their fellow subjects are most happily exempt; and praying, that the house will take the premises into consideration, and grant such relief therein as to them shall seem just and expedient."

The petition was ordered to lie on the table, and to be printed.

PRIVATELY STEALING (IRELAND) BILL.] Mr. *Peel* said, he wished to assimilate the laws in England and Ireland as much as possible, and

therefore moved for leave to bring in a bill "to repeal so much of an act passed in Ireland, in the 9th year of the reign of Queen Anne, intituled, 'an act for taking away the benefit of clergy in certain cases, and for taking away the Book in all cases, and for repealing part of the statute for transporting felons,' as takes away the benefit of clergy from persons stealing privily from the person of another, and more effectually to prevent the crime of larceny from the person."—Leave being given, the right hon. gentleman brought in the bill, which was read a first time.

PRIVATELY STEALING BILL.] This bill was considered in a committee, and ordered to be reported on Friday, the 3d of April.

EASTER RECESS.] On the motion of Lord *Castlereagh*, the house adjourned from this day till Thursday, the 2d of April.

HOUSE OF LORDS.

Thursday, April 2.

LONGITUDE AND NORTHERN PASSAGE BILL.] This bill was read a second time.

STOCK DEBENTURES.] The Earl of *Lauderdale* moved for various papers relative to the state of the coinage and currency, from the commencement of the present reign to the 5th of January last. These papers, the noble earl stated, were necessary for the motion of which he had given notice; but, in moving for them, he should take the opportunity of asking the noble secretary of state a question on a subject intimately connected with that which it was his intention to bring under the consideration of their lordships. A rumour had for some time prevailed, of his Majesty's ministers having in preparation some plan for issuing debentures on stock. If a plan such as that reported to be in contemplation were adopted, it would completely alter the state of the currency of the country. He might, therefore, find, when the day now fixed for the motion of which he had given notice arrived, that the whole subject to which his notice applied, had become a nonentity. He wished, therefore, to be informed by the noble lord, whether it were true that any plan of the nature of that to which he had alluded was in contemplation.

The Earl of *Liverpool* said, that he, as well as the noble earl, had heard rumours of several projects respecting the currency being under consideration. All he could say on the subject was, that if his Majesty's government should think it advisable to submit any financial plan to the consideration of parliament, due notice would be given to their lordships. In the mean time, he could only express his hope that the noble earl would not give such credit to loose reports, as to be induced to delay any motion which he might think it right to make; and would again observe, that there was no reason to suppose any measure would be proposed, without proper time being afforded for its consideration.

The Earl of *Lauderdale* said, he did not mean to call on the noble secretary of state to explain the nature of any project which might be in contemplation, but it surely was in his power to say whether or not he intended to propose any plan relative to the currency. If he obtained no answer to his question, their lordships would be left in a state of singular uncertainty on this important subject. They would probably hear nothing of the plan until it was brought forward in another place. In the mean time, he should be under the necessity of postponing his motion until he saw what was intended, which, perhaps, would not be before the bills which his Majesty's ministers (who, in affairs of this kind, had assumed a power similar to that once possessed by the Lords of the Articles in his country) might think proper to introduce, were on the table. The business would then be brought forward at a late period of the session, when the state of the attendance in that house would render a full discussion impracticable. When a member of their lordships' house gave notice of a motion on so important a subject as the currency of the country, he certainly was entitled to ask, whether ministers had it in contemplation to propose any thing which might render his motion altogether nugatory. The noble secretary of state had admonished him not to give credit to loose reports; but it was not as to the truth or falsehood of any particular rumour that his question applied, and he really could not conceive it possible that any inconvenience should arise from its being answered. He did not desire to know any plan which his Majesty's ministers might have adopted, or which they might have under their consideration. All that he wished to know was, whether they intended to propose any measure which would operate a change in the existing currency of the country.

The Earl of *Liverpool* repeated, that if it should be thought proper to submit any plan on the subject to which the noble lord had alluded, or on any branch of that subject, to the attention of parliament, due notice of such intention would be given. He perfectly concurred with the noble earl in the opinion, that if such a question were brought forward, it ought not to be delayed until a period of the session when it could not receive the full consideration of that house. The noble earl would act according to his own sense of propriety as to the time of bringing on his motion; that was a point on which he could give no opinion.

The Earl of *Lauderdale* regretted that he could get no answer from the noble secretary of state. His motion stood at present for the 14th instant; whether it would be proper for him to bring it forward on that day, must be a matter of future consideration.

The motion for the papers was agreed to.

HOUSE OF COMMONS.

Thursday, April 2.

COTTON FACTORIES BILL.] Petitions, against

this bill, were presented from certain owners of factories in Manchester, Carlisle, and Skipton. —Ordered to lie on the table.

Mr. *W. Smith* presented the following petition, signed by [illegible]00 labourers, who were all above sixteen years of age, and employed in the cotton spinning manufactories of Stayley Bridge, in the county of Lancaster. "That the petitioners feel themselves much oppressed by the immoderate and protracted labour to which they are subjected in cotton mills, extending to fourteen or fifteen hours per day, (inclusive of the time granted for dinner), with a slender abatement thereof on Saturday alone, in apartments of high temperature, and in infected air, which, for those reasons, are injurious to the animal system; that the consequences of task-work thus severe, and in places so impure, the petitioners experience, to their sorrow, premature debility and distempered frames, which, under various shapes, make the prime of their manhood the termination of their usefulness, and the prelude to still heavier evils, as procuring their dismission from the only employment which they have been taught, as soon as in any degree they prove insufficient to this exorbitant labour; that not for themselves alone, but yet more, if possible, for their children and relatives of tender years, do the petitioners intreat compassionate regard, witnessing as they do with painful feelings the miseries thus entailed on those who are most dear to them, too manifest to every eye in the pallid looks and frequent distortions hence originating, and in the less known but more deadly mischief of constitutions early broken, and some of the worst evils of age treading on the heels as it were of infancy and youth; and the petitioners cannot here omit to state, that in addition to the other hardships of this infant class of labourers, many of them are detained three or four days a week from their dinners at home, for the purpose of assisting in cleaning the machinery; that the owners of factories being deeply interested in perpetuating the system complained of, and jealous of yielding to a competition, or the chance of a superiority in the market, no hope exists in reason or in past experience, that they will depart from a rigid adherence to a plan which is to their dependents so oppressive; that the petitioners, aware of this, and having heard that the notice of the house has been called to this subject so long since as the year 1816, they consoled themselves with the prospect of the only remedy that seemed proportioned to the hardships of their case, and it is only when at length, after a long and painful suspense, the hope which they had so fondly cherished, is attempted to be wrested from them, and both themselves and their cause publicly misrepresented, that they now humbly represent their grievances to the house, and pray that the provisions of Sir Robert Peel's original bill, to which they have before adverted, curtailing the working hours to twelve, and so as to allow thereout half an hour for breakfast, and one hour for dinner, may pass into a law, with such other regulations as shall seem expedient to the wisdom and humanity of the house, for the relief of the petitioners, and of the children, whose condition they have so much reason to regret."

The petition was ordered to lie on the table, and to be printed.

Mr. *W. Smith* then presented the following petition, signed by 4000 labourers, above sixteen years of age, employed in cotton spinning manufactories at Herod and its vicinity, in the parish of Ashton-under-line, in the county of Lancaster. "That the petitioners are generally engaged in work at the mills of their employers from fourteen to fifteen hours, including the time allowed for dinner and breakfast, every day of the week except Saturday, when the working hours are somewhat reduced; that this long protracted labour, performed in rooms ill ventilated, frequently overheated, and rendered still more pernicious by dust and cotton flyings, is attended with the most alarming consequences to the general health of the labourers, as a large portion of them, from woeful experience, can abundantly prove, and which discovers itself to the most superficial observer in their sallow looks and emaciated constitutions; that if in such a state of long and pernicious confinement, those who are subject to it live to an age when the services of other working classes become most efficient and valuable, they are generally too much enfeebled to continue with effect their employment during the requisite hours, a misfortune frequently succeeded by another of a still more direct and calamitous nature, a dismission from service, destined to linger out the remainder of a miserable existence under the accumulated pressure of poverty, debility, and premature old age, with all its train of infirmities; while, agreeable to the policy of the prevailing system, abler and more vigorous hands are invariably and exclusively preferred; that the petitioners, in representing their unfortunate situation, beg leave to observe, that they are actuated by motives, not merely for themselves alone, but by a sympathetic regard for the rising generation, with whom they stand connected by the tenderest ties of relationship, and who they painfully observe, in numerous instances, manifest early symptoms of deformity in their limbs, and all the other evils of sickly and impaired constitutions; that the petitioners entertain no hope of redress whatever, except from the humane interposition of the house, because some masters will always be found sufficiently interested in perpetuating the system, while others, better disposed, will be unavoidably led to the adoption of this pernicious and destructive example, that their yarns may be brought to market on more equal terms; that the petitioners, who have for the last two years cherished the expectation of relief from the legislature, cannot express, in terms adequate to the subject, the concern which

they felt in learning, upon the conclusion of the last session, that no provisions had then been made for this purpose, and they now therefore deem it expedient to submit the peculiar hardships under which they have to struggle, to the protecting wisdom of the house; they therefore humbly pray, that a law may be passed to restrict the time of actual labour in cotton factories to ten hours and a half each day, so as to allow, within the ordinary space of twelve hours, half an hour for breakfast and an hour for dinner, a regulation which is of general observance in other employments much less prejudicial to health than those of the petitioners."

The petition was ordered to lie on the table, and to be printed.

Mr. *J. Smith* presented the following petition, signed by 640 inhabitants of New Lanark. "That the petitioners understand that a bill is now before the house, having for its object to enact regulations favourable to the education, morals, and comforts of persons employed in cotton and other manufactories; that the petitioners feel a lively interest in the success of any measure that is proposed on this subject of a meliorating tendency, being impressed with a deep conviction of the serious evils arising from the practices which prevail in the management of manufacturing establishments; that the grievance which they would particularly urge upon the consideration of the house, is the oppressive length to which the term of daily labour in these manufactories has by degrees been extended; the hours of working which are exacted being in general no less than fourteen or fifteen per day, while only one hour's interval, frequently not more than forty minutes, is allowed for dinner, which is usually the only occasion during the day when the work people are released from the manufactory: breakfast and an afternoon's repast being taken within, and while the machinery is partially at work; that in the course of the last twenty or thirty years, during which manufactures have spread with such rapidity over the country, an immense population has been created and trained to become subservient to their operations, that it is a fact, unhappily too notorious, that the supply of labour in every branch of the national industry has for many years past greatly exceeded the demand; that in consequence the working man, whatever his situation might once have been, is now not in the capacity of one who feels himself entitled to insist upon conditions in the disposal of his services, but literally in that of a helpless and humble supplicant for employment in any shape and upon any terms; and that he is not therefore, and cannot in any proper sense be considered, any longer a free labourer; that the petitioners state these facts to shew that the persons employed in manufactories have had no means of resisting the encroachments which have been made on their former hours of relaxation from labour, encroachments the more cruel, as, from the confined and unhealthy nature of their employments, that relaxation is absolutely indispensable, even to a moderate share of health and comfort; that the petitioners are persuaded this system of protracted labour and confinement will appear to the house to be a still more serious subject of complaint, when it is stated, that children, who form a great proportion of those employed, are received into these manufactories at the early age of seven or eight, sometimes indeed still earlier, for no legal restriction hitherto exists as to this important point; that these children, many of whom are orphans, and procured from overseers of parishes, are subjected to the same hours of labour and confinement as the adults; that not only are the benefits of education placed beyond their reach, but disease and an enfeebled constitution too frequently entailed upon them by this unnatural procedure, the cruelty of which is aggravated by the fact, that while their education is thus abandoned to neglect, they are placed under circumstances well known to be in general in the highest degree unfavourable to good morals, presenting temptations to vice and crime which it would require all the aids of the best training and instruction to enable them to overcome; that against the abolition of practices so cruel to the immediate sufferers, and so pernicious to the whole community, one argument only has been adduced, namely, that any restriction of the time of working in mills of machinery would occasion a proportionate diminution of the produce of our manufactories; that it would thereby increase the prime cost of the article manufactured, and operate against the trade in foreign markets: that although this argument were true, and a small fractional addition to the prime cost of our cottons or woollens should really be the consequence of such interference, the petitioners humbly conceive that the house would not for a moment entertain the proposition, that an object so insignificant, even considered as to its utmost possible effect on our foreign trade, should be suffered to stand in competition with the health, morals, and happiness of millions of the people of Great Britain; that the petitioners, however, are enabled, from actual experience, to assert, that even this argument, little formidable as it is in its whole extent, is not founded on fact; that having themselves enjoyed for a considerable period the numberless benefits of a more humane system of management, they consider it a duty which they owe to their fellow men engaged in similar occupations throughout the kingdom, to give their evidence on this occasion; that they do therefore respectfully assure the house, that not only has the change been productive of the most salutary effects on their general condition, and particularly in respect to the health and education of their children, but that, judging from the amount of their present earnings, that diminution of the produce of the manufactory, which has been supposed to be the necessary consequence of abridging the term of daily labour, has not taken place; that the petitioners of course attribute this result of undiminished

produce, under the reduced hours of working, to the increased health and spirits with which their exertions are accompanied; that the time of actual working at their establishment is ten hours and a half per day, exclusive of one hour for breakfast, and another for dinner, and no child is admitted to work, until he is ten years of age; that if similar regulations were generally established in our manufactories, and especially if they were followed by an act providing for the better education of the working classes, the petitioners cannot doubt that the annual produce of their industry, instead of being diminished, would very soon be materially increased, since the calculation which proceeds on the principle of prematurely extracting their strength and vigour, a process which the manufacturing system has introduced, is not less fallacious in a mercantile view, than it is singularly opposed to the dictates of humanity and justice; may it therefore please the house to take the subject of the petitioners' prayer into their serious consideration, and to enact such regulations as it may seem best to the wisdom of the house to adopt."

The petition was ordered to lie on the table, and to be printed.

SILK TRADE.] Petitions, against any bill for regulating wages, were presented from silk manufacturers of Manchester, Salford, Leek, and Macclesfield.—Referred to the committee on the petitions of ribbon-weavers.

LEATHER TAX.] Petitions against this tax were presented from Falmouth, Newcastle-upon-Tyne, Drogheda, and the burgh of Dumfries.—Ordered to lie on the table.

LUNATIC ASYLUMS (SCOTLAND) BILL.] A petition of freeholders, justices of the peace, and commissioners of supply, of Stirlingshire, against this bill, was presented, and ordered to lie on the table.

PARLIAMENTARY REFORM.] Mr. *Protheroe* presented 286 petitions of inhabitants of Bristol, in favour of annual parliaments and universal suffrage. The hon. member observed, that though he did not agree with the opinions of the petitioners, yet he owed it to them to say, that they did not appear to be actuated by improper motives.—The petitions were ordered to lie on the table.

Lord *Stanley* presented nine petitions of inhabitants of Royton, and a petition of inhabitants of Crompton.—Ordered to lie on the table.

HOUSE OF LORDS.

Friday, April 3.

WINDOW TAX (IRELAND).] The Marquis of *Downshire* stated, that he had discovered an inaccuracy in the order made on his motion of the 16th of March. He therefore now moved, that copies of the circular letters from the commissioners of excise to the clergy of the different parishes in Ireland, on the subject of the window-tax, and also a copy of the letter from the first commissioner of excise to the sovereign of Belfast, on the same subject, be laid before the house; and that the former order be discharged.—Ordered.

WATER COMPANIES.] Earl *Grosvenor* said, he wished to call the attention of their lordships to a subject of great importance. He had learned from some of his tenants in Grosvenor-square, that a coalition had been formed between certain water companies. He should have hoped that those companies would have fulfilled the two great objects of their institution—namely, to supply the metropolis with water of a purer quality, and at a cheaper rate than formerly. He understood, however, from some of his tenants that the charge was not more moderate, and that the supply was very bad. The water at present supplied by the Grand Junction water-works was, he understood, very much discoloured. He had thought it right to mention this subject, as the state of the water supplied by these companies was of great consequence to the health and safety of the metropolis.

The Earl of *Lauderdale* reminded their lordships, that parliament had at different times passed bills for incorporating different companies to supply the metropolis with water. This had been done on the principle that the competition thus created would procure for the inhabitants a cheaper and better supply; but the contrary had been the fact. Indeed, it now appeared that some of these corporations had formed a coalition for one quarter of the town, and others for another, so that they divided the metropolis between them. Thus, instead of the competition which had been anticipated, a complete monopoly was established. In consequence of this state of things, the supply of water was not only bad, but if a fire took place in a quarter of the metropolis appropriated to one company, the water of another could not be applied to it. This disadvantage would not exist if there was a fair competition; for then the water of each company would be sent to the same parts of the town. As the case now stood, if a fire were to happen in some quarters, great injury might be done before a supply of water could be obtained. He was, however, glad to learn that an hon. friend of his intended to make the supply of the metropolis with water a subject of investigation in another place.

Earl *Grosvenor* mentioned the case of a lady who, in consequence of an apprehension of fire, applied to one of the water companies for a supply of water, but was informed that none could be given. Had there been any foundation for the alarm, the consequences of the deficiency of supply would have been very serious.

The *Lord Chancellor* said, that after this conversation, he hoped their lordships would not separate without its being distinctly understood, that, if these companies acted in a way to defeat the object which the legislature had in view at the time of their incorporation, it was in the

power of parliament to correct such a proceeding.

The Earl of *Shaftesbury* said, that every attention had been paid to the bills on this subject which had been already before the house; and that, in the case of any new measure, he would devote all his attention to render it fit to accomplish the object which their lordships always had in view in passing any act for establishing such companies.

HOUSE OF COMMONS.

Friday, April 3.

LEATHER TAX.] Petitions against this tax were presented from Whitby, Chippenham, and Great Grimsby.—Ordered to lie on the table.

REWARDS ON CONVICTION.] Mr. *Bennet* brought in a bill "for repealing such parts of several acts as allow pecuniary and other rewards on the conviction of persons for highway robbery and other crimes and offences, and for facilitating the means of prosecuting persons accused of felony and other offences." (See page 636.)—It was read a first time.

WINDOW TAX (IRELAND.).] Mr. *May* presented a petition from Belfast, praying for the repeal of this tax.

The *Chancellor of the Exchequer* said, he had been surprised that it had been stated in some Irish papers, as a communication from authority, that he intended to repeal this tax. He was, indeed, sorry to oppose the wishes of a large portion of the population of Ireland: but he could not concur in the propriety of the repeal, considering the great deficiency of the Irish revenue, and the large amount of the debt of that country upon the consolidation of the two treasuries.

The petition was ordered to lie on the table.

BUILDING OF CHURCHES BILL.] The *Chancellor* of the *Exchequer* brought in a bill "for building, and promoting the building, of additional churches, in populous parishes."—Read a first time.

PRIVATELY STEALING BILL.] This bill was reported, and ordered to be read a third time on Friday next.

PARLIAMENTARY REFORM.] Lord *A. Hamilton* presented a petition of Incorporation of Weavers of Rutherglen, praying for reform.—Ordered to lie on the table.

LUNATIC ASYLUMS (SCOTLAND) BILL.] Lord *A. Hamilton* presented the following petition of Commissioners of Supply and others, of Renfrew, which was ordered to lie on the table, and to be printed. "That the same appears to the petitioners to be unnecessary and certainly uncalled for as a general measure; that it is particularly so with respect to the county of Renfrew, that its objects are ill defined, and that the evils which it is humanely intended to remedy, have been exaggerated in a very great degree; that in as far as the bill empowers certain general commissioners, two of them nominated by his majesty's secretary of state for the home department, to cause district asylums to be erected, and the expense thereof to be levied from the counties of Scotland, it is not only quite novel in principle, but highly exceptionable as a precedent, and for aught that the petitioners can see, the arguments that support the compulsory endowment of lunatic asylums, under the exclusive direction of a board of general commissioners, may be equally applied to the compulsory establishment of district infirmaries, foundling hospitals, or the like, which have hitherto been with great propriety left to the spontaneous operation of public benevolence: that the principles of the bill are insuperably objectionable, inasmuch as they go to alter, and alter for the worse, the law and usage of Scotland, with regard to the maintenance and management of the poor; first, the bill takes away the obligation under which each parish now lies to maintain its own insane paupers, and imposes the burthen upon the county at large in which the parish is situated, an innovation which the petitioners conceive to be no less repugnant to sound principles of economy and justice, than it is to the established law of the land; secondly, it takes away from the landed proprietors of Scotland (so far as the insane poor are concerned), that share of influence and control, which, for salutary ends, the law has assigned to them, in conjunction with the ministers and kirk sessions of parishes, and it commits to the discretion of these ministers and sessions, and to such justices of the peace as they may be pleased to select, with the advice of such medical persons as these justices choose to employ, the power of seizing all insane persons found within their parishes, and transmitting them to the asylum of the district, there to be maintained by county assessments; but it provides no check against the selection of mistaken or improper objects, for which the bill leaves ample scope, and no means by which the counties can obtain relief from the expense, either where these unfortunate persons ought not to be confined at all, or where their parents or others are bound by law to maintain them, and able to do so; thirdly, overlooking or disregarding the important inquiry whether the parishes in which the insane persons shall happen to be found, be the place of their legal settlement, and as such, bound by law to maintain them; it peremptorily enjoins the ministers and their kirk sessions, to take up from time to time every poor lunatic or insane person who shall be found in such parishes, and to proceed with them, as already noticed, at the expense of the county in which they shall be found, the consequence would be, that a lunatic taken up in Renfrewshire, and sent to the district asylum, must be maintained by Renfrewshire, to which he may not belong, without any recourse against the parish or county legally bound to maintain him; nor is this a case likely to be of rare occurrence, especially in the more populous towns of Scotland; fourthly, the mode by which funds are proposed to be raised for defraying the expense

of the lunatic asylums, differs from the mode of assessment at present established, by leaving personal means and substance, as well as a considerable portion of heritable property out of view, and the proportional rate proposed to be levied from lands and from houses, being one shilling in the pound Scots, of the valued rent of lands for each penny in the pound sterling of the yearly rents of houses, is so evidently and extravagantly wrong, that the petitioners are led to consider it as an unintentional error; that various other errors are to be found in the details of the bill, which the petitioners forbear to notice, convinced that its leading principles are such as ought to prevent its passing into a law; but they beg leave to press upon the consideration of the house, that the county of Renfrew has, in common with others in the west of Scotland, contributed largely to the erection of the lunatic asylum at Glasgow, an extensive institution, founded and supported by voluntary contribution, and of unrivalled excellence in its system of management; and that the parishes of the county of Renfrew have either acquired, or are in the course of acquiring, the privileges of that asylum for their lunatic poor at a moderate rate; to that county therefore the benefits intended by the bill are in a great measure anticipated, and its evils would be aggravated, by rendering of little avail the advantages which it has already acquired at considerable expense; should it appear, however, to the house, that any legislative measure is necessary respecting the insane poor of Scotland, in addition to the wise provisions of the late statute of the 55th year of his present majesty, cap. 69, intituled, 'An act to regulate madhouses in Scotland,' the petitioners do most respectfully submit, that no solid reason exists, why a district connected with such an asylum as that of Glasgow may not be intrusted with powers to provide for the care of its pauper lunatics in the manner best suited to its own circumstances, without any rash innovation upon the established law, and free from that cumbrous and expensive machinery which the present bill, without precedent and without necessity, proposes to introduce, against the general feeling of the people of Scotland; and, as the petitioners observe that this principle has been recognized with regard to the counties of Perth and Angus, they submit, that what is conceded to those counties ought not to be withheld from the county of Renfrew; and praying, that the house may reject the said bill, or to grant such other relief in the premises as to them shall seem just."

COTTON FACTORIES BILL.] Mr. *W. Smith* presented the following petition of labourers in the cotton spinning factories of Glossop. "That the petitioners, having long experienced and deplored the evils which result from the excessive hours prevailing in cotton factories, have anxiously watched the progress of those benevolent efforts which have been making for the alleviation of their present sufferings; that the petitioners feel confident that they shall sufficiently establish the reasonableness of their complaint, and forcibly engage the favourable protection of the legislature, when they assure the house that they are in the constant habit of being confined within the close and ill-ventilated rooms of a factory for the space of fourteen or fifteen hours per day, without being allowed those necessary intervals of relaxation during the time of taking their meals which their health and strength require, and which are the more essentially necessary in consequence of the heat of the rooms in which they are accustomed to work; that, in addition to the injury the petitioners thus experience in their own persons, in the decay of their health and the decrepitude of their bodies, they cannot but lament the still more unfortunate condition of those young children, children of the most tender age, who not only participate with them in these protracted labours, but are often detained in the mills during the usual dinner-hour to assist in cleaning the machinery, and, being far less able to endure the fatigue of such unintermitting toil, become the early victims of disease and death; that the petitioners are nominally free labourers, yet they have a livelihood to obtain, they have families to support, and having generally been accustomed from their childhood to the employment of cotton spinning, they cannot, without the most serious risk, betake themselves to any other occupation, and therefore they must either comply with the general rules adopted in the factory to which they belong, or seek employment in some other; but, since factories are in general conducted according to the same system, the choice becomes nugatory, and virtually resolves itself into compulsion; that the petitioners are ready to believe many of their employers would cheerfully and spontaneously adopt the regulations which the petitioners so earnestly desire, were they not apprehensive that such an indulgence of their better feelings might prove injurious to their interest, unless others, who are their competitors in trade, were equally subjected to the same restrictions; that, under these circumstances, the petitioners beg leave to express their full conviction, that the powerful interposition of the legislature in their behalf will at once enable the master to adopt the suggestions of his humanity without injury to his fortune, and the labourer to exert his industry without the sacrifice of his health; they therefore commit their cause to the wisdom and protection of the house, and humbly pray, that a law may be passed restricting the hours of actual labour to ten and a half, and that such other provisions may be enacted for relieving the petitioners, and the children engaged in cotton mills, as the house shall deem best adapted to the occasion."—Ordered to lie on the table, and to be printed.

Mr. *Wilberforce* presented two petitions of a similar character from Renfrew and Blackburn.—Ordered to lie on the table.

SLAVE TRADE BILL.] On the motion of Mr. *Holmes*, the house went into a committee on the

Slave Trade Acts, when he observed, that doubts had arisen whether the acts allowing the transfer of slaves from one of our colonies to another, extended to Demerara and Berbice; and, with a view to remove those doubts, he proposed, that the chairman be instructed to move, "that leave be given to bring in a bill to explain three acts passed in the 46th, 47th, and 51st years of his majesty's reign respectively, for the abolition of the slave trade."

Mr. *Wilberforce* said, he should not oppose the motion, but he was persuaded that when the object of the bill came to be considered, it would be found to menace the worst effects to the interests of this country, as well as to those of the colonies. Yet, he would not oppose the introduction of the bill, as he wished to have the subject fully discussed.

Mr. *Marryat* deprecated the object of the bill, being convinced, that if the transportation to Demerara and Berbice were tolerated, the slaves would be seduced, and clandestinely taken to distant and unhealthy regions, and particularly to Surinam, where, from the fertility of the soil, great temptation was held out to capitalists. Leave was given to bring in the bill, and it was brought in accordingly, and read a first time.

HOUSE OF LORDS.

Monday, April 6.

LIBEL LAW.] Lord *Erskine* said, he had last session moved for returns of the names of persons arrested and held to bail for libel, before trial; some of those returns had been made, but the whole had not yet been presented. It was his intention to follow up those returns by a motion or bill, if no proposition on the subject should be brought forward by a noble earl (Grey) who had already called the attention of their lordships to the subject. With regard to the object for which the returns were moved, he believed that it was now to be understood that arrest before trial for libel was the practice of some inferior magistrates. The law, however, ought not to be allowed to remain in a state of uncertainty on that point. It was not his wish to encourage any licentiousness of the press, but it appeared to him necessary to remove all doubt on this question. He should not, however, trouble their lordships with any proposition on the subject, until the noble earl to whom he had alluded came to town.

HOUSE OF COMMONS.

Monday, April 6.

LUNATIC ASYLUMS (SCOTLAND) BILL.] A petition of freeholders and others, of Wigtown, against this bill, was presented, and laid on the table.

COTTON FACTORIES BILL.] Petitions were presented from the following places, against this bill. Blackburn, Rossendale, Preston, Glasgow, Holywell, Stockport, Derby, Keighley (York).—Ordered to lie on the table.

Petitions were presented from the following places, in favour of the bill. Hebden Bridge, Halifax, Royton, Ashton-under-Lyne, Manchester, Salford.—Ordered to lie on the table.

PARLIAMENTARY REFORM.] Sir *F. Burdett* presented six petitions from Halifax; two from St. Marylebone; one from St. Anne, Westminster; sixteen from Kilbarchan; nineteen from Bath; five from Ipswich; two from Bramford; one from Preston; one from Otley; one from James Wroe.—Ordered to lie on the table.

COPYRIGHT BILL.] Mr. *J. Smith* presented a petition of Thomas Norton Longman, Thomas Hurst, Owen Rees, Cosmo Orme, and Thomas Brown, of Paternoster-row, booksellers and copartners; setting forth, "that the petitioners are publishers of books and purchasers of copyright, and since the passing of the act of parliament in the month of July 1814, which enjoined the delivery of eleven copies of all books published after that time to the eleven libraries named therein, the petitioners have delivered to the said eleven libraries, on their demand, in pursuance of the said act, books which have actually cost to the petitioners the sum of 3000*l.* or nearly so, and of part of which books very limited impressions were printed, in some cases only one hundred, in others only two hundred and fifty, the copyright whereof was of no advantage to the petitioners; in this statement they do not include books, the publication whereof is managed by other booksellers, and in which they have considerable shares; from the great burthen of the delivery, the petitioners have declined the publication of some expensive works, and especially a work of the Nondescript Plants, collected by the celebrated Baron Humbolt, during his travels in South America, and which they declined solely from the necessity they should have been under of delivering the said eleven copies without any remuneration; the petitioners feel this delivery to be the greater grievance, because they, like the other publishers of works, have to give many presentation copies to the friends of authors who may have assisted them with the loan of books and use of manuscripts, or by communicating important information or assistance: they are also, by the clause of a previous act made with reference to libels, compelled to deposit one copy with the printer of the work; the delivery of these eleven copies becomes now a serious object of every publisher's calculation, and will prevent the appearance of many valuable works; when the act that imposed the delivery passed, the petitioners were informed and fully expected that the said libraries would only demand the copies of such works as would be actually useful to them, and that it would not be harshly acted upon; but they have found to their surprise and most serious injury, that all the said libraries, with the exception of two only as to novels and music,

have made a sweeping demand of all books published, whether reprints only, or original works, and whether written for children or females, and without any consideration whether the same work was in their library or not; the petitioners particularly instance here the new edition of Doctor Johnson's Dictionary, with the additions and improvements of the reverend Henry John Todd, which is published in eleven parts, at the price of eleven guineas; although Mr. Todd, with a feeling which the petitioners' could only applaud, presented a copy of the work himself to Sion College library, yet the managers of the said library, after receiving this copy, demanded, and notwithstanding the petitioners' remonstrances, insisted on having another copy of the said work delivered to them in pursuance of the said act; thus compelling from the petitioners a second copy of the said work, though the full purpose of the said act had been in truth previously fulfilled by the said voluntary gift of its reverend editor; the petitioners, by the permission of the house, state that the present duty on the paper generally used in printing amounts nearly to twenty-five per cent. which the petitioners pay on all the works they publish, and which makes it a great object of our national finances, that the publisher of books should not be by any cause discouraged; but the English universities who print books have not only the superior advantage of a perpetual copyright, but have also a remission of the said duty on paper for all the books they print; this exemption from duty enables them to undersell all the regular booksellers in the public market in the books they print, which others also have the power to publish; the petitioners have lately, in conjunction with others of the trade, printed an edition of Scapula's Lexicon at a great expense, which had not been printed before in this country for one hundred and fifty years; they are now informed that one of the English universities is preparing to oppose them by publishing also an edition of the same book, which the said university, by its exemption from the duty on paper, will be enabled to sell much cheaper than the petitioners can afford; eleven copies of the petitioner's edition of this book have also been demanded and delivered; the petitioners believe that the continuance of the said delivery, unmitigated, will occasion a gradual diminution in the publication of many valuable and important publications, and daily produce a heavy grievance to individual publishers; they therefore most respectfully pray the house to take these facts into consideration, and to relieve the petitioners and publishers in general from the burthen of delivering the said eleven copies without any remuneration, and they humbly submit to the wisdom of the house, that to require the said libraries to pay one third of the published price of the books they demand will be a great relief to the petitioners and to literature in general, and will amount to no larger sum than the said libraries may easily raise by a small contribution among their respective members."—Ordered to lie on the table.

Mr. *Hammersley* presented a petition of George Lackington, Richard Hughes, Joseph Harding, George Fordyce Mavor, and Thomas Jones, all of Finsbury-place, in the county of Middlesex, booksellers and publishers, copartners; setting forth, "that, prior to the passing of the act of 54th George the Third, concerning the entry of books at Stationers' Hall, and the delivery of 11 copies therein mentioned, the petitioners, not anticipating or providing against such delivery, had projected several costly and valuable publications, among others, a work intituled Monasticon Anglicanum, originally written by sir William Dugdale, knight, with very great additions by the rev. Bulkeley Bandinell, M.A. F.S.A.; the History of the Cathedral Church of Saint Paul, by the same author, with additions by Henry Ellis, F.S.A.; Portraits of illustrious persons of Great Britain, with Biographical Memoirs by E. Lodge, esq. F.S.A.; the History of the County Palatine and City of Chester, by George Ormerod, esq. F.S.A.; and the Athenæ Oxonienses, by Anthony Wood, enlarged by the reverend Philip Bliss; that portions of the said several works, all of which had been announced to be published periodically, were either actually published and sold at the time the said act was passed, or were announced to be in the press and nearly ready for publication; that, in consequence of one of the provisions of the said act having enjoined the delivery, upon demand, of eleven copies for the libraries therein mentioned, one of the copies to be upon the most costly paper, the said public libraries have demanded and received portions of each of the said works, which portions are in effect equivalent in the loss to the petitioners of their being required to deliver as well the parts published before the said act, as those that have appeared since the passing the said act, because the delivery of these subsequent parts has caused copies of each of the said works to be rendered incomplete, which otherwise the petitioners would have had entire; that the petitioners consider their grievance on this subject to amount to a total loss of the value of the said eleven sets, from the high request in which the said works are held by the public, and from the continued demand that still prevails for them, which demand, from the limitation of the numbers printed, the petitioners, after the subtracting of these eleven copies, are not able to supply; that the petitioners sought no protection as to their copyright in the said works from the said act, because the magnitude and expense of the undertakings were a sufficient guarantee against any danger to be apprehended from others pirating them; that the value of the said eleven copies of the said works, and therefore the loss thereon to the petitioners, is as follows, viz. eleven copies of sir William Dugdale's Monasticon and History of Saint Paul's 1008*l.* eleven copies of Portraits of illustrious Personages of

Great Britain, with Biographical Memoirs by E. Lodge, esq. 630*l.* eleven copies of the History of the County Palatine and City of Chester, by George Ormerod, esq. 283*l.* 10*s.* eleven copies of Wood's Athenæ Oxonienses, by the rev. Philip Bliss, 277*l.* 4*s.* making, 2,198*l.* 14*s.*; that the petitioners could state other severe and injurious effects arising to them from the said delivery in its operation upon them in the ordinary routine of their business as publishers, in addition to the few detached instances above selected, but they forbear to occupy the time of the house, because it will be obvious that the said selected instances are but specimens of the hardships which they and other publishers have to endure therefrom, and from which they hope for relief from the wisdom of the house; and praying, that the house will be pleased to take their case into consideration, and grant relief by such an equitable modification of the grievance of delivering the said eleven copies as to them shall seem meet, and especially by causing the said libraries to pay some due portion of the price of the books which they shall demand."

Ordered to lie on the table.

Mr. *Smyth* presented a petition of the chancellor, masters, and scholars, of the university of Cambridge; setting forth, "That the petitioners have seen with much surprise a bill brought into the house, to amend an act passed in the 54th year of the reign of his present Majesty, intituled, 'An act to amend the several acts for the encouragement of learning, by securing the copies and copyrights of all printed books to the authors of such books, or their agents,' by which act eleven copies of every printed book are secured to certain public libraries therein mentioned, of which the library of the university of Cambridge is one; the petitioners beg leave to state, that previously to the statute of the 8th of Queen Anne the English universities enjoyed by grants from the crown (which grants had been recognized by acts of parliament, and by the courts at Westminster) the privilege of printing all and all manner of books; that the 8th of Queen Anne, which secured to the author of any book the sole right of printing such book for fourteen or twenty-eight years, also gave to the said universities one copy of every printed book, as a reasonable, though a very inadequate compensation for the privilege which they before enjoyed, of printing all and all manner of books; that a committee of the house was appointed to examine the several acts passed in the 8th year of Queen Anne, and in the 15th and 41st years of his present Majesty, for the encouragement of learning, by vesting the copies of printed books in the authors or purchasers of such copies, and for other purposes therein mentioned, and to report whether any or what alterations were requisite to be made therein, together with their observations thereon, to the house; that the said committee having maturely considered the said acts, and having received various statements, and examined several persons connected with the printing and publishing, and with the sale of books, and after much attention bestowed upon the subject, did, among other things, report that 'they conceive that the substance of those laws was proper to be retained, and in particular that continuing the delivery of all new works, and, in certain cases, of subsequent editions, to the libraries now entitled to receive them, will tend to the advancement of learning, and to the diffusion of knowledge, without imposing any considerable burthen upon the authors, printers, and publishers of such works;' the petitioners beg leave further to state, in concurrence with the report of the committee of the house, that the burthen imposed upon authors by the operation of the 8th of Queen Anne above-mentioned, and by the 54th of his present Majesty, is trifling, compared with the benefits conferred upon them by those statutes (more particularly by the last-mentioned statute, by which the term of copyright is extended to twenty-eight years certain,) for if all the copies of any edition shall be sold, except those secured to the libraries above mentioned, the author will receive an adequate remuneration for his labour; and if they shall not have been sold, the donation will then have cost him nothing, and that a very inconsiderable addition to the price of any book, in consideration of the eleven copies to be presented as aforesaid, will entirely secure the author from all loss; and praying, that the said bill may not pass into a law, and that they may be heard before the house, either by themselves or counsel."

Ordered to lie on the table.

LEATHER TAX REPEAL BILL.] Petitions against the leather tax were presented from the tanners, curriers, dealers in leather, and others, of Windsor; also, of Preston; also of Wallingford; also, of Wantage; also, of King's Lynn; also, of Birmingham; also, of Newport, and other towns in Monmouth; also, of Macclesfield; also, of Anglesea; also, of Taunton; also, of Sheffield; also, of Malmesbury; also, of the county of Fife; also, of Doncaster; also, of York; also, of Norfolk; also, of Derby.—Ordered to lie on the table.

Lord *Althorp* then moved "that the bill be now read a second time."

Mr. *C. Grant*, jun. rose to move an amendment. He said, he hoped he should be understood to be influenced in the remarks which he felt it his duty to submit to the house, by no other motive than his conviction of what was required by the general interests of the country. At the same time, with every feeling of respect for those individuals who had petitioned parliament for a repeal of this tax, he must say, that they came forward under very singular circumstances. For, what was the peculiar situation in which the leather trade was placed during the last century? Taxation on every other trade had been greatly increased during that period. The wealth and power of the country had greatly

increased. Yet, since the reign of queen Anne, when the single duty on leather was imposed, no additional duty had been laid on that article, until the bill of 1812. All the trades, and all the staple manufactures of the country, and even many of the necessaries of life, had been taxed to a great amount, while this article of leather had enjoyed the sole exemption from contributing to bear the common burthens of the state. And yet, if the house considered the subject, it would be difficult to discover on what possible ground this trade should have been so distinguished. The tax, however, having been doubled in 1812, the petitioners asked the house to place the trade in the situation in which it was 100 years ago! At the very first view of the subject, the injustice of such a request, with reference to the other branches of our national industry, was evident. If, indeed, it could be proved, that the trade had suffered injury from the tax of 1812—if it could be proved, that the revenue had diminished in consequence of the imposition of that tax—if it could be proved, that the trade in leather had not the power (as was the case in all other trades) of throwing the burthen of the tax on the consumer—if it could be proved, that any depression which the leather trade had suffered, was not entirely attributable to other and general causes—then a *primâ facie* case would be made out for considering the expediency of repealing the tax. But if the reverse of all this were true; if it could be proved, that the revenue (to which the advocates for the repeal had themselves appealed as the test of the measure,) actually rose when the tax was first imposed, and continued to rise for three years—if it could be proved that the trader in leather had the power (like other traders) of throwing the burthen of the tax on the consumer—if it could be proved that any depression which the trade had suffered, evidently proceeded from general and notorious causes, wholly unconnected with the tax—and if, in addition to all this, it could be proved, that the leather trade was recovering from the effects of that depression so occasioned, it would be fair to presume that the supporters of the bill had no just grounds on which they could require its adoption by that house.—He would now beg leave to call the attention of the house to some of the papers, with reference to this subject, which had been laid on the table. By those papers it appeared, that the produce of the tax on leather for the year ending the 5th of July, 1812, was 363,891*l.*; the produce for the year ending the 5th of July, 1813 (after the imposition of the additional duty, which it was the object of the bill to repeal) was, 654,356*l.*; the produce for the year ending the 5th of July, 1814, was 667,211*l.*; and the produce for the year ending the 5th of July, 1815, was 677,096*l.* So far, there was pretty strong evidence that the tax had not injured the revenue, which, on the contrary, had been doubled by its operation. Was it, then, to be argued, that it was not in the power of the trader in leather to throw the burthen of the tax on the consumer? The price of the article had been raised more than in proportion to the increase of the duty. In 1812, it was nineteen pence a pound; two years afterwards it was twenty-four and twenty-six pence a pound, and this advance, of course, was made not only on the home consumption but also on the exports.—Then came another part of the question. A depression of the leather trade certainly took place in 1815. For the year ending the 5th of July 1815, he had already stated that the revenue derived from the duty on leather was 677,096*l.*; for the year ending the 5th of July 1816, it was only 599,958*l.*; and for the year ending the 5th of July 1817, it was 595,722*l.* But he would put it to any man who recollected the general state of the country at that period, whether, if he had not seen the returns in which this diminution of the revenue appeared, he would not have said *à priori*, that such a diminution must have existed. The general and notorious commercial depression which existed at that time, and which bent down every trade in the country, of course operated on the leather trade among the rest. Would any man say, that if the duty on leather had not been imposed, that trade would have flourished alone in the midst of the general suffering? Such an assertion would be preposterous and untenable. Those persons argued on a totally mistaken principle, who imagined that any diminution of taxation at that period would have relieved the country from any of those circumstances operating injuriously on our general trade, which were so notorious, that it was unnecessary for him to repeat them. Why should the depression of the leather trade be ascribed to the tax, when there were other causes of more powerful operation to which it might, with greater justice, be attributed—the general cessation of demand, and the particular cessation of demand from government, in consequence of the termination of the war—a most important cause of the effect which had taken place? And, beside the causes to which he had adverted, there was another cause for the diminution of the revenue proceeding from the duty on leather, arising out of the provisions of the act of 1812. Prior to that act, tanners were not allowed to perform any operation on hides while they were in progress of tanning. There were superfluous portions of the hides which they were not permitted to remove, and the consequence was, that they were compelled to pay the duties on those superfluous portions. The hardship of this restriction having been represented, it was removed by the act of 1812. In consequence, the tanner performed a part of the office of the currier. He removed those superfluous portions of the hides, of course he paid no duty on them, and the natural consequence was, the reduction of the revenue to a certain extent. This practice had become very general. It was calculated by some, that it

diminished the weight of the hides by one half; but if it diminished it by one third, or even by one sixth, it still had a very operative effect on the produce of the duty. Another cause of the depression of the trade was, the substitution in many cases of iron for leather. It could in no way be proved that the depression had been occasioned by the tax. He would go farther, and prove that the trade was actually reviving. The augmentation of the revenue, arising from the leather duties for the last quarter, was 17,000*l.* If the house examined the returns of the revenue from January to January of each year, instead of from July to July, they would find a strong confirmation of what he had asserted. [The hon. gentleman here read the returns of each year from January to January: that for the year ending the 5th of January, 1817, was 596,000*l.*; that for the year ending the 5th of January, 1818, was 595,000*l.* collected, and 611,000*l.* charged, and in progress of collection, all of which would certainly be collected.] The house had been told that evidence of the fact, that the leather trade was not flourishing, was to be found in the increase of bankruptcies, and the diminution of the number of licences. With respect to the first of those alleged proofs, he put it to the house, whether it was not notorious that the general trade of the country, at the close of the war, was not speculative rather than solid? What was there in the tanning trade to exempt it from the general malady of the time—the love of over-trading? It was notorious that the tanners, like other traders, enlarged their speculations; that, like other traders, they proceeded too rashly; and was it surprising that, like other traders, they should suffer in consequence? As to the reduction in the number of licences, that reduction had commenced when the trade was very flourishing, and the revenue derived from it at its height; and it arose from the circumstance of larger capitals being employed by some of the traders, by which the smaller capitalists were overwhelmed. One strong proof that the trade was not in the distressed state which had been represented, was to be found in the fact, that during the last ten years, the total amount of the failures in paying the duties levied upon it, did not exceed 2,000*l.* He repeated, that the diminution of licences had arisen from circumstances wholly unconnected with the tax. A similar diminution, and proceeding from similar causes, had taken place in the licences for carrying on the malt trade.—But it had been said, that the tax pressed heavily on agriculture and the necessaries of life. He, for one, was always solicitous to lean as lightly on agriculture as possible. But it was well known, that since the imposition of the tax on leather, agriculture had been relieved from several very heavy burthens. As to the necessaries of life, he knew that it was popular to inveigh against any measure by which they were immediately affected; but the arguments used in support of this declamation were generally more specious than solid. They were something like those which went to throw the whole weight of taxation on the rich, as if the poor would not be as much affected by such a proceeding as if they originally participated in the burthen. He was not prepared to contend that it was wholly immaterial whence the resources of the state were derived; but if it was found inevitable to lay taxes on all the other necessaries of life, he felt justified in requiring to know on what ground exemption was claimed for this? It was a question peculiarly interesting as connected with that of our finances. On all hands it was allowed, that it was the duty of parliament to maintain public credit by supporting the revenue, and yet here was a proposition for reducing the revenue, by those who had so recently maintained that the revenue was inadequate to the demands upon it. The welfare of the country depended on the maintenance of the public faith. If, one by one, the securities of the public creditor were to be withdrawn, there would soon be an end put, in peace, to that high character which England had supported during all the dangers and difficulties of the most arduous war. On all these grounds he should move as an amendment, "That the bill be read a second time on this day six months."

Lord *Althorp* perfectly agreed with the hon. gentleman, that the prosperity of the country depended on supporting the revenue; but he thought it a very material duty for that house to support the manufactures from which that revenue was derived. (*Hear, hear.*) He had not heard any thing to convince him of the policy of continuing this tax; but, on the other hand, he was fully persuaded that it was very injurious to the manufacturers, and to the consumers. He contended, that the diminution in the number of hides purchased, was a convincing proof of the depression of the trade. Hundreds of the tan-yards occupied when the tax took place, were now unemployed: in one county (Hampshire) there were twenty-one not worked out of forty-two that were in full work when the tax was imposed. Since the imposition of the tax, there had been thrown out of the trade 189 tanners, 338 tawers, 41 oil-dressers, and 12 parchment-makers. In fact, the trade had gradually declined ever since the additional tax was imposed. The trade employed 500,000 persons, and it had been calculated that more than one-seventh of that number, or upwards of 71,428 persons were deprived of employment, of whom many thousands were thrown upon their parishes. The noble lord observed, that this tax bore much harder upon the labouring classes of society than upon the higher classes; inasmuch as leather paid the tax by weight, and the shoes of labourers weighed three times as heavy as those of the higher classes. A review of all these facts must satisfy the house, that the repeal of the additional duty on leather was indispensably necessary. He would merely add, that, in France, in the year 1759, the tax was increased, and the trade fell off; but, at the re-

volution, the tax was repealed, and a considerable improvement immediately took place.

Lord *Deerhurst* said, he would not trespass above a moment on the attention of the house, in treading afresh the track so beaten already, by a recapitulation of the arguments which had been, he hoped, successfully used by the noble lord who had originally moved the question, and by other hon. members who intended to vote as he did, for the repeal of the additional duties. It was not his inclination to oppose, upon trifling grounds, the taxation considered necessary by his majesty's ministers; but, representing, as he did, a great commercial city, deeply interested in the present debate, he could not give a vote without stating, that the repeal of the additional duties on leather was of great importance to many highly respectable persons connected with that trade in Worcester, who prayed to be relieved from the burden of them, that they might, at least upon equal terms, meet the foreign manufacturer in the market, which at present they were unable to do. He should therefore vote for the repeal of the bill.

Mr. *Hart Davis*, amidst loud calls of *question!* said, he rose merely to explain the vote which he should give that evening against the bill, having formerly voted for the repeal of this tax. (*Hear, hear.*) He had availed himself of the opportunity afforded by the recess, to inquire into the state of the leather tax, and the result of his inquiries among the most intelligent men was, that the repeal now called for was unnecessary. He held in his hand a letter from a very eminent tanner at Bristol, a person who perfectly understood his own interest. (*A laugh.*)—This letter stated, that the leather manufacturers of Bristol had not petitioned against the tax, from a conviction that it was not injurious either to the manufacturer or the consumer, and also because there was at present a visible alteration and improvement in their business: it farther stated, that the reduced amount of the duty paid by tanners for the last year or two, was not occasioned by a falling off in the trade, but by the large manufactured stock on hand: that a great quantity of hides had been imported from South America, soon after the tax was imposed; and that the manufacture of this large stock had increased the amount of duty considerably, but left such a quantity of leather upon hand as was sufficient, in a great measure, for the supply of two or three succeeding years. The letter went on to state, that the diminution was also in part to be attributed to the peace. At present, though the number of tanners had decreased, the trade was in an improving state. The decrease in the number of tanners was to be accounted for from the trade getting into the hands of greater capitalists. In consequence of the opening of new roads, the communication from the places where bark was obtained, and the large towns, was greatly facilitated, and the trade had in consequence been getting more and more into large towns, and into the hands of great capitalists.—The hon. member said, that, having received better information, he did not think that the present state of our finances would warrant the repeal of this tax. He was satisfied, that if it were repealed, ministers could not do without some other tax to an equal amount.

Mr. *Methuen* said, he had never known so strong a feeling in the country against any tax as there was against that which it was now proposed to repeal. He believed, that were they to search all England over, they would not be able to find one tanner in favour of the tax, except the tanner who had corresponded with the hon. gentleman who had just sat down.

Lord *Compton* said, that the argument of an hon. gentleman, that no additional tax had been imposed on leather from the reign of Queen Anne to the year 1812, was an argument in favour of the repeal: for he could not suppose that all the Chancellors of the Exchequer from the reign of Queen Anne to the present time would have uniformly passed over this tax, if they had not been convinced, that the trade could not bear any additional burthen.

Mr. *Marryat* begged to explain his vote, which, instead of being opposed to the one he had formerly given, like that of the hon. member for Bristol, would be in perfect consistency with it. Hundreds of petitions had been presented against this tax, and in his mind, they should outweigh the opinion of any private individual whom the hon. member had consulted. It would have been as well, too, if the hon. gentleman near him (Mr. Grant), instead of dealing in general principles, had confined himself to particular facts. He would have then found, that the export of the unmanufactured article had doubled since the additional duty, while that of the manufactured had decreased to less than one-half of what it had previously been. For the five years prior to 1812, the amount of unmanufactured export was 5,603,395 lbs.; for the five years since it was 10,710,073 lbs. During the same periods, the export of the manufactured article was, before 1812, 2,449,720 lbs.; since, it was less than one half of that amount: namely, 1,142,111 lbs.; so that the operation of the act was to double the export of the raw material, and to reduce, in the proportion of one half, that of the manufactured article. The foreign manufacturer was, therefore, thrown into other countries. Of course, a great home consumption must necessarily continue. But how was it carried on? Was it not obvious that the sum thus raised was drawn from one pocket into another? The poor, therefore, paid their part of it; and the rich were obliged, in the shape of poor rates, to supply the means thus withdrawn from the lower classes, by an impolitic tax of this kind. The wealth of the manufacturer was the great source of the revenue, and by his industry and activity, taxation was largely supplied for the interests of the state. This tax vitally affected the reproductive power of the manufacturing interest, and it only wanted three or four such injudicious imposts to cut up by the roots the re-

sources of the state. He should, therefore, vote for the repeal.

Mr. *Benson* said, that the hon. member for Bristol had urged as a reason for the new view which he took of the present question, a letter which he had received from a person extensively engaged in the tanning trade. The hon. gentleman had said, that the writer of that letter had a perfect knowledge of his own interest; and he thought he might say, that the hon. gentleman, in voting for the repeal of this tax, and then so suddenly voting against it, had also a perfect knowledge of his own interest. (*Cries of order.*) From the inquires which he had made into this business during the recess, his former opinion was confirmed. Had he entertained any doubt respecting it, he should have drawn the conclusion that its repeal was necessary, from the evidence of the gentlemen brought forward by government in its favour.

Mr. *Hart Davis* begged to ask the hon. gentleman, upon what grounds he had presumed to impute to him, the being actuated by improper motives in any vote which he should now give, or which he had ever given in that house.

Mr. *Speaker* observed, that the language of the hon. gentleman fairly bore the interpretation which had been put upon it. It was a language which, by the rules of the house, the hon. gentleman was not warranted in holding. The words made use of by the hon. gentleman certainly conveyed a personal reflection against the hon. member for Bristol; and he should be wanting in his duty if he did not now declare his opinion on the subject.

Mr. *Benson* said, that if by the language he had used, he had given any offence, it was very much regretted by him. Nothing could be farther from his intention than to convey any personal reflection against the hon. gentleman. All that he had meant to say, with respect to the conduct pursued by the hon. gentleman, was, that as when he gave his former vote, it was supposed we were on the eve of an election, that circumstance had had its influence. He did not mean any thing personal to the hon. gentleman; but that, with the view of standing well in the opinion of his constituents, he had made use of a little manœuvre which all of them understood very well.

Mr. *Lushington* said, that the result of the inquiries which he had made, was very different from that which some hon. gentlemen opposite had stated. The sense of all the tanners whom he had consulted upon the subject was in favour of the tax. On an average of five years before the imposition of the tax, the drawback on the exportation of leather amounted to 52,000*l.*; but if the consumption of leather since that period was less, and the exportation something more, was it fair to say that the tax was the cause of it? The consumption of leather, like that of every other article, had decreased from what it was in time of war; the diminution in the consumption of that article ought not, therefore, to be charged as a consequence of the tax. It was generally known, that the leather tax was in a flourishing state at present. The tax was a productive one, and, therefore, ought not to be repealed upon unsupported statements. He was aware that it was the interest of the leather manufacturers to have the tax repealed, and he was not surprised that they should so earnestly persevere in petitioning for that purpose, as it would in fact be taking 160,000*l.* from the public, and putting it into their own pockets. But could that be advanced as a parliamentary reason for the measure? It would be idle to suppose that the present tax could be repealed without imposing some other to replace it.—(*No, no! from the opposition.*) He contended, that if the tax were repealed, some other tax must be laid upon the public to replace it, and which would perhaps be more severely felt than the present. The noble lord who introduced the question had used many observations in support of it, but none of them seemed to answer his purpose: at length he said, that the number of persons employed in the leather trade had considerably decreased since the imposition of the leather tax, which, according to the noble lord's statement, was a strong argument in favour of its being repealed. But, allowing the number of manufacturers to have decreased, it was by no means calculated to support the proposed measure, if he could shew to the house, that though the manufacturing of leather was placed in the hands of a smaller number of capitalists, yet the whole amount of the manufactured article had increased, and was still increasing. If this were found to be the case, it would turn out that the public, instead of being injured, would be benefited by the alteration; as the business, being carried on upon a large scale, and by persons of large capital, leather would be brought to a state of perfection, and, at the same time, sold at a price at which smaller manufacturers could not afford to sell it. To prove that the whole amount of the manufactured article had increased, he would instance the case of Messrs. Brewil and Co. whose business had increased five or six fold within the last few years. If the noble lord on the other side of the house doubted that statement, he would read the account. (Here the hon. member read the account, which stated, that, in 1809, the taxes paid by Messrs. Brewil and Co. amounted to 1973*l.*, in 1817, they amounted to 5937*l.*, and in 1818 to 6716*l.*) Thus, though there was a decrease in the number of manufacturers, the business of the smaller number was equal, if not greater, than the whole was, when there were more persons carrying on that business. The noble lord was also aware that leather had lately risen from 15 to 20 per cent. which shewed that the trade was increasing. Besides, the tax did not fall on the tanner, but on the public. An excise officer marked the quantity of the manufactured article, after which the manufacturer was not called

on for the tax until the leather was disposed of, so that, in fact, it was no real inconvenience to the manufacturer. His hon. friend (Mr. Grant) had gone so fully into the question, that he felt it unnecessary to take up the time of the house. He should therefore, merely add, that the drawbacks which had been granted, had given so much satisfaction, especially to curriers and shoemakers, that they had declared it to be their desire that the leather laws should undergo no alteration, and that the pretences under which a repeal of the additional duty was sought to be obtained were scandalously false.

Mr. *Brougham* said, there were two or three observations of the hon. secretary to the treasury which he could not suffer to pass unnoticed. He had argued, that if this tax were repealed, another tax to an equal amount must be imposed. This he denied. It was proper to repeal this tax, but it was not necessary to impose another instead of it. How had they proceeded on an occasion precisely similar? The house had been pleased two years ago to repeal a much larger though not a more oppressive tax. Till that tax was repealed, ministers found it impossible to reduce any of their estimates; but, immediately after the repeal, they took back all the estimates, and made considerable reductions in many of them. Why might they not now imitate that conduct? Why might they not now take a leaf out of their own book? Instead of keeping an additional tax, let them go to the establishments, and take them down 180,000*l.*, as his noble friend (Lord Althorp) had proposed, by a reduction of 5000 men in the army. He was astonished that the hon. secretary should cite the trade of Messrs. Brewil to prove the innoxious nature of th s tax, when the tanners of the country, one and all, with the exception of the correspondent of the member for Bristol, had declared, that if the tax were not repealed, their trade would be ruined. He was not a little astonished that this letter should have been given by the hon. gentleman as a reason for his change of opinion. He did not wish to impute improper motives to the hon. gentleman—to impute such motives to any hon. member was certainly unparliamentary. But, he confessed, at the same time, that it did surprise him that this letter should be given as a reason for a change of opinion. (*No, no! from Mr. Hart Davies.*) What! did not the hon. gentleman give the letter of the tanner of Bristol as a reason for his change of opinion? (*No, no! from Mr. Hart Davies.*) Then, if he did not give that letter as a reason, he had given no reason at all for his change of opinion since his vote of the former night. He had used no argument—except the tanner's letter. But, besides the tanners, was there not another class interested, namely, the consumers? "Don't listen to the tanners," said the secretary to the treasury, "the tax does not fall on the trade, but on the consumer—the tanner has no occasion to complain; he can shift the tax from his shoulders to those of the consumer." But, might it not happen that both consumers and tanners had ground to complain? The consumers might complain, that their ability to consume was diminished—because, by diminishing their ability to consume, the tax abridged their comforts. From the consumers being less able to buy from the tanners, the tanners might also have reason to complain—the consumers were suffering from the diminution of their consumption, and the tanners from the diminution of their manufacture. But his great objection against the tax was, that it fell unequally—that it pressed most severely on those who were least able to bear it. Every tax on the necessaries of life had a direct tendency to increase the price of labour; and the effect of any tax like this, on a necessary of life, was immediately felt in the increased price of labour of all those who used it. While they were raising, therefore, this paltry sum of 180,000*l.* with one hand, they were obliged to put their other hand into their pocket to pay it. But, besides, all the objections applied to it which applied to a poll tax—a poll tax, indeed, it was, except that it was laid on the feet instead of the head. (*A laugh.*) Every person paid so much, let his occupation be what it might. The peasants, who wore the heaviest shoes, were the most heavily taxed by it. As the tax was laid on the weight, they paid twice as much as those who now heard him, who wore lighter shoes; coarse leather paying as much as fine. All the objections against a poll tax, therefore, applied to it. It was a poll tax of the worst kind, being most burthensome to those who were least able to bear it. These were the grounds on which he had been an humble opponent of the measure in 1812; and those were the reasons on which he should support the present bill.

Mr. *Huskinson* said, he supposed that the hon. and learned gentleman, when he alluded to the tax repealed two years ago, alluded to the property tax. But there was a great difference between a tax whose duration was limited to the war, and a tax which formed part of the annual revenue, and was carried to the consolidated fund for paying the interest of the national debt. It must be obvious, then, that even if a reduction to the amount of 5000 men were to be made in the army, this tax could not be repealed, as it was a tax pledged to the public creditor for payment of interest on loans contracted on the faith of parliament. The whole amount of the permanent taxes carried to the consolidated fund were not equal to the charge upon it; and therefore every body must see, that the tax could not be repealed without substituting another for it. If there had been an excess of the consolidated fund above the charge, it might have been another matter; but, there being no such excess, they were bound in justice to the public creditor, to see that, if they repealed this tax, they carried to the consolidated fund an equal amount of revenue. The hon. and learned gentleman was for having all taxes on necessaries of life done away with.

The taxes on beer and malt were on necessaries of life—the whole of a large revenue of twenty millions might be said, therefore, to be raised on the necessaries of life. Was the hon. and learned gentleman, in pursuance of his fanciful theory, anxious that the whole of this large revenue should be done away? It had been said, that if the excise regulations, by which the trade was impeded, were repealed, the process of manufacturing might be improved, as it formerly was in France. But this argument did not apply; for it was not proposed to repeal the whole tax on leather, but the additional duty only. The repeal of the additional duty would cause the same regulations to be continued, with less advantage to the public. He had read all the statements that had been published by persons in the leather trade, and listened to all the arguments which had been urged in that house, against this tax, and he confessed, that if the house had been in a condition to perform the agreeable duty of repealing taxes, the leather tax was not that of which he should be the first to recommend the repeal. It was obvious, and it had been argued by the hon. and learned gentleman, that the burthen of the tax did not fall on the tanners, but, as in the case of all consumable commodities, on the public, who were the consumers. Yet, if the hon. and learned gentleman read any of the statements which had been put forward on this subject, he would see, that those who were most active in demanding this repeal, grounded their enmity to the tax upon this, that the tax could not be thrown from the manufacturers upon the consumers. The only circumstance which gave a show of an argument in favour of this bill was, that the tax had been laid on almost immediately preceding a time of great pressure. But a much stronger statement might be made in favour of the repeal of any other part of the excise duties. In the malt trade, for instance, since the additional duty had been repealed, there had been a diminution of the number of licences, an increase of the number of bankruptcies in the trade, and a diminution of the produce of the old duty, from 3,000,000*l.* to less than 1,000,000*l.* The noble member for Northampton (Lord Compton) had said on a former evening, that he should vote for the repeal of this tax, as well as the salt tax, in order to compel the ministers to resort to the property tax, or some other direct tax. But he hoped the noble lord, before he consented to repeal this tax, would be confident that his new associates would consent to the imposition of some tax in place of it. In this case, as in the case of all commutations, the consumers would not be benefited to the whole extent of the tax remitted. In consequence of the additional tax, there was an additional quantity of leather employed in the leather trade, and that capital was shifted to some other employments, the dealers would charge their customers with the interest of it. There was no tax, in fact, that could be repealed with full benefit to the public, except direct taxes, and if any reduction could possibly be made, those should be the first that ought to meet consideration.

Lord Compton said, he had not pledged himself to support the repeal of the salt tax; but, in general, he preferred direct to indirect taxation. The house then divided on the question "That the bill be now read a second time."

Ayes 130—Noes 136.

The bill was consequently lost.

PARDONS UNDER THE GREAT SEAL.] Mr. *F. Douglas* said, that as he understood no opposition would be made to his motion for leave to bring in a bill to diminish the fees on pardons under the Great Seal, he should make only a few observations. The amount of the fees to be paid on all such pardons was much greater than those who had not taken the trouble to inquire into the subject could probable imagine. They amounted to 110*l.* on each pardon. It was obvious, that the great majority of those who received pardons could not pay this expense, and the house might be curious to know how the difficulty had been got over. In fact, very few of those to whom mercy was extended obtained this complete pardon, which alone could make them competent witnesses in a court of justice. There had been only twelve pardons during the last seven years; and he was convinced, that, in consequence, great impediments had been thrown in the way of public justice. He could not better illustrate this than by stating the circumstance which first called his attention to the subject. In the district of Oxfordshire with which he was connected, the worst sort of crimes had been committed for some time with impunity, and there was at last a prospect of bringing the perpetrators to punishment by means of the evidence of a man who had formerly been convicted of a felony. The act of the 31st of the King, which made persons who had been convicted of larcenies competent witnesses did not apply to felonies, and it was necessary to sue out a pardon under the Great Seal. The parties who conducted the prosecution were, however, astonished, when they found that the expense of this pardon would be 110*l.* in addition to the other heavy expenses which they were obliged to incur, and they were almost deterred from pursuing their object: finally, they did proceed, and were thus subjected to a considerable expense.—The hon. member observed, that if there were any thing in the case or character of a person convicted which rendered it proper to extend to him the mercy of the crown by the grant of a pardon, it was too much to say that such person should be compelled to pay the expense which, at present, attached to such a grant. To remove this evil was the object of the bill which he meant to bring forward. He did not think it proper to extend the provisions of the act of the 31st of the King to felons, and therefore he felt the necessity of another course of proceeding, in order to guard against the mischief,

on the one hand, of allowing the officers of the crown to derive pecuniary benefit from the extension of the royal mercy; and on the other, to provide that persons should not be exempted from that mercy, merely because they had no pecuniary means.—The hon. member concluded with moving, "that leave be given to bring in a bill for diminishing the expense of Pardons under the Great Seal."

The *Attorney-General* said, that he did not mean to oppose the motion; but, from what the hon. member had stated, he felt it necessary to submit a few observations. The patents for pardon, the object of which was to restore convicts to their civil rights, were patents under the Great Seal, which were, in fact, subject to no more expense than was incurred for all other patents under the same seal, and that expense was necessary for purposes easily to be explained. One part of this expense was required to reward the clerks in office, for their trouble in transacting the business connected with those patents; another, to pay stamp duties imposed by the legislature. Those duties on each patent amounted in one office to 6*l.* and in another to 30*l.* The portion of the sum received for the warrant of pardon in the Secretary of State's office was invested in what was called the Fee Fund, out of which the clerks engaged in this branch of the business of that office, and the law officers of the crown, were rewarded for their trouble. Some part of the expense was also paid to the privy seal office. But it should be understood, that the greater part, if not the whole of the expense stated by the hon. member, independently of the stamp duties, was paid for duty actually done in the several offices to which he had alluded. The propriety of providing a remuneration for such trouble, or performance of duty, was, indeed, felt by the crown itself; for, whenever it was found necessary to pardon convicts, with a view to render them competent witnesses for promoting the ends of justice, the expense of such pardons was paid by the crown. But where a pardon was granted from favour—he did not mean from improper favour, but through peculiar circumstances connected with the case or character of the individual*—it was proper, he submitted, that the expense incurred by such pardon should be defrayed by that person, and that the clerks in the several offices should not be called upon to do business for nothing. For, although those clerks might, in such cases, be said to have little else to transact than mere matters of form, requiring no talent, still their time was employed, and, for such employment, they were justly entitled to remuneration. It was known, that some clerks in the Secretary of State's office, as well as the clerk in the attorney-general's office, reckoned upon the fees resulting from patents as a part of their salaries for labour actually performed. Whatever might be done upon this subject, he thought that a distinction ought to be made with respect to pardons granted on patents obtained through special grace or favour. The hon. and learned gentleman concluded with observing, that no case had been stated in which pardons were ever made a matter of traffic, or that a pardon was ever granted from any consideration of official emolument.

Leave was then given to bring in the bill.

HOUSE OF LORDS.

Wednesday, April 8.

CHIMNEY SWEEPERS.] The Earl of *Shaftesbury* moved, that the directors, secretaries, ar-

* The power of pardoning has been justly called the most amiable prerogative of the crown. By statute 27 Hen. VIII. c. 24. it is declared, that no other person hath power to pardon or remit any treason or felonies whatsoever; but that the king hath the whole and sole power thereof, united and knit to the imperial crown of this realm. But this power of pardoning is not merely discretionary; it is rather a judicial act, to be exercised only in such cases as merit an exemption from punishment. Bracton (lib. 2.) says, *Non solum sapiens debet esse rex, sed et misericors, ut cum sapientia misericorditer sit justus, &c Quibus tamen et qualiter est miserendum, doceant eum merita vel immerita personarum, &c.*—There are some cases where the king cannot pardon.

I. To preserve the liberty of the subject, the committing any man to prison out of the realm, is, by the habeas corpus act, 31 Car. II. c. 2. made a *præmunire*, unpardonable even by the king.

II. The king cannot pardon, where private justice is principally concerned in the prosecution of offenders: "*non potest rex gratiam facere cum injuria et damno aliorum.*" (Bracton.) Therefore, in appeals of all kinds (which are at the suit, not of the king, but of the party injured) the prosecutor may release, but the king cannot pardon.

III. The king cannot pardon a common nuisance, while it remains unredressed, or so as to prevent an abatement of it; though afterwards he may remit the fine: because, though the prosecution is vested in the king to avoid multiplicity of suits, yet (during its continuance) this offence savours more of the nature of a *private* injury to each individual in the neighbourhood, than of a public wrong. (3 Instit. 238, 2 Hawk. P. C. 391.)

IV. Where an action popular is brought *tam pro domino rege, quàm pro seipso*, according to any statute, the king can discharge only his own part, because, by bringing the action, the informer has acquired an interest therein: but, after the action has been brought, the king may discharge the whole (unless it be provided to the contrary by the act), because the informer cannot bring an action or information originally for his part only, but must pursue the statute: and if the action be given to the party grieved, the king cannot discharge the same. (3 Instit. 238.)

V. The king cannot pardon any person impeached by the commons of high treason, or other high crimes, *depending the impeachment.* (12 and 13 W. III. c. 2.) But, after the impeachment has been heard and determined, his power is no further restrained; and, accordingly, it was exercised in the case of the six rebel lords, in 1715.

chitects, surveyors, and foremen of the firemen, of the different fire companies in London, and various other persons, be summoned to attend the committee on the chimney-sweepers' regulation bill.—Ordered.

LONGITUDE AND NORTHERN PASSAGE BILL.] This bill passed through a committee, and was reported without amendment.

WATER COMPANIES.] The Earl of *Shaftesbury* presented a petition from the Grand Junction Water-works' Company, observing at the same time, that there was a measure in progress in another place, which would probably soon bring under the consideration of their lordships, questions connected with those which formed the subject of the present petition. It was stated among other things in the petition, that the company had embarked a capital of 300,000*l.* in the concern; that they had been put to great expense, in consequence of the pavement act of last session requiring them to lay down iron instead of wooden pipes; that they desired only to obtain a fair profit on their capital; that they had been under the necessity of narrowing their operations, and concentrating their powers, in order to enable them the better to supply the inhabitants of the districts near their works with water, and to afford them security against fire; that they were surprised to find that what they had done in this respect had excited an alarm of their having entered into a combination with other companies, which was not true. The petitioners therefore prayed, that their lordships would be pleased to appoint a committee to inquire into their proceedings and conduct, under the act by which they were incorporated.

The Earl of *Lauderdale* thought himself called upon to take some notice of this petition. In consequence of what had been said a few days ago by a noble earl not then in his place, (Earl Grosvenor,) he had taken the liberty of stating his opinion on what appeared to him to be very extraordinary conduct on the part of certain water-works. Those water-works, he understood, had, by agreeing to form a junction, violated that principle of fair competition, to establish which had been the object of parliament in passing the acts by which they were incorporated. The day after he had stated his opinion on this subject, he received a letter from a gentleman, who, he understood was the secretary of the petitioners, in which that gentleman expressed his surprise that any statements of the kind which it appeared had been made, should have been brought forward under a total want of information. Though this was not precisely the way in which a member of that house ought to be addressed in reference to any subject which he might think it his duty to notice, yet he thought it right to see the writer of the letter, and had some little conversation with him. The result, however, was, that instead of finding his previous opinion wrong, he was more firmly convinced of the truth of the fact, that the companies had combined to divide the metropolis between them. The inhabitants suffered severely from this combination. He had received a letter from a householder in one of the districts supplied by these combined companies. This person had first paid 28*s.* a-year for his water, but another company offered to supply him for 24*s.* On his stating this to the company by whom he was served, they agreed to reduce their charge to 24*s.*; and at that rate he was regularly served, until the combination complained of took place, when the price was again raised to 28*s.* In that district of the metropolis with which a noble friend of his (the Duke of Bedford) was particularly connected, he understood it was a general complaint of the tenants, that they were confined to one water company. While there were two rival companies, there was some security that the public would not be imposed on; but, as the matter now stood, a monopoly was established, and he was sure, that their lordships must feel that it was impossible for them to consent to such a state of things, unless they meant to take into their consideration the supply of the metropolis with water, and to fix the fair price at which that first necessary of life ought to be sold to the inhabitants. It was not long since these companies had in vain applied for leave to consolidate their corporations; but they had now, by their own private arrangements, accomplished what parliament had refused to grant. It appeared to him, that if ever there was a case proper for the deliberation of parliament, this was one. The noble earl who presented the petition had alluded to a proceeding in another place, which was likely soon to come under the consideration of that house. If the measure referred to did not come before their lordships, he could only say that they would not do their duty, if they separated at the end of the session without some decision on this subject.

The petition was then laid on the table.

HOUSE OF COMMONS.

Wednesday, April 8.

COPYRIGHT BILL.] The following petition of Messrs. Cadell and Davies, booksellers and publishers, in the Strand, was presented, ordered to lie on the table, and to be printed. "That the petitioners, having observed that a bill has been brought into the house to modify the burthen of delivering eleven copies of books to certain libraries, as directed by a preceding statute, and that several petitions have been presented on the subject, are desirous, but without intruding long on the attention of the house, to state how heavily they are affected by the said delivery; the petitioners at an expense of much greater magnitude than usually attends the publication of books, have published a work, intituled, "Murray's Arabian Antiquities of Spain," consisisting principally of one hundred plates, with some descriptive letter-press of the most interesting and important remains of Moorish architecture in Spain; from the cost of

the said work, it was necessarily published at the price of forty guineas, and as it consisted wholly of plates, with no other letter-press than a few lines to each describing its contents, the petitioners hoped that they would not be subjected to the grievance of delivering the said eleven copies, which, at the publishing price, would have amounted to four hundred and forty guineas; but they are informed that the addition of the letter-press description makes them liable to such delivery, and eight copies thereof have been already demanded; that on eight other works, that is to say, the Gallery of Portraits, Lysons's Cornwall, Cumberland, Derby, and the Britannia Depicta, Doctor Clarke's Travels, Farrington's Lakes and Drake's Shakspeare, the delivery of the said eleven copies have amounted to the sum of three hundred and thirty-eight pounds twelve shillings, at the lowest wholesale price; the petitioners have also found that the burthen of the delivery on all the other books which they have published has been a yearly grievance of very considerable amount, while all the expenses of their trade, and of publishing in general, continue unabated, and, as far as the petitioners can ascertain, no advantage of any sort has accrued to them as booksellers from the said delivery, nor do they believe that it increases the circulation of books; on the contrary, it appears to them that many persons read the works in these libraries who would otherwise have been purchasers, and they are satisfied that it is daily operating to discourage authors and artists from undertaking several works which, but for the delivery, they would have risked; the petitioners, therefore, respectfully beg the indulgence of the house to permit them thus to represent the grievance of the delivery of these eleven copies, both to themselves and to others, and to hope that the house will remove the same, or at least materially diminish it, by enacting that some portion of the published price of each book should be paid by the library demanding the same, or that the house would grant such other relief as in its wisdom shall seem most expedient."

The following petition of William Bernard Cooke, of York Place, Pentonville, in the county of Middlesex, engraver, was presented, ordered to lie on the table, and to be printed. "That the petitioner is now preparing for publication in imperial folio, Delineations of the city of Pompeii, with letter-press descriptions of the plates and an historical account of Pompeii, which he intends also to illustrate by vignettes of fragments, bas reliefs, and paintings, found in the ruins of that celebrated city, and to add outlines of sections, architectural details of the tombs in reference to the views, vases, helmets, implements, and utensils, discovered by recent excavations and restorations of the gates of Pompeii, and of the grand forum, with plans of the city and its principal buildings, and the whole, consisting nearly of one hundred plates, will be published in four parts, at four guineas each part, with a few proofs on India paper at eight guineas each part; the petitioner has stated to the house these particulars of his intended work, because they imply the quantity of skill and labour that must be employed to complete an undertaking so extensive, and the very heavy expenses that must attend its execution and publication: all such publications incur a risk in proportion to their magnitude, scarcely one work in twenty repays the expenses of its completion, and if they do not succeed, they involve the adventurous artist in ruinous consequences, yet, unless such works are undertaken in this country, our national reputation will suffer, and foreign states will attract to themselves the merit and advantages which have always followed a superiority in the elegant arts, and in undertaking works of this description on a grand scale; the petitioner therefore feels it to be a great grievance to him, as an individual, that instead of being encouraged by the subscriptions of any of the eleven libraries, to whom, by a late act, eleven copies of every book is to be delivered when demanded, he is to deliver eleven copies of the above-mentioned work without any remuneration; these works cannot be properly understood without some accompanying letter-press description, and yet, by the injunction of the said act, if a leaf or more of description be added to make the plates intelligible, it subjects the artists to a delivery of the said eleven copies; the petitioner humbly begs to represent to the house, that ten copies of the above work, in four parts, at four guineas each part, and one copy for the British Museum, on the best paper, at eight guineas each part, will amount to no less a sum of actual loss to the petitioner, than that of two hundred and one pounds twelve shillings; the petitioner states this as an actual loss, because the demand takes them from the petitioner's first, and therefore best impressions, and being fine plates, more than a certain number of impressions cannot be taken off without injury; and the petitioner humbly asks whether it can be just that he should be visited by so heavy a grievance, because he engages in a speculation, which, at an equal chance of loss as well as of profit to himself, gratifies intellectual curiosity, and contributes to the improvement of the arts and the honour of this country, at the same time that, in the consumption of the paper employed, it also benefits the revenue; the petitioner has also other works in preparation, as an artist, which, if he proceeds in, will experience a similar burthen; he has projected a work on the Southern Coast to contain eighty engravings, of which the delivery of eleven copies will take from him one hundred and twenty-four pounds, and another on the Thames, on which they will amount to eighty-seven pounds three shillings; and thus on these three works the petitioner will have to deliver copies to these eleven libraries to the amount of four hundred and twelve pounds fifteen shillings; the petitioner cannot but feel this to be an individual burthen that operates to repress the exertions of artists instead of re-

warding them, and to vex and dispirit the artist, and he submits that no copies ought to be demanded without a due portion of the price being paid for them; the petitioner therefore humbly prays, that the house will take his grievance into its consideration, and by such modifications of the said act as in its equity and wisdom it shall feel to be proper, diminish the burthen above-mentioned, and relieve the artist from its heavy operation."

The following petition of William Daniell, of Cleveland Street, Fitzroy Square, engraver, was presented, ordered to lie on the table, and to be printed. "That the petitioner and his uncle Mr. Thomas Daniell, having made a large collection of drawings during a long residence in India, illustrating the architecture, scenery and costume of that interesting country, have been deterred from continuing the publication of the same from the injunction of the last act of parliament on that subject to deliver eleven copies of what they should publish to the eleven libraries therein mentioned; they have been frequently requested by many of the subscribers to their former publications of Oriental Scenery to add a volume or two to that work; but the certainty of a demand from the said libraries of eleven copies, which at the price of thirty pounds each, would have amounted to three hundred and thirty pounds, has prevented the petitioner from complying with these solicitations, the petitioner would have also published a separate volume on the costume of India, with descriptive letter-press, another on the animals and birds of that country, and another on the great variety of vessels peculiar to India, the cost of which would have been twelve guineas each but the same necessity which would have followed of delivering the eleven copies, amounting therefore to one hundred and thirty-two guineas, has deterred the petitioner from this undertaking; the petitioner was also desirous to have published a volume of plates on the scenery of Southern Africa and the island of Ceylon, from the original drawings which he has in his possession, but the same compulsory delivery has constantly checked his intentions, and discouraged him from beginning such an undertaking; and he believes that if this burthen shall be continued, many artists will be intimidated in like manner from many works that would do credit to this country, and benefit those branches of commerce which are connected with the fine arts; the petitioner therefore prays the house, that the burthen of delivering eleven copies as aforesaid may be removed, or so far modified, as they shall think expedient, to diminish its weight, and to prevent it from operating to the discouragement of authors and artists."

Lord *Althorp* presented the following petition of certain persons, the Authors and Composers of Books. "That the petitioners, observing that notice has been given in the house, and their leave obtained, to bring in a bill to amend the statute passed in the 54th year of his present majesty, which enacted the delivery of eleven copies of all books printed and published after the passing of that act to the eleven libraries or public bodies therein mentioned, request the permission of the house to state their view of the grievances which this compulsory delivery has produced, and to solicit such relief upon the subject as to their wisdom shall seem most expedient; the petitioners humbly submit, that by the common law of this country, and by the decision of its highest court of judicature, as well as by the principles of natural equity, and by the analogy of every other species of property, they would have had, if no statute had passed on the subject, an exclusive right to the copyright of their several works, and to all the benefit and produce arising from their sale, as every other subject of this kingdom enjoys as to all his effects and possessions, but the legislature of this kingdom having formerly thought it right to limit the enjoyment of this species of property, has now extended that limitation to the term of twenty-eight years, or of the author's life if he should survive that time; the petitioners are grateful to the equity of parliament for this extension, and only regret that it was accompanied by the enactment that eleven copies of all publications should be delivered on demand for the eleven libraries mentioned in the said act; the petitioners submit that the equitable right of the said libraries to these copies is quite distinct from the right of authors as to their copyright, the delivery of these copies rests merely on the enactment of the statutes on that subject, and is founded upon no previous right, for, as to the ancient contract alluded to between sir Thomas Bodley and the Stationers' Company in 1609, it was an engagement between those two contracting parties for reciprocal objects then in view, which do not now subsist, and binding only themselves, and confined to only one of the said libraries; but can by no construction of law, or rule of equity, be justly extended to the petitioners, and the authors in modern times, who have no connexion either with the Bodleian library or the Stationers' Company; the petitioners therefore submit, that this compulsory delivery is unjust in its principle, as it invades the great rules of law and policy which assure to every one the unmolested enjoyment of the produce of his labour and acquired property; and that it has this additional objection, that although every publication is not under the same circumstances of expense, circulation, or importance, yet the compulsory delivery is imposed without discrimination on all; the petitioners believe that it operates materially to the injury of authors, and to the discouragement of future publications; the petitioners cannot change the established custom of the printing profession of charging for printing any number less than 250 the price of printing 250; and therefore, to print eleven copies beyond any regular number incurs the charge of printing 250, and to deliver eleven copies out of the re-

gular number printed of any work is a subtraction from the petitioners and their assigns of the whole trade sale price of those eleven copies when the impression sells, and if the impression should not sell, yet the petitioners are aggrieved by the loss of the amount of the paper and printing of so many copies; and they submit, that if this amount be in some cases not large, yet it is considerable in the aggregate of the whole quantity demanded, and no law of any country has made the amount of any property the measure or the standard of right and justice respecting it, the smallest quantity of value is protected to every one as much as the greatest, the legal right is the same whatever be the pecuniary amount, and all penal codes for the preservation of property are founded on this natural principle, so essential to the general welfare of society; as far as the petitioners can judge, the delivery of these eleven copies also operates to injure the sale of many books; it not only takes away the eleven libraries as purchasers of those which they demand, but, by the books being deposited in so many public libraries in the three great metropolitan cities, and the principal universities and libraries of these kingdoms, it enables a great many individuals to gratify their curiosity without purchasing the publication, and such members are satisfied with a temporary perusal of works daily issuing from the press; and the petitioners believe that the sale of several useful publications has been thereby greatly lessened; the petitioners are also satisfied that it makes the booksellers more averse to undertake the publication of expensive and of many important works; the price of the eleven copies taken away now becomes a material object of their calculation, and some have, on that account, declined the risk of publishing; the delivery also leads the booksellers to diminish the compensation to authors for their copyright in works where popularity is not certain, which is the case with most, and especially books of labour and expense, and as far as it operates to increase the price, it tends thereby to injure the sale; it prevents authors from receiving from their booksellers so many copies as they wish to give to their friends, and therefore it is a deduction of so much from the general produce and benefit of literature, which are already sufficiently uncertain, and in the great majority of instances exceedingly scanty; the petitioners are therefore decidedly of opinion, that the continuation of the demand and delivery of these copies without some modification, will discourage the future composition and publication of works; many valuable works are every year composed of great importance to science and learning, which from their expensive nature cannot be published unless booksellers can be found who will undertake the risk of the publication; but the petitioners are informed that the necessity of delivering these copies has occasioned some booksellers to decline the publication of some useful works whose sale was precarious; many authors are now projecting expensive works which the burthen of the delivery prevents them from undertaking, and the petitioners are satisfied that it will operate hereafter to prevent such works from being undertaken at all; the petitioners humbly submit, that in this great commercial and wealthy country, reputation alone cannot be a sufficient stimulus to authors to compose or publish valuable works, and more especially those which involve much expense; the affluence of the country operates not only to make the annual expenditure for subsistence considerable, but also to enhance the charges of every publication; the same prosperity of the country leading to costly habits of living, prevents men of literary reputation from holding the same rank in this country that it obtains in some others; justice also to the family who have to derive their nurture and respectability from the paternal labours, compels the parent to devote some portion of his attention to pecuniary considerations; hence an author can rarely write for fame alone; and every subtraction from his profit, and every measure that will diminish his ardour to prepare, and the readiness of booksellers to publish his work, especially as so many require such large sums to be expended and risked upon them, is an injury not only to authors, but to literature itself; the petitioners submit, that there never was a period in the history of the world, in which the people of every country have been more strongly emulous of each other, in scientific and literary attainments, than they are at this moment; and not only great national celebrity arises from superior excellence in works of art and literature, but it may be considered to be equally true, that whatever discourages or obstructs the progress of literature, in any country, will produce in time a national inferiority, and those political effects will be severely felt, when they will be with much difficulty remedied; the petitioners have been surprized to find, by the return of the list of publications entered at Stationers Hall, which has been laid on the table of the house, that copies of all that have been entered have been indiscriminately demanded by the said eleven libraries, with the single exception that two of them, and two of them only, namely, the Advocates Library and Trinity College, Dublin, have not demanded music and novels; the petitioners have remarked this fact with astonishment and regret; that all the promiscuous medley of modern publications should be incorporated with the important works that were formerly deposited in these libraries, and should there be open to the perusal of the most distinguished and most lively youthful minds of this empire, whose judgments have to be correctly formed, and should be there transmitted with all their sanction to posterity, seems to the petitioners to be incompatible with the objects and policy of those venerable institutions; if they be demanded and not deposited, then authors and publishers are burthened unnecessa-

rily; and if all be deposited and read, the petitioners think, that if it be recollected how many multifarious theories, speculations, discussions, and doubts, are daily arising in society, and daily investigated in public by the press, an indiscriminate demand and compulsory delivery of every publication, must tend to lead the impressible minds of the educating youth (who cannot have yet attained that solid judgment which time alone can create), to imbibe and nourish whatever spirit of change, desire of novelty, or projects of innovation, the conversations and incidents of the day may excite; without this delivery, no publication is purchased till it is wanted, and the expense of the purchase diminishes curiosity; but the delivery brings before the eyes of the educating youth of this country, and their instructors, books that they would not else have noticed, and perhaps not have heard of, books often highly useful and important in themselves, but not advantageous to the young and inexperienced mind; the petitioners respectfully submit, that it is of the highest importance to the interests of our venerable universities, and the other valuable seats of knowledge and learning, that the utmost harmony of feeling should be established and perpetuated between these respected institutions and the intelligent minds that now abound and are increasing in the British community; but the petitioners feel that this promiscuous demand and delivery tends to diminish this desirable harmony, because it creates a sense of grievance on the one side, unmitigated by any perception of a public good resulting from its continuance; and the petitioners are informed, that in no country of Europe, nor in America, are so many copies taken from authors and publishers as by the enactment above-mentioned, although in those countries much larger editions are printed and sold than can be disposed of in this kingdom: books are also printed abroad at so much less expense than in Great Britain, that the petitioners are apprehensive many works will be lost to this nation by being printed and circulated exclusively elsewhere; the petitioners therefore most humbly pray, that by the bill now before the house on this subject, such relief as to their wisdom shall seem most expedient may be granted to the petitioners, either by lessening the number of copies to be delivered, or by some regulation that will make it expedient for the libraries not to demand, indiscriminately, all publications, and therefore to contribute some such portion of the price of the books they may demand, as to the house shall seem equitable, or that the house will be pleased to grant the petitioners such further or other relief on the subject, as to them shall be deemed most fitting."

Mr. *Smyth* said, that great prejudices existed on this subject. The signatures of many respectable individuals now appeared to petitions, though the same persons were totally silent in 1814, when the subject had been fully discussed. The bill passed at that time conferred many important privileges upon publishers and authors, which, it was expected, would indemnify them for the loss they considered themselves liable to, by the copies which they were required to deliver. He hoped the bill now before the house would not be pressed forward too hastily, but that the subject would meet with the attention which its importance deserved.

Mr. *Gurney* said, that the inconvenience of the present law to authors and publishers was very great. Mr. Lysons was then publishing a work, the price of which would be 60 guineas, so that, before he could derive the least profit from the sale, he must send copies to the various institutions amounting to 660 guineas.

Mr. *Smyth* observed, that the expense of engraving the plates of a work would be precisely the same, whether the eleven copies were deposited in the different libraries or not.—The petition was ordered to lie on the table, and to be printed.

The following petition of the reverend Rogers Ruding, vicar of Malding, near Kingston, in the county of Surrey, was presented, ordered to lie on the table, and to be printed. "That the petitioner has employed many years in composing and compiling a work on the coinage of the realms, which he has published under the title of 'Annals of the Coinage of Great Britain and its Dependencies;' that the petitioner printed fifty copies of the said work on large paper, at 15*l.* 15*s*. each, and two hundred copies thereof on smaller paper, at 10*l.* 10*s*. each; that the whole of the large paper copies, excepting three, were subscribed for, and of the smaller paper no more than thirty-three or thirty-four remained for general sale, and within six months after publication, all the smaller paper copies which had not been subscribed for, were disposed of at 14*l.* a copy; by the operation of the act enforcing the delivery of eleven copies to the eleven libraries therein mentioned, the petitioner was thus deprived of the produce of such eleven copies, which, if they had not been so demanded, would have been sold to the benefit of the petitioner, and the same, at the actual selling value of 14*l.* each, would have produced to him 154*l.*; that the said work was from its nature a very expensive and laborious work, and of a limited sale, and the profit to the petitioner, from the whole produce of the same, has borne no adequate proportion to the toil, risk, and cost of his undertaking, and the petitioner was at one time apprehensive that, from the burthen of the delivery, he must have discontinued it; but, although the amount of the subscription at length enabled him to proceed, yet he submits, that to be deprived of 154*l.* on such a publication is too heavy a burthen to be borne by one individual for a literary undertaking, and can only tend to the great discouragement of similar works; the petitioner will also again be affected in making any improvements in his said work, in case another

small edition should be thought advisable, because that will subject him to a repetition of the said delivery, unless he can print and deliver such additions separately, which it is difficult to do, and he fears that on this account many works will be reprinted with their imperfections uncorrected; he therefore prays, that the wisdom of the house will take the grievance of the said delivery into consideration, and grant such relief thereon as it shall think fit, in order to lessen the pressure on the authors and publishers of all future works, and on the petitioner, in case he should attempt a second improved edition of his said work."

The following petition of John Britton, of Tavistock Place, in the county of Middlesex, was presented, ordered to lie on the table, and to be printed. "That the petitioner has published several works illustrating the Antiquities, Topography, and the Fine Arts of this country, which have been his chief support and greatest pleasure for the last eighteen years of his life, all of which have been produced at great risk and expense, and some have not sold in sufficient numbers to repay the expenses bestowed on them; that the petitioner's losses and risk have been much increased, and his future literary undertakings will be discouraged, if not wholly suspended, by the heavy grievance of delivering eleven copies to the eleven libraries mentioned in the act of the 54th of his present Majesty; that the delivery of one copy on large paper, and ten on other paper, of his 'Architectural Antiquities of Great Britain,' four volumes quarto, would amount to 232*l.*; of his 'Fine Arts of the English School, one volume quarto, to 76*l.*; and of his 'History and Antiquities of Salisbury Cathedral,' one volume quarto, to 40 guineas; of his 'History, &c. of Norwich Cathedral,' one volume quarto, to 33*l.*; of his 'History, &c. of Winchester Cathedral,' to 42*l.*; and of his 'History, &c. of York Cathedral,' one volume quarto, to 48*l.*, amounting altogether, for only six works, to 471*l.*, a very heavy deduction from the produce of one author's works; the petitioner also begs permission to state, that his work on the Cathedral Antiquities of England has cost, from its commencement in 1813 to June 1817, when the publisher's accounts were made up, to the sum of 7,773*l.* 15*s.* 6*d.* and that the sale of the said book, up to the same period, has produced only 6,468*l.* 8*s.* 9*d.* whereby it is clear that there is at present a loss on the said work of the sum of 1,305*l.* 6*s.* 11*d.* yet on this work the eleven copies have been demanded and delivered, amounting nearly to 200*l.* instead of the petitioner being assisted by their purchase; the petitioner respectfully represents to the house, that if this act be not modified or abrogated, he must relinquish the publication of the above-named work, whereby not only the public revenue derived from the duty on paper, advertisements, &c. must be injured, but many artists, manufacturers, and tradesmen now employed in the work, will also suffer; the petitioner requests permission to state, that all works of this description not only contribute largely to the revenue, in the paper they consume, and in their advertisements, but also to many classes of meritorious artists, whose talents are called into action by the various branches of the publications, and whose comforts and subsistence are injured by every cause that contributes to discourage the undertaking of such works; and the petitioner is fully convinced, from his own experience, and the expressed feelings of our most respectable artists, that the continuation of the delivery will prevent many publications from being undertaken; the price of English embellished books is already so high that they will not circulate on the continent, and the foreign market can already greatly undersell us, and this delivery tends to increase the growing evil; the petitioner, therefore, humbly prays, that the house will in its wisdom either remove, or greatly modify, the compulsory enactment which requires the delivery of eleven copies to the eleven libraries as aforesaid, or grant such other relief to authors and artists as to their wisdom shall seem meet."

PRIVATELY STEALING (IRELAND) BILL.] This bill was read a second time.

EDUCATION OF THE POOR BILL.] Mr. *Brougham* brought in a bill "for appointing a Commission to enquire into the Abuses in Charities connected with the Education of the Poor in England and Wales." The bill was read a first time, when Mr. *Brougham* observed, that it had been suggested by an hon. member, that the operation of this bill should be extended to all charities. If the bill had been introduced with this title, it would have been contrary to the instructions given to the committee; but he had taken care from the hint which had been thrown out, that the bill should be so drawn, that, by drawing the pen through two or three words, it might be made to protect all charitable institutions, if the house should so think fit. He would now move that the bill be read a second time on Monday next, and that it be be printed.--Ordered.

BUILDING OF CHURCHES BILL.] On the motion of the *Chancellor of the Exchequer*, this bill was considered in a committee, and reported. The report was ordered to be taken into farther consideration, on Monday, the 20th of April.

POOR LAWS AMENDMENT BILL.] The following petition of owners of dwelling houses under the yearly value of 20*l.*, or of land suitable for the erection thereof, within the towns of Manchester and Salford, was ordered to lie on the table, and to be printed. "That such parts of a certain bill now before the house, as will empower parishes in certain cases to assess the owners of dwelling-houses to the poor's rates thereof, instead of the occupiers, is unjust and oppressive upon the owners of the property in question, as it would throw the burthen of paying the poor's rates upon them, whilst the owners of

every other description of real property would be wholly exempt therefrom, and thus the equality of bearing the burthen of the poor's rates, which every person ought to sustain in proportion to his rateable property, either real or personal, would be destroyed; that the reasons which induced the origin of the proposed measure are stated in the bill to be, that a great number of houses are let to tenants who quit their residences, and become insolvent before the rate charged on them can be collected; and it hath been found that, in many instances, the persons letting such houses do actually charge and receive much higher rents for the same, upon the ground and expectation that the occupiers thereof cannot be effectually assessed to the poor's rate, and will not be charged with and required to pay, such rates, and do thus obtain an undue advantage to themselves, and, by means of the premises, the other inhabitants of such parishes are unjustly compelled to pay much more than their fair and due proportion of the charges of relieving and maintaining the poor; which statement, so far as regards the frequent leaving of the tenants without the payment of the amount due, the petitioners readily admit, and which their own interest as landlords, has occasioned them feelingly to lament; but that part of it, which states that the owners of this description of property have derived any profit from the exemption of their houses from the poor's rates, they conceive, can only arise from misrepresentation; and it is in fact contrary to every principle of political economy, which lays down as an infallible rule, that no trade or mode of employing capital, open to all, possessing no secret process, and reputable in its nature, can for any length of time secure to itself more than a reasonable profit, for that the number of persons who will be induced to enter into it, will occasion a competition which will reduce the price or returns of the article within the limits of a fair emolument; that the former of the reasons assigned in the bill for the proposed measures, viz. that tenants of such houses quit their residences, or become insolvent before the rates upon them can be collected, appears to the petitioners to be a most cogent argument against the measures, for if the rates cannot be collected from these circumstances, the same difficulty must exist in collecting the rent, nearly the same summary process for enforcing payment existing in both cases; it is therefore manifestly unjust to make the very circumstance which renders the income of the owners of small houses so insecure, the reason for loading them with an additional burthen, whilst the owners of larger houses, factories, workshops, warehouses, and land, whose income is secure, and easily collected, are, as owners, to be wholly exempt from all call to make good any defalcation which may arise on the part of their respective tenants in the payment of the poor's rate; that the petitioners surmise that the idea of enormous profits being derived from the erection of cottages, originates in the circumstance of a few individuals having erected dwellings of this description in so flimsy a manner, as not to be calculated to endure for many years, and thereby have appeared to gain a large return upon their capital, but which return, if the duration of the premises is taken into consideration, will not be found ultimately to produce to the owners the large profits which it might appear to do, when regarded independently of any consideration of their durability; that the owners of the property in question are almost universally burthened with a heavy ground rent, and are also liable to constant charges for repairs, which the property of the tenant renders him unable to make; in the preparation of their conveyances, also, they are at much greater expenses (exclusive of the *ad valorem* duties) than the owners of property of much larger amount; in the collection of that portion of their rental which they are able to realize, they incur either the expense of a very heavy poundage, or much of their time and labour is occupied in collecting the same; the frequent change of tenants is also, by the repairs necessary to be made for every new tenant, the occasion of an expense attendant on cottage property, of which those who are not possessors of this kind of dwellings, can form no estimate; that these deductions being made from that nominal rental, diminish the real return on the capital employed to rather below a fair emolument for the same, as compared with buildings of a higher order, even in those times when trade is in a healthy state, but when commerce languishes, they have the effect of reducing the income of the cottage proprietor to an amount little more than nominal; that, in the commercial towns, the property in question is occupied by the labouring poor, who have generally been brought into the towns by the manufactories of those very persons who are stated in the bill to be compelled to pay much more than their just proportion of the expense of the maintenance of the poor; that the labour of the population inhabiting small houses has been the principal source from which they have derived the profits of their trade; yet when these poor become unable to work, and consequently chargeable to the parish, the profits of the employer are not chargeable with any rate for their relief, but merely with the common rate on the buildings which they occupy: therefore the idea that such persons pay more than their due proportion of the poor's rate, appears to the petitioners to be erroneous and mistaken; that the burthen thus attempted to be thrown upon the owners of small houses, is not rendered less oppressive by the power of enforcing it being given to vestry meetings of the lay payers, the resolutions of which will take immediate effect, whilst the owners of the premises will have no means of compelling the tenant (even in cases where he is able to bear the burthen) to pay any additional rent in a less period of time

than that of six or twelve months, and in cases where the tenant proves refractory or poor, which will be cases of general occurrence, the owners will be compelled to have recourse to the tedious and expensive process of an ejectment, to recover possession of their property; that the proposed measure will compel the owners of such property, in the endeavour to shield themselves from loss, to raise the rentals to considerably above the sum which might ultimately prove to be necessary to cover the poor's rate, a rate in which the town of Manchester has varied within the last twenty years from twenty to fifty-two and a half per cent. on the rentals; a variation so great as to leave to the landlord no accurate means of defining what addition ought to be made to his rental to cover so fluctuating a charge; that the proposed measure would be dangerous to the public tranquillity, and particularly so to the personal safety of the owners of the property in question, as they would be compelled to leave notices in the dwellings of the entire of the poor of a change in their rentals amounting to from a fourth to one half of the sums now paid, which would produce a general state of irritation, the effects of which must be alarming to every considerate mind; that small houses are absolutely necessary for the residence of the poor in large manufacturing towns: and it is well known that some time ago, when in Manchester, and other towns, owing to the want of cottage-houses, the poor were crowded together in the rooms of larger dwelling-houses, they suffered the greatest misery from dirt and infectious disorders, and thereby the public health was much endangered; it was also found that in such dwelling-houses, the promiscuous intercourse of different families had a tendency to injure the morals of the younger part of them; that the law as it at present stands, gives to the churchwardens the power of rating the property in question to the poor's rate, to which measure the petitioners offer no objection; and the law also vests in the churchwardens powers for the recovery of the same nearly as summary (and which by a slight alteration in the law might be made quite so) as those of the landlord for the enforcement of his rent; the existing law has also provided, that the churchwardens, who are considered as disinterested persons, should have the power of mitigating the burthen in every case when relief might become necessary; but the proposed measure will have the effect of destroying this fair system, and in compelling the owners of the dwellings of the poor to pay the rate, will almost destroy the possibility of relief, by preventing the exemption of any, however distressed, from the burthen; the situation of the poor will thereby be rendered more miserable; the owners of the property, who have heretofore sacrificed to the miseries of their tenants in the time of distress a considerable part of their rental, by refraining to distrain when they were aware want alone prevented the payment of the rental, will thus be compelled to become the bailiffs of the parish, and, by the pressure of so heavy a rate upon themselves, be obliged to steel their feelings, and to resist the cries of the poor; and, in the opinion of the petitioners, the burthen of poor's rate, which it is so fallaciously supposed this measure will relieve, will be increased by the poor being driven to have recourse to it for the payment of the accumulation of rent, with the charges of the distress, and of the persons leving the same, in addition to the loss of from twenty-five to fifty per cent. on the value of their goods, occasioned by their sale under a process of law; and what is still more alarming, the spirit of pauperism, which has so rapidly increased of late years among the lower orders, and which it is the object of the legislature to counteract, will, by the increased number of persons whom the proposed measure will compel to have recourse to the poor's rates, be more extensively diffused; that the petitioners are aware that it has been urged, by those in favour of the proposed measure, that if the experiment does not succeed it can be abandoned, and that part of the act remain dormant, or be repealed; in answer to this argument, the petitioners reply that they are well aware the experiment will not be found to succeed in practice, and that, like the act of 31 Elizabeth, c. 7. for imposing restrictions on the erection of cottages, it will be abandoned, with a similar acknowledgment to that contained in the bill for the repeal of the act alluded to, viz. that the said statute had laid the industrious poor under great difficulties to procure habitations, and in divers other respects was inconvenient to the labouring classes of the nation at large: yet the petitioners deprecate the idea of attempting to try whether the poor can be made to pay the poor's rate through their medium, as a measure likely to be ruinous to the landlord, more burthensome to the poor, and more difficult in its abandonment in the event of its failure, than the present legal mode of trying the same experiment through its proper medium, the churchwardens and overseers of the parish; that the owners of cottage-houses are in general persons who, by the hard labour and frugal saving of years, in addition to the money raised by mortgage of the premises when erected, have been enabled to build a few cottages, and that the effect of the proposed measure, if they cannot succeed in raising the rent of the premises, will be to take from them the reward of a life of frugality and industry, and this without their having committed any crime, or the assignment of any other reason than that it is stated to have been proved before the house that some persons have made large profits by the erection of small dwellings, which the petitioners submit is no reason why the owners of such dwellings in general should be deprived of a great portion of their property, without its being proved that they, as individuals, have been guilty of the receipt of enor-

mous profits, which act of individuals, unknown to the petitioners, will, if the proposed bill pass into a law, be visited by the indiscriminate punishment of the innocent and the guilty; that the measure appears more particularly partial and unjust, as it is a well-known fact that in the towns of Manchester and Salford numerous houses above 20*l.* per annum have, in former years, been excused from the payment of the poor's rate, and no attempts have been made to render the owners of such property liable to the same; the petitioners therefore humbly pray, that the proposed measure may not pass into a law."

PARDONS UNDER THE GREAT SEAL BILL.] Mr. *F. Douglas* brought in his bill "for diminishing the expense of Pardons under the Great Seal."—Read a first time.

BREACH OF PRIVILEGE.] Lord *Archibald Hamilton* said, that he wished to call the attention of the house to a subject of great importance, affecting the privileges of the commons' house of parliament. He would not at present enter into any details on the subject; he wished merely to state, that it related to a contest now going on in a county for the election of a member to serve in that house, in which contest a noble lord, a member of the other house of parliament, had thought proper to interfere. He intended to submit this matter to their consideration on Friday next: and he now desired merely to know whether, as this motion related to a breach of their privileges, it would not be entitled to precedency over other business. He should abstain from mentioning the names of the parties, or any of the particulars, unless the chair, or any honourable member, thought that he ought to be more explicit on the subject. If no farther explanation were required, he should now merely add, that he would bring forward this matter on Friday next.

Lord *Castlereagh* observed, that several matters stood on the orders for Friday next; but he apprehended that, if the noble lord wished to make his motion on that day, it would, as a matter of privilege, be entitled to precedency.

PARLIAMENTARY REFORM.] Lord *Stanley* begged to call the attention of the house to a petition which he held in his hands. He said, the house must be aware, that, in his situation of representative for the county of Lancaster, many petitions were frequently put into his hands, of which he could not approve either the matter or the manner. The petition which he now held in his hands, was signed on behalf of a meeting at Royton, by Mr. George Taylor the chairman. He was aware that the house did not recognise any petition so signed, as the petition of those from whom it purported to come, and that it could only be received as the petition of the individual who was the chairman of the meeting. But this was not the point to which he was most anxious to draw their attention. Among the petitions put into the hands of members, some came so near the line of right and propriety, that it became a matter of doubt whether they ought to be presented. With respect to this petition he owned that he had his doubts—it certainly came very near the line of propriety—but as he always wished to leave the right of petitioning as unfettered as possible, he should be sorry to do any thing to prevent the voice of individuals from being heard. There was hardly any thing in the prayer of the petition which was improper. Whether, in the body of the petition, some expressions might not be considered as improper, he should leave for the house to consider, when they heard it read.

The petition was brought up and read. It purported to be the petition of several thousands of people assembled at Royton, in Lancashire, on the 23d of March, 1818. It commenced by stating, that self-preservation was the first law of nature. It went on to state, that many of the petitioners were weavers, whose wages did not exceed seven shillings a week, a sum altogether inadequate to the support of themselves and families, and the payment of house rent and taxes—that, in this situation, they were bringing children into the world whom they could not support—that God never made men to labour and to starve—that the business of quarter sessions formerly used to last only about two days—but that the quarter sessions now usually lasted twelve or fourteen days—that this moral deterioration was the consequence of the unexampled misery and privation in the lower classes—that general misery was productive of ignorance and slavery—that a state of things like this could not be conducive to our prosperity either at home or abroad—that the property of a country consisted in the produce of its land and labour—that, if too much of this produce went to rent and taxes, the consequence was, a proportionate privation and suffering of those by whose labour that produce was realized—that the avarice and cunning of some individuals had succeeded in appropriating to themselves, and those who were instrumental to their views, so much, that nothing was left to others—that it was the duty of wise statesmen to check this evil, and to oppose, instead of supporting, expensive wars, the undertaking of which could neither be productive of good, nor prevent evil—that the weight of the burdens of these wars fell on the poor with double force—that, from the attention which they had given to the proceedings of the house on the subject of the poor laws, they could see no disposition on the part of the house to diminish the evils of pauperism—that, as wages increased, pauperism deceased—that his Majesty's ministers had imprisoned many of the best men in the country, on the pretence of treason, while no treason had been committed—that, as well might men have been committed for murder, while no murder had taken place—that any disorders which took place were solely attributable to spies and incendiaries employed by the government—and that they attributed their misery to the selfish prin-

ciples which had influenced the hon. house for a long time. The petitioners, therefore, prayed the house to repeal the corn bill, that rents might fall—to retrench all useless and improper expenditure, that the burden of the taxes might be diminished—and to reform the commons house, and admit the people to the exercise of their just rights.

Lord *Stanley* then moved that the petition do lie on the table.

Mr. *Bankes* was of opinion, that as this petition professed to come from a public meeting, and was signed by the chairman only, it ought not to be received. He was aware, that the house sometimes extended their indulgence so far as to consider a petition of a public meeting the petition of the individual who signed it; but, as this petition alleged only general opinions, he thought it would be inconvenient to extend their indulgence to it.

Mr. *Wynn* contended, that there was a great difference between a petition like this, and one signed by a sheriff in the name of a county meeting. This alone was a ground for refusing to receive it; but when he looked at the manner in which it was worded, and the outrage offered to the house, by attributing selfish principles to them, he could come to no other conclusion, than that the petition was framed for the purpose of insulting the house, and, therefore, ought to be rejected.

Mr. *Lambton* said, he would not enter into the question of informality; he had attended to the wording of the petition, and he certainly could see nothing in it insulting or derogatory to the house. If the hon. member meant to propose that the petition should be rejected on the ground of improper language, he should feel it his duty to divide the house on that point (*hear, hear.*)

The *Chancellor of the Exchequer* said, that expressions were used in this petition which no hon. member could have employed without being called to order. The petitioners said, that the house had long been governed by "selfish principles." This was language which they ought not to hear.

Mr. *Tierney* said, it appeared to him that the petitioners had used the word "selfish" as intending to convey that the house had entered into a narrow view of the subject, and had not proceeded on general grounds. If the house were to reject such petitions as this, they might as well say at once, that men should never petition for parliamentary reform. Feeling as anxious as any man that the doors of the house should be open to petitions, he must declare his opinion, that there was nothing derogatory to their dignity in the language of this petition. The word "selfish" was the only unhappy word on which the Chancellor of the Exchequer had been able to place his hand. The right hon. gentleman had said, that any member who should use that word, in debate, would be called to order. Now he would use that word on the very first opportunity (*a laugh*), and he was sure that the right hon. gentleman would not call him to order (*hear, hear.*) If he thought that the house were biassed by their own interests in passing the corn bill, he could explain himself in no other way than by saying, that they were influenced by "selfish" principles.

The question being put "That the said petition do lie upon the table, the house divided. Ayes, 14—Noes, 43*.

* It may be useful to sum up, as briefly as possible, the several rules that must be observed with respect to petitions.—For the sake of general convenience, the Editor will arrange them under proper titles. Where Hatsell is cited, it is the last edition of his work, in January 1818, with the notes and observations of Mr. Speaker Abbot, now lord Colchester.

I. PETITIONS MAY BE SENT FREE.—Petitions are allowed to be sent free of postage, if in a cover open at both ends, and not exceeding six ounces weight. (54 Geo. III. c. 169.)

II. PETITIONS MUST NOT BE PRINTED.—Petitions must not be printed, neither private nor public. This was determined on the 6th of May, 1793; on the 30th of June, 1813; on the 17th of July 1813; and, finally, on the 3d of March, 1817, when 468 printed petitions were rejected. (These Reports, vol. 1. p. 516.)

III. PETITIONS MUST BE SIGNED.—Petitions must be signed by the party petitioning, with their own hands, by their names or marks, (14th November, 1689,) except in case of inability from sickness: (8th November, 1675.) And, on the 2d of June, 1774, Resolved, that it is highly unwarrantable, and a breach of the privilege of this house, for any person to set the name of any other person to any petition to be presented to this house.—On the 7th of March, 1817, a petition was offered from Horsham, having several false signatures: it was held, nevertheless, that those did not vitiate the good, and the petition was received. (2 Hats. 189.)—There must be some signature *on the same sheet or skin* as the petition itself. (2 Hats. 189. and these Reports, vol. 1. p. 516.)—The same rule prevails in the house of Lords. (These Reports, pp. 897, 973.)—And, if any thing follows the prayer of a petition, it must be signed. For example: a petitioner refers to authorities, which he sets out in an appendix. he signs the prayer, but does not sign the appendix: the petition will not be received.—The house does not allow an *affidavit* to be annexed to a petition; in that case, the affidavit is taken off.—One partner cannot sign for himself and his co-partners; the petition must be signed by all the parties.

IV. PETITIONS MAY BE SIGNED BY ANY NUMBER.—See the Speech of Sir S. Romilly, 3d of March, 1818, where he says, "there is no law to prevent the people from coming forward to sign petitions peaceably, however numerous they may be:" (these Reports, p. 706, and the *note*): and the speech of the Attorney General, 9th of March, 1818, where he animadverts upon "the system of obtaining petitions from twenty persons, and thus splitting a petition that might be signed by five or ten thousand, into so many different petitions, with a view to give a factitious importance to such applications." (These Reports, p. 841.)

V. PETITIONS SIGNED BY A CHAIRMAN.—A petition signed by the chairman of a public meeting on behalf of himself and others, who do not sign, can only be

FORGERY OF BANK OF ENGLAND NOTES.] General *Thornton* rose, pursuant to notice, to call the attention of the house to the great increase of forgery of bank of England Notes, the

received as the petition of the individual signing. (These Reports, vol. 1. p. 495.)

VI. PETITIONS SIGNED BY A SHERIFF.—On the 11th of March, 1817, a petition from freeholders and inhabitants of Kent, signed by the sheriff, on behalf of the meeting, being offered; it was held, that it could only be received and entered as the petition of the sheriff. (2 Hats. 189. and these Reports, vol. 1. 495-6.)

VII. PETITIONS FROM CORPORATE BODIES.—Petitions from corporate bodies, signed in the name of the corporation, and sealed with its seal, are considered as the prayer of the corporation. (These Reports, vol 1. p. 495.)

VIII. PETITIONS FROM LONDON.—A petition from "the Livery of London in Common Hall assembled," must be signed by those individual liverymen who approve of its contents, and must be offered by a Member, like any other petition.—But, by the indulgence of the House, (for it is not of right) petitions from the "Corporation" of London, which are signed by the town-clerk, are presented by the Sheriffs, unless one of them is unable to attend, or is a member. On the 1st of February, 1724, one of the Sheriffs being a member of the House, and the other being ill, the petition from the Corporation was presented by two aldermen and four of the common council. So, on the 5th of March, and the 8th of May, 1770, both the sheriffs being members, the petitions from the corporation were presented by some of the aldermen, and several of the common council. (3 Hats. 237.)—On the 27th of February, 1818, a petition was offered to the House of Lords, purporting to be from the Lord Mayor, Aldermen, and Livery of London, in common hall assembled: it was signed by the Lord Mayor, two aldermen, and twelve liverymen,—(see these Reports, p. 572: it is there stated, by mistake, twelve common councilmen)—which, it was said, was the number requisite to constitute a common hall of the City of London; the Lord Chancellor said, it could only be received as the petition of those who had signed it, and it was laid on the table merely as coming from them.

IX. PETITIONS MUST BE COUCHED IN PROPER LANGUAGE.—Petitions containing language insulting to the House, are not admitted to lie on the table. On the 31st of January, 1817, when several petitions were presented, praying for "Parliamentary Reform," Mr. Speaker Abbot laid it down as a rule of the House, that "the Member who presents a petition should have previously *read* it, and then state the *substance* of its contents; and be prepared to say, that, in his judgment, it is also *couched in proper language*, and contains nothing intentionally disrespectful."—On the 4th of February, 1817, Mr. W. Smith, on presenting a petition from Norwich for parliamentary reform, insisted that he was not bound to form any opinion upon the subject; and would not make any such assertion, whatever his opinion might be. But the rule was stated to be otherwise; and upon debate, the motion for bringing up the petition was negatived without a division. (2 Hats. 189. 3 Hats. 240. and these Reports, v. 1. pp. 71. 100.)—On the 16th of February, 1818, a petition was offered to the House of Lords, which, on being read, was found to want the word "humble": it began "the petition of," instead of "the humble petition," &c. The Earl of Carnarvon said, he had read the petition, and could assure their lordships it was respectfully worded. The Lord Chancellor said, it was contrary to the practice of that house to receive petitions with the omission which occurred in this case. (These Reports, p. 404.) So, in a former session, where a petition was offered, addressed to "The Upper House of Parliament," instead of "The right honourable the Lords Spiritual and Temporal in Parliament assembled," it was not allowed to be read.

X. PETITIONS FOR PUBLIC MONEY.—A petition which states any distress, and prays to be relieved from the charity or munificence of the public, ought not, in point of form, either to prescribe the quantum, or to mention the fund out of which that relief is to be granted. The prayer should be general; and it should be left open to the consideration of the house, what the nature of the relief should be, and to what extent. (3 Hats. 241.)—And, by an order of the 11th of December, 1706, which, on the 11th of June, 1713, was declared to be a standing order, it was resolved, "That this house will receive no petition for any sum of money, relating to public service, but what is recommended from the crown."—This order is founded on the principles of the constitution: for though it is the sole right of the House of Commons to *grant* the public money, it seems to be only for those services pointed out by the crown; and, upon this ground, the Committee of Supply arises *only* out of the King's speech; and if that Committee is closed (unless by accident, or unintentionally) it must be in consequence of a speech or message from the king, that it can again be instituted. As soon, therefore, as any petition for public money, is offered to the house, and before it can be received, it is necessary that the Chancellor of the Exchequer, or some other member, authorised by the King, should acquaint the house, "that his Majesty, 'having been informed of the contents' of the said petition, recommends the same to the consideration of the House." (2 Hats. 359, 360.) If the petition is received, it is referred to a Select Committee to ascertain the truth of the facts stated, and when their report is brought up, a committee of the whole House directs such proceeding upon it as may be thought proper. (3 Hats. 216.)—But, it is said that, the standing order above mentioned is not understood to apply to petitions for granting bounties; and, therefore, though the King's recommendation has been given in some instances of this sort, this was unnecessary. (3 Hats. 196.)

XI. PETITIONS FOR COMPOUNDING CROWN DEBTS.—No petition can be received for release or composition of debts to the crown, upon any branch of the revenue, without a certificate from the proper officer annexed, stating the debt, what prosecutions have been instituted for the recovery thereof, and what the petitioner and his security are able to pay. On the 25th of March, 1715, this is declared to be a standing order. —The petition is afterwards considered in a committee of the whole house. (3 Hats. 227, 228.)

XII. PETITIONS AGAINST PUBLIC TAXES.—A petition against a tax bill depending for the service of the current year cannot be received. "This rule was adopted very soon after the revolution, and upon this principle: that, a tax generally extending in its effect over every part of the kingdom, and more or less affecting every individual, and in its nature necessarily and intentionally imposing a burthen upon the people—it can answer no end or purpose whatever for

consequence of which was, a general distrust of that species of currency. The number of criminals had so increased, that the Bank had been obliged to compromise the matter, and take

any set of petitioners to state these consequences as a grievance to the house. The house of commons, before they come to a resolution which imposes a tax, cannot but know that it may very sensibly affect the commerce or manufacture upon which the duty is laid; but they cannot permit the inconvenience that may possibly be brought upon a particular branch of trade to weigh with them, when put in the balance with those advantages which are intended to result to the whole, and which the public necessities of the state demand from them. For these reasons it has been thought better, and more candid to the persons petitioning, at once to refuse receiving their petition, rather than by receiving it to give countenance to the application, and to mislead the petitioners into an idea, that in consequence of their petition the house of commons would desist from the tax proposed, and impose another, which, though it might be felt less by that branch of trade, might be more oppressive to some other branch." (3 Hats. 233-4.) The house of lords, upon the same principle, have established the same rule of practice. See their journal, of the 3d of May, 1736; and 18th of June, 1783; where petitions offered against bills depending, for imposing taxes for the service of the current year were rejected. (3 Hats. 241.) A petition against the pawnbroker's bill (A.D. 1783,) was received, as being against the regulation of the trade, not against the tax. But it is said, that it would have been much better to have kept these proceedings separate in two distinct bills. In a bill depending for imposing a tax upon Attornies and Solicitors, those gentlemen desired, that, as a tax was to be laid upon them, provision might be made in the same bill for preventing persons, not being solicitors or attornies, and who would not therefore be liable to the tax, from exercising their occupation. This proposal seemed reasonable; but it was thought adviseable not to tack it to this bill of supply, and that it was too late in the session to bring in this provision in a separate bill. (3 Hats. 238-9.) But this rule of not receiving petitions against Bills of Supply does not extend to petitions from the "Corporation" of London, as the forms used, by the indulgence of the house, in the receiving of their petitions, preclude the house from knowing the substance or prayer of them, till they are received and read. The contents are not opened by a member, as is required on the presenting of petitions from any other set of persons; but the petition is brought to the bar by the sheriffs; is, without a question, delivered to the clerk, who brings it to the table; and, when the sheriffs are withdrawn, the Speaker puts the question for reading it. If this is agreed to, the petition is read; and then, and not till then, the house are acquainted with the contents of it, and afterwards dispose of it as they think proper. (3 Hats. 236-7.) A copy, however, of all petitions from the common council is previously sent to the speaker, that he at least may not be taken by surprise. (3 Hats. 231.) On the 1st of May, 1815, a petition of the "Common Hall," complaining 'that his majesty's ministers had proposed the renewal of the property tax, and praying the house to stop the administration in their career,' was brought up, read, and on motion that it do lie upon the table, the question passed in the negative, 107 to 59. (3 Hats. 2?3.) But, petitions which desire the repeal or alteration of taxes imposed in a former session, may be received from any persons. "No public service is delayed by receiving and considering such petitions; nor can the time of the house be employed more properly than in endeavouring to lighten the burthens, which have been necessarily imposed upon the people, by introducing such regulations, in the manner of collecting the taxes, as experience shall point out; or even by repealing taxes, in instances where no regulation can make them fit to be continued." (3 Hats. 235.)

XIII. Petitions against Local Taxes.—A petition against a local tax may be received, and counsel ordered. On the 18th of March, 1725, a committee, to whom the petition of Mr. Campbell had been referred, complaining of great losses which he had suffered by a riot at Glasgow, reported a state of the facts, and their opinion that satisfaction ought to be made to him. This report was referred to a committee of supply; who, on the 16th of April, reported, "that the sum of 6,080*l.* ought to be allowed to him:" and on the 27th of April, a tax was reported from the committee of Ways and Means, to be laid upon the city of Glasgow, for raising the sum granted to Mr. Campbell. A bill being ordered in, and depending, for imposing a tax for raising this sum; on the 5th of May, 1726, the corporation of Glasgow presented a petition against the application of this tax; which petition was referred to the committee upon the bill, with an instruction to hear the petitioners by their counsel, if they thought fit. This proceeding was regular, and no ways contradictory to the rule mentioned above, as the tax to be imposed was for a local purpose, and in no part for the general service of the year. (3 Hats. 188.)

XIV. Petitions against apprehended Proceedings.—On the 18th of February, 1817, the report of a Secret Committee of the House of Lords was read, laid upon their lordships' table, ordered to be printed, and to be taken into consideration on Friday, the 21st instant.—At the sitting of the house on that day, and before any other business had commenced, a petition was offered from the Secretary of the London Union Society, representing, that he had read in the report then upon the table, that the London Union Society was connected with other societies, whose object was conspiracy, revolution, and treason; whereas (he stated) that Society never was affiliated to any society, or any body of men whatsoever; that it had not even met for nearly three years and a half last past, and, of course, that it was not now in existence. He therefore prayed the right hon. house to pause, and to hear further evidence, before it proceeded to adopt legislative measures upon the report. The Lord Chancellor, and other noble lords, contended, that this petition ought not to be received: it inferred that certain measures were to be adopted, of which the petitioner could know nothing. on comparing the statements of the petition and the prayer, it appeared that his inducement to come forward, was a desire that he might be heard, in order to prevent the adoption of measures similar to those of 1795, which he conceived the legislature had in view. Whether such measures were to be proposed or not it was impossible for him to know, and to what a state would their lordships be reduced, were they to permit individuals to come forward with petitions, not merely against measures before the house, but against measures which the petitioners apprehended might be introduced? Every individual in the country who apprehended that any measure affecting him-

convictions on minor charges, to avoid the frequency of executions. It was shocking that this state of things should continue, without an attempt at a remedy, by increasing the obstacles in the way of forgeries. In 1797, a note was submitted to the Bank by Mr. Tilloch, which the great engravers of that day (Bartolozzi, Heath, and others,) considered as inimitable. Mr. Terry, the engraver of the Bank, produced what he conceived to be an imitation of it, but those artists declared that his imitation was so bad, that no person could be deceived by it. A reason should be given why this or some other plan had not been adopted. The expense had been mentioned, but no probable expense could over-balance the injury done to morals, besides the injury to property. The expense of prosecutions, when it was exhibited, would shew that this species of economy was misapplied. He trusted, therefore, that a committee would be moved for by some of the Bank directors, to know whether every thing had been done which was possible; if they did not perform this duty, he hoped that the Chancellor of the Exchequer would, especially after the notice he had given for a renewal of the bank restriction act. With the view of bringing the matter more fully before the house, he should move, "That there be laid before this house an account of the total nominal value of bank of England notes presented at the bank of England and refused payment on account of their being forged, for the last six years, to the latest period to which the same can be made up; specifying the total nominal value so presented and refused payment in each year respectively."

Mr. *Grenfell* said, he did not mean to oppose the motion, but he begged to suggest, that it might be proper to withdraw it for the present, as his hon. and learned friend, the member for Nairnshire (sir J. Mackintosh) had given notice of a motion which stood for Tuesday, and which embraced the same object.

General *Thornton* said, he was not aware that the motion for Tuesday would embrace the object which he had in view; but as the hon. member had stated that it would embrace that object, he would, with the leave of the House, withdraw his motion.

The motion was accordingly withdrawn.

CUSTOMS CONSOLIDATION BILL.] Mr. *Lushington* brought in a bill "to repeal the several duties of Customs chargeable in Great Britain, and to grant other duties in lieu thereof."—It was read a first time.

HOUSE OF LORDS.

Thursday, April 9.

LONGITUDE AND NORTHERN PASSAGE BILL.] This bill was read a third time, and passed. It was in these words. "Whereas by an act passed in the twelfth year of her late Majesty Queen Anne, intituled An act for providing a public reward for such person or persons as shall discover the longitude at sea, it was enacted, that persons holding certain public offices therein stated, for the time being, and certain other persons therein mentioned by name, should be commissioners for the discovery of the longitude at sea, and for examining, trying, and judging of all proposals, experiments, and improvements relating to the same: and whereas another act was passed in the twenty-sixth year of the reign of his late Majesty King George the second, for rendering more effectual the last-recited act; and whereas by another act passed in the thirtieth year of the reign of his present Majesty, intituled An act for continuing the encouragement and reward of persons

self, or the public in general, might at some time or another be introduced into that house, would have the right of appearing at the bar with his petition. On the other side it was moved, that the debate should be adjourned for a week, in order that the matter might be referred to a committee of privileges, with instructions to search for precedents, and to report whether there was any instance of a petition similar to the present being rejected. On this motion the house divided: Contents 18—Not Contents 64. So the petition was rejected. After this debate was ended, lord Sidmouth introduced a bill for suspending the habeas corpus act, which was read a first time. At the next sitting of the house (Monday, Feb. 24.) another petition was offered from the Secretary of the London Union Society, which, after stating that that Society was founded in 1812, that it never had any one branch, &c. and had ceased to exist, (as in the former petition,) concluded as follows: "That your petitioner has been informed, that a bill for the suspension of the habeas corpus is now before the house, and therefore your petitioner humbly prays, that your lordships will be pleased in your great tenderness for the liberties of his majesty's faithful subjects, to permit your petitioner to produce all the books and papers of the London Union Society at the bar of your right hon. house, where your petitioner confidently assures your lordships, that he is ready to prove all and singular the allegations contained in this his most humble petition." This petition was received, and laid upon the table. (See these Reports, vol. i. pp. 189, 213, 239.)

The Editor has now stated all the rules which occur to his memory as necessary to be observed in the framing and presenting of petitions; and if those rules were more generally known and attended to, it would prevent much inconvenience to the public, as well as great loss of time to parliament.—It may just be added, that any number of petitions may be offered at once. On the 3d of March, 1817, Sir F. Burdett offered 500 petitions for a Reform of Parliament.—In the commons, petitions, on being received, are frequently ordered to be printed; but the practice is otherwise in the lords. On the 12th of May, 1817, a petition was offered by earl Fitzwilliam in support of the Catholic claims: lord Kenyon moved that it be printed: the lord chancellor said, there was no instance, he believed, in which that house had ordered a petition to be printed. Lord Kenyon then withdrew his motion. (These Reports, vol. i. p. 1003.)

making certain discoveries for finding the longitude at sea, or making other useful discoveries and improvements in navigation, and for making experiments relating thereto, and for adding a commissioner to execute the several acts for the discovery of the longitude at sea, persons holding certain other offices, therein enumerated, for the time being, were added to and joined with the commissioners appointed by the said first-mentioned act: and whereas all the persons mentioned by name in the said first recited act are long since deceased: and whereas by reason of the residence at the universities of certain professors who are constituted members of the board of commissioners aforesaid, and by there not being a power of electing into the said board any persons but the said official commissioners and the said professors, it often happens that there are no persons, particularly versed in the sciences of the mathematics and astronomy, resident in London, and belonging to the said board; and that divers persons of great skill and ability, whose services would be most beneficial to the objects of the said board, are by the said constitution of the board excluded therefrom: be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that the said recited acts shall be and the same are hereby repealed.

II. And be it further enacted, that from and after the passing of this act, the lord high treasurer of the united kingdom of Great Britain and Ireland, or the first commissioner for executing the said office, the lord high admiral or first commissioner for executing the office of lord high admiral of the united kingdom of Great Britain and Ireland, and such other commissioners for executing the office of lord high admiral of the united kingdom of Great Britain and Ireland as may be flag officers in his Majesty's fleet, the speaker of the house of commons, the president of the committee of council for trade and plantations, the governor of the royal hospital for seamen at Greenwich, the judge of the high court of admiralty, the secretaries of the treasury, the secretaries of the admiralty, the comptroller of the navy, the president and three fellows of the royal society, the royal astronomer at Greenwich, the Savilian, Lucasian, Plumian, and Lowndian professors of the mathematics and astronomy at the universities of Oxford and Cambridge, the observer at the Radcliffe observatory at Oxford, all now and for the time being, and three other persons well versed in the sciences of mathematics, astronomy, or navigation, to be annually selected, chosen, and named, as hereinafter provided, shall be commissioners for discovering the longitude at sea, and for examining, trying, and judging all proposals, experiments, and improvements relating to the same, and for rewarding persons making useful discoveries and improvements in or connected with navigation.

III. And be it further enacted, that the three members of the royal society, so to be commissioners, shall be the right honourable Charles lord Colchester, Davies Gilbert esquire, and colonel William Mudge; and that in the event of any vacancy by death, resignation, or refusal to act, of any of the said three persons, or of any person hereafter chosen to succeed them, such vacancy shall be filled up by the choice and election of the president and council of the royal society; and that the said three other commissioners shall be doctor William Hyde Wollaston, and doctor Thomas Young, and captain Henry Kater, who shall continue commissioners until the first day of January one thousand eight hundred and twenty, after which time the three persons to be the said last-mentioned commissioners shall be annually, or as often as a vacancy by death, resignation, or refusal to act, may occur, selected, chosen, and named by the lord high admiral, or commissioners for executing the office of lord high admiral, and shall be persons well versed in the sciences of the mathematics, astronomy, or navigation, and shall be generally resident in or near the city of London, and capable of attending at the board of commissioners, and of assisting in the objects herein intrusted to the said board.

IV. And whereas by the said recited acts, and by divers other acts passed from time to time, and all founded upon and referring to the said first-recited act, divers duties and authorities were imposed and conferred upon the commissioners constituted by the said recited acts, and divers sums of money for various purposes, and under different conditions, were from time to time granted and provided to be employed and expended towards the discovery of the longitude at sea, and for divers purposes in such acts mentioned, and for rewards to such persons as should ascertain the longitude within certain limits and conditions therein specified; and for enabling the said commissioners to cause a survey to be made of the shores of Great Britain and Ireland, and ascertaining the latitude and longitude of the capes, promontories, and headlands thereof: and whereas some of the provisions of the said acts have been repealed, and others thereof have expired; and it is expedient wholly to repeal the same, for the purpose of re-enacting and conferring upon the new commissioners such of the powers, authorities, and duties at present vested in the old commissioners, as are fit to be continued in force: be it therefore enacted, that all and every act, conferring any duty, authority, or power on the commissioners constituted by the said first-recited acts, shall be and are hereby repealed.

V. And whereas the longitude hath been ascertained within certain of the limits and conditions specified in the said acts: and whereas certain other of the limits and conditions still

subsisting are considered as impracticable, and have never been tried: and whereas it may conduce to the advancement of science, and to the honour and interests of this country, that fit and proportionate rewards should be provided for persons who shall ascertain the longitude within certain new limits and conditions: and whereas it is expedient that such limits and conditions should not be immutably fixed by act of parliament, but should be regulated on scientific principles by the said commissioners for the discovery of the longitude, and should be varied from time to time according to the progress of discoveries and the advancement of science: be it enacted, that the said last-mentioned commissioners shall from time to time, as they may see proper, propose, by their memorial to his Majesty in council, to direct and establish three scales of proportionate rewards to be paid to any person or persons who shall, by any principle not already made public, ascertain the longitude within three corresponding scales of limit and condition, such rewards not exceeding the respective sums of five thousand pounds, seven thousand five hundred pounds, and ten thousand pounds; and if his Majesty in council shall be pleased to sanction and approve such proposal, then that the same shall be published in the London Gazette, and that the said commissioners shall have full power and authority to inquire into and examine all proposals which may be made for finding the longitude; and if on reasonable experiment, to be judged of and certified by the said commissioners, it shall be found that the longitude hath been ascertained within any of the said three scales of limit and condition, agreeably to the said order in council, it shall be lawful to them to pay or cause to be paid the proportionate reward assigned to the scale within which such discovery or experiment shall have ascertained the longitude.

VI. And whereas it is expedient that the said commissioners should be enabled to expend certain sums towards making experiments of instruments, modes, or proposals, and for making and publishing observations, calculations, and tables for ascertaining the longitude, or towards improving or correcting such as may have been already made, or for other purposes useful to navigation; be it enacted, that they may pay or expend any sum or sums of money, not exceeding one thousand pounds in any one year, towards the making, correcting, or publishing any such experiments, modes, observations, calculations, or tables.

VII. And whereas it is expedient that the said commissioners should be enabled to cause to be ascertained, as accurately as may be, the latitude and longitude of places whereof the exact situation hath not been already sufficiently ascertained; be it enacted, that they may expend or cause to be expended any sum not exceeding in the whole one thousand pounds in any one year for such purpose.

VIII. And whereas it may happen that proposals, inventions, and tables, or corrections and amendments of former proposals, inventions, or tables, ingenious in themselves and useful to science, and which may deserve encouragement, though they do not come within the limits and conditions specified for the before-mentioned rewards, may be made to the said commissioners; and it is expedient that they should be enabled to bestow such moderate rewards upon the person or persons who may have made such proposal, invention, or correction; be it therefore enacted, that the said commissioners may pay or cause to be paid such sum not exceeding five hundred pounds to any one person for any one proposal or invention, or two thousand pounds in one year, as they may consider the said proposals, inventions, tables, or corrections to deserve.

IX. And whereas by an act passed in the eighteenth year of his late Majesty King George the Second, intituled An act for giving a public reward to such person or persons, being his Majesty's subject or subjects, as shall discover a north-west passage through Hudson's streights to the western and southern oceans of America, a sum of twenty thousand pounds was provided for the owner or owners of any ship or vessel which should first find out and sail through such passage; and the persons holding certain offices therein named, for the time being, were appointed commissioners for the said discovery: and whereas by an act passed in the sixteenth year of the reign of his present Majesty, intituled An act for giving a public reward to such person or persons, being his Majesty's subject or subjects, as shall discover a northern passage for vessels by sea between the Atlantic and Pacific oceans, and also unto such as shall first approach by sea within one degree of the northern pole; the reward in the last-recited act was extended to the commander or commanders, officers and seamen, of any of his Majesty's ships or vessels, and to the owner or owners of any private ship or vessel which should find out and sail through any passage by sea between the Atlantic and Pacific oceans, in any direction or parallel of the northern hemisphere to the north of the fifty-second degree of north latitude; and further assigning a reward of five thousand pounds to the commander or commanders, officers and seamen, of any of his Majesty's ships or vessels, or the owner or owners of any private ship or vessel which should first approach within one degree of the northern pole; and appointing the commissioners of the longitude to be commissioners for executing this last-recited act: and whereas many advantages, both to commerce and science, may be expected from granting such proportionate rewards as well to such person or persons as may accomplish the objects of the said two last-mentioned acts, as to such other person or persons as may approach thereto within certain limits or conditions: and whereas it is

expedient that the regulation of such limits and conditions, and the decision, whether and how far such object may have been accomplished, should be confided to the commissioners for the discovery of the longitude at sea appointed by this act; be it therefore enacted, that the said two last-recited acts shall be and they are hereby repealed.

X. And be it further enacted, that if any ship or ships, vessel or vessels, belonging to any of his Majesty's subjects, or to his Majesty, shall first find out and sail through any passage by sea, between the Atlantic and Pacific oceans, in any direction or parallel of the northern hemisphere, the owner or owners of such ship or ships, vessel or vessels, if belonging to any of his Majesty's subjects, or the commander or commanders, officers, seamen, and marines of such ships or vessels, if belonging to his Majesty, so first finding out and sailing through such passage, shall receive a reward for such discovery, of the sum of twenty thousand pounds.

XI. And whereas ships employed both in the Spitzbergen seas and in Davis's streights may have opportunities of approaching the north pole: and whereas approaches towards the northern pole may tend greatly to the discovery of a communication between the Atlantic and Pacific oceans, as well as may be attended with many advantages to commerce and science; be it therefore enacted, that if any ship or ships, vessel or vessels, shall approach within one degree of the northern pole, the owner of such ship or vessel, ships or vessels, if belonging to any of his Majesty's subjects, or the commander or commanders, officers, seamen, and marines, of any ship or ships, vessel or vessels, if belonging to his Majesty, so first approaching within one degree of the northern pole, shall be entitled to receive a reward of five thousand pounds.

XII. And for the encouragement of persons who may attempt the said passage, or approach to the northern pole, but not wholly accomplish the same; be it enacted, that the said commissioners for discovering the longitude at sea may, by their memorial, propose to his Majesty in Council to direct and establish proportionate rewards, to be paid to such person as aforesaid, who shall first have accomplished certain proportions of the said passage or approach; and if his Majesty in council shall be pleased to sanction and approve the said proposal, then, that the same shall be published in the London Gazette; and any person or persons accomplishing such passages, or the specified proportions of them, shall be entitled, on the award of the said commissioners, to receive such total or proportionate sums as may have been offered for the object which he or they may have then accomplished.

XIII. And, in order to ascertain who are the first discoverers of the said northern passage into the Pacific ocean, and who are the first approachers to within one degree of the northern pole, and to whom either the whole rewards or the proportionate rewards by this act respectively given do belong; be it further enacted, that the commissioners for the discovery of the longitude by sea, be authorized and empowered to call for the respective journal or journals, book or books, and papers, kept on board the respective ship or ships, vessel or vessels, of the claimant or claimants respectively; and also to examine upon oath all such persons as they, the said commissioners, shall think proper, with regard to any claim or claims, as well any person or persons produced by the respective claimant or claimants, or any other person or persons who may seem capable of giving any information; which oath the said commissioners are hereby empowered and required to administer; and the said commissioners being fully satisfied, upon such examination and proof, that such northern passage is effectually discovered and sailed through, or that such approach within one degree of the northern pole, or any specified proportion of the said passage or approach, shall have been made and accomplished, they are hereby authorized to pay, or cause to be paid, the said rewards, or such proportion of them as the claimant or claimants may under this act, or under such order in council, be entitled to receive.

XIV. Provided always, and be it further enacted, that if the said rewards, or either of them, shall be claimed by and adjudged to the commander or commanders, officers, seamen, and marines of any ship or ships, vessel or vessels, belonging to his Majesty, the same shall be disposed in favour of and distributed among such commander or commanders, officers, seamen, and marines, in such proportions as shall be directed by his Majesty in council, and in no other manner.

XV. And be it further enacted, that the executors, administrators, and assigns of any person or persons to whom any sum whatsoever shall be awarded by the commissioners for the discovery of the longitude, shall be entitled to receive the same, in the event of the death of such person or persons.

XVI. And whereas the publication of the nautical almanack, constructed by proper persons, under the directions of the said commissioners for the discovery of the longitude at sea, is of great importance to the safety of ships and persons, and highly conducive to the general interests of commerce and navigation; be it therefore enacted, that it shall and may be lawful to and for the said commissioners to cause such nautical almanacks, or other useful tables, to be constructed, and to print, publish, and vend, or cause to be printed, published, and vended, any nautical almanack or almanacks, or other useful table or tables, which they shall from time to time judge necessary and useful, in order to facilitate the method of discovering the longitude at sea; any law, statute, exclusive pri-

vilege, private charter, or other custom, to the contrary thereof notwithstanding.

XVII. And be it enacted, that no person or persons shall print, publish, or vend, or cause to be printed, published, or vended, any nautical almanack or almanacks, or other table or tables, constructed under the direction of the said commissioners, without being first licensed by the said commissioners; and if any person or persons not so licensed, or not being authorized by the person or persons so licensed by the said commissioners, shall print, publish, or vend, or cause to be printed, published, or vended, any such almanack or almanacks, or other table or tables, every such person or persons shall, for every copy of such nautical almanack or table so printed, published, or vended, forfeit and pay the sum of twenty pounds, to be recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at Westminster; and that one moiety of such penalty and forfeiture shall be to his Majesty, his heirs and successors, and the other moiety to him or them that shall prosecute, inform, and sue for the same.

XVIII. And be it further enacted, that the said penalty or forfeiture, shall be sued, informed, and prosecuted for by the secretary of the said commissioners of the longitude for the time being, or by some other person or persons authorized by the said commissioners, and shall not be sued, informed, or prosecuted for by any other person or persons whomsoever: and that such suits, prosecutions, and informations shall not abate by reason of the death of such prosecutors, or any of them, but shall be continued in the case of a sole plaintiff or informer dying before judgment obtained, in the name of the secretary of the said commissioners for the time being.

XIX. And be it further enacted, that no such nautical almanack or almanacks so published, under the directions of the said commissioners, shall be subject or liable to any stamp duty whatsoever.

XX. And be it further enacted, that there shall be annually paid to each of the three last-named commissioners and their successors, to be annually named according to the provisions of this act, such annual sum as his Majesty, by any order in council, shall be pleased to direct.

XXI. And whereas it is necessary to continue the appointment of a secretary to the board of commissioners for discovering the longitude: and whereas it is highly expedient to the interest of navigation, and the honour of this country, that the said nautical almanack should be accurately computed, compared, and published, and that the method of finding the longitude by timekeepers should also be encouraged, and that the timekeepers belonging to his Majesty, for the use of his ships of war, should be carefully examined and regulated; be it further enacted, that some person of competent skill and ability shall be nominated and appointed by the lord high admiral or commissioners of the admiralty to be secretary to the said board of commissioners, and for superintending, under the directions of the board in general, and the astronomer royal in particular, the due and correct publication of the nautical almanack, and for taking care of and regulating such timekeepers as may be intrusted to his care, by the lord high admiral or commissioners of the admiralty.

XXII. And be it further enacted, that the said secretary shall hold his said office during the pleasure of the lord high admiral or commissioners of the admiralty; and for his trouble and pains therein, he shall receive such annual salary as his Majesty, by any order in council, may please to direct; but if it shall so happen that a person shall not be found competent to execute the three several duties of secretary to the said board, and of superintending the publication of the nautical almanack, and the care and regulation of timekeepers, it shall be lawful to the said commissioners to propose to his Majesty in council to divide the said duties, and assign them to several persons, and to apportion to each person such part of the salary established for the performance of the united duties, as may seem to them fit and proportionate to the several duty or duties to be performed by such person.

XXIII. And be it further enacted, that the said salaries to the three annual commissioners, and the said secretary or persons performing the last-mentioned duties, shall be annually placed on the ordinary estimate of the navy.

XXIV. And be it further enacted, that no receipt of any salary or reward under this act, shall prevent any officer entitled to any military or naval half-pay, from receiving such half-pay in addition to any such salary or reward.

XXV. And be it further enacted, that the commissioners for discovering the longitude at sea, shall, at the beginning of every year, make an estimate of the sum or sums which they shall deem to be necessary for executing the purposes of this act, in such year, which estimate shall be transmitted to the secretary of the admiralty, and, on being approved or amended by the lord high admiral or commissioners of the admiralty, shall be placed on the ordinary estimate of the navy.

XXVI. And be it further enacted, that any sum or sums of money to be paid under the authority of this act, shall be paid, upon certificates under the hands and seals of the commissioners for the discovery of the longitude at sea, to the commissioners of the navy for the time being; and the commissioners of the navy shall forthwith make out a bill or bills for the sum or sums contained in such certificate or certificates, payable by the treasurer of the navy, and such sum or sums of money the said treasurer of the navy is hereby required to pay immediately to the person or persons mentioned in the said

certificate or certificates, out of any money which shall be in his hands unapplied for the use of the navy: provided always, that all such sums of money as shall exceed the sum of five thousand pounds, shall be certified under the hands and seals of two-thirds, at least, of the said commissioners, and all such sums as shall exceed the sum of one thousand pounds, shall be certified under the hands and seals of the major part of them, and that all such sums as shall not exceed one thousand pounds, shall be certified under the hands and seals of any five or more of them; such certificates being in every case whatsoever signed by one, at least, of the following commissioners: that is to say, the Lord High Treasurer of the United Kingdom of Great Britain and Ireland, or the First Commissioner of the Treasury, the Lord High Admiral of the United Kingdom of Great Britain and Ireland, or First Commissioner of the Admiralty, the Secretaries of the Treasury, and the Secretaries of the Admiralty.

XXVII. And be it further enacted, that in any other respects where any power or authority is vested in the commissioners under this act, the same may be exercised by any five or more commissioners at the board assembled, in as full and ample a manner, as if the whole commissioners were then and there present; provided always, that at every such board one of the following commissioners, at the least, shall be present; that is to say, the first or one other of the commissioners, or one of the secretaries of the admiralty; and that also three other of the following commissioners, at the least, shall be present, that is to say, the president of the Royal Society, the Astronomer Royal, the Professors and Observer at the two Universities, and the three commissioners annually elected and receiving salaries as aforesaid.

XXVIII. And be it further enacted, that there shall be held at least four stated meetings of the said commissioners within every year, to be held on such days as his Majesty, by any order in council, may appoint, and such other meetings as from time to time may be necessary; of all which meetings due notice shall be given to the said commissioners respectively."

LEATHER TAX.] Lord *Somers* presented petitions from Canterbury and Bromley, against this tax.

Lord *Holland* said, he had come down to the house on Monday for the purpose of presenting some petitions, but happened to be a few minutes too late. They were against the additional duty on leather, which he considered a most oppressive and impolitic tax. Notwithstanding the decision which had been come to in another place, he considered it his duty to lay the petitions on the table, in order that their lordships' attention might be turned to the subject, and that those who asserted that the continuance of such burthens was indispensable to meet the expenditure of the country, should consider themselves called upon to shew, that various objects of that expenditure, which far exceeded this tax, were necessary; among these objects were certain monuments, and also churches, for which a very large sum had recently been voted. There was likewise the establishment at Windsor, which occasioned an expenditure nearly of the same amount as the produce of this leather tax; that was an establishment which could be of no utility, afforded no comfort to any one, and was not very creditable to those who persisted in maintaining it. Nothing had yet been said to convince their lordships or the country of the necessity of that expenditure, which formed the apology of the present intolerable taxation. His lordship concluded by presenting a petition from the tanners of the city of York against the tax. He afterwards presented petitions to the same effect from Nottingham and King's Lynn.—Ordered to lie on the table.

MARRIAGE OF THE PRINCESS ELIZABETH.]—The Earl of *Liverpool* rose to propose an address of congratulation to his Royal Highness the Prince Regent, on the subject of the marriage of his royal sister, the Princess Elizabeth. He also intended to move congratulations on the same event to her Majesty the Queen, to the Princess Elizabeth, and to the Prince of Hesse Hombourg. It could not be necessary for him to take up the time of the house in introducing these motions with any lengthened observations, as it was not possible to conceive that they would meet with opposition from any quarter. With reference to the event itself he should only say, that it certainly must be a proper subject of congratulation, that a union had taken place with a prince of a most illustrious family, high military reputation, and who had displayed great talents in the course of the long war in which he had been engaged. The noble earl concluded by moving an address to the Prince Regent, which he followed with motions for messages of congratulation to the Queen, the Princess Elizabeth, and the hereditary Prince of Hesse Hombourg.

The motions were agreed to *nem. diss.*

HOUSE OF COMMONS.

Thursday, April 9.

COPYRIGHT BILL.] Sir *E. Brydges* presented a petition from the Rev. John Valpy, M.A. of Pembroke College, Oxford, in favour of this bill.

Mr. *W. Dundas* was desirous that the house should not suffer itself to be run away with by the general and strong feeling that appeared to exist on this subject. The fact was, that the expense of these eleven copies to the publisher was merely that of the paper—an expense which, if the whole edition were sold, he was well able to afford; and if the whole edition were not sold, then the eleven copies would be as well in the libraries of the various public institutions as on the shelves of the booksellers' shops.

The petition was ordered to lie on the table, and to be printed. It set forth, "That the petitioner has been induced by the great scarcity of most of the Delphin classics to undertake to print and publish a complete edition of this valuable work from the best Paris copies, with maps and wood-cuts executed in the improved style of modern art, and also with notes from the best variorum editions, with the various readings of each classic, and with the most careful indices; that the impracticability of procuring complete sets of the Delphin Classics, the high reputation they enjoy, and the avidity with which they are sought after, are circumstances well known, and which the petitioner trusted would procure for his undertaking the countenance of all by whom classical learning is justly appreciated; but he requests the permission of the house to state, that this work will consist of 120 or 130 parts, each part containing 672 very closely printed pages, and published at 1*l*. 1*s*. each to non-subscribers, and from this statement of its extent, the very heavy expenses and labour which the petitioner must risk, and the chance of loss which he must incur in attempting so large a publication, will, he conceives, so obviously appear, that it will be unnecessary for him to detail them; the delivery of eleven copies of this work to the eleven libraries mentioned in the act passed in the 54th year of his majesty's reign, will take away from the petitioner's profits or receipts no less a sum than 1500*l*. so that instead of a work of this important nature receiving the support and patronage of those seats of learning which are most interested to encourage publications of this sort, the petitioner will have to pay to them this heavy amount, an evil which, if the subscription should not be equal to the petitioner's remuneration, will tend to discourage his undertaking, and will certainly, if this burthen be continued, disincline him from attempting other national works which he would be otherwise desirous to publish; the petitioner begs leave also to state an instance of the grievance of that part of the said act which requires the copy for the British Museum to be on the best paper on which any shall be printed; the petitioner, before this act passed, had purposed to have printed three copies of Stephens's Greek Thesaurus on vellum paper at 300 guineas each, a specimen of that elegant printing in which the most civilized nations are striving to excel each other; but as this act would have compelled him to have given up one of these to the British Museum, he was compelled to relinquish his design; the petitioner submits that the continuance of this enactment will materially diminish the practice of printing fine paper copies, to the injury of the national reputation, and of the printing profession, without any real benefit to the British Museum; the petitioner therefore humbly prays that the said delivery of copies to the said eleven libraries may be modified as to the wisdom of the house shall seem most fitting, and especially by requiring the said libraries to pay an adequate part of the price for the books which they shall chuse to demand, or that the house will grant such other relief as it shall deem most expedient."

Mr. *Wynn* presented the following petition of "the booksellers and publishers of London and Westminster," which was ordered to lie on the table, and to be printed. "That by an act passed in the 54th year of his present majesty, to amend the several acts for the encouragement of learning, by securing the copies and copyright of printed books to the authors of such books or their assigns, it was enacted amongst other things that eleven copies of the whole of every book and of every volume thereof upon the paper upon which the largest number or impression of such book should be printed for sale, together with all maps and prints belonging thereto, which from and after the passing of the said act should be printed and published, on demand thereof being made in writing to, or left at the place of abode of the publisher or publishers thereof, at any time within twelve months next after the publication thereof, under the hand of the warehousekeeper of the company of stationers, or the librarian, or other person thereto authorized by the persons or body politic and corporate, proprietors or managers of the libraries following, *videlicet*. the British Museum, Sion College, the Bodleian Library at Oxford, the public library at Cambridge, the library of the faculty of advocates at Edinburgh, the libraries of the four universities of Scotland, Trinity College library, and the King's Inns library at Dublin, or so much of such eleven copies as should be respectively demanded on behalf of such libraries respectively, should be delivered by the publisher or publishers thereof respectively, within one month after demand made thereof in writing, as aforesaid, to the warehousekeeper of the said company of stationers for the time being; that the petitioners hoped and expected that the librarians, or other persons authorized by the proprietors or managers of the said eleven libraries, would have demanded the copies of such books only as would be of real and lasting utility in such libraries, and that a selection would have been made from the general mass of publications for that purpose; but the petitioners respectfully state that every book published and entered at Stationers' Hall has been demanded for the said libraries without any discrimination or selection, excepting that for two of them, namely, the Advocates' library in Edinburgh and Trinity College in Dublin, no music or novels are claimed, but for all the others both music and novels have been demanded; that, in the bill brought into the house on which the said act was framed, the said delivery of books was limited to those which should be first published after the passing of the said act, but, in the ultimate wording of the said act, as it now stands, the petitioners have become liable to a

delivery of all reprints of books published before the passing of the said act, although the same may not contain any addition or alteration, and although a former edition of such books may be already in the possession of these libraries; and from the system of indiscriminate demand adopted by the said libraries, all such re-prints are so demanded, which operates to discourage the re-printing of former publications; the petitioners respectfully submit, that it cannot answer any object of instruction or improvement, that every book which shall be published, whatever may be its subject, its tendency, or its merits, should be demanded for the use of the said libraries, as, from this indiscriminate demand, a great number of books are taken from the petitioners which can only become waste, and they are thereby heavily burthened without any adequate advantage to the said libraries, while no instance has occurred in which any books demanded and delivered have been returned to the petitioners when they were found not to be necessary or useful to such libraries; and they humbly beg permission to infer, that it could not be the intention of the legislature that they should be burthened by the delivery of books which are not only not useful, but which are actually detrimental, or an incumbrance to the libraries themselves; the petitioners do not wish to deprive the said libraries of the beneficial enjoyment of their right under the said act, so far as the real objects of their respective institutions are thereby promoted, and so far as such right could be exercised with such modifications as will preserve the petitioners from unnecessary grievance; but the petitioners feel, that nine tenths of the publications daily issuing from the press, are neither necessary nor advantageous to all those libraries, and yet the delivery heavily burthens the petitioners, and that they are all aggrieved thereby, but on some, from the expense and risk of their publications, it falls with peculiar severity; the grievance under which the petitioners labour, and from which they humbly pray the house to afford them some relief, is not, as has been asserted, of a trifling nature; if it were so, they would not complain, but daily experience makes them feel more heavily the burthen, and convinces them that its effects will be seriously injurious to literature in general; they therefore respectfully hope for some legislative regulation which may induce the managers of these libraries to make a selection of the books which they may demand, so that the petitioners may have to deliver those only which are likely to be of real and permanent utility; and they humbly conceive, that to require the libraries to pay some part of the price of each book they may demand, will induce them to make such a selection as will be most beneficial to themselves, and will lessen the burthen to the petitioners; that they forbear to state in detail the heavy grievances which these demands and deliveries have occasioned to them individually, because they hope that some regulation to the effect above-mentioned will produce a material relief, and because they are informed that a bill is now before the house with this object in view; they therefore most humbly pray that the house will, in its wisdom, be pleased to grant them some relief as to the demand and delivery of the eleven copies of books for the libraries above mentioned, by enacting, in the bill now before the house, some regulations which will make it expedient that these libraries should only demand such books as it will be proper and useful that they should possess, either by requiring some part of the selling price thereof to be paid at the time of demand, or by such other provisions as to the house shall seem meet."

Mr. *John Smith* presented the following petition of several artists and engravers, which was ordered to lie on the table, and to be printed. "That the petitioners having now had nearly four years' experience of the effects of that part of the act of the 54th of his present Majesty, which enjoins the delivery of eleven copies of all publications to the libraries therein mentioned, and having observed the impression which it hath made and is daily making on the authors and publishers of books, and perceiving that it is operating materially to the disadvantage of the arts and artists of Great Britain and Ireland, beg the permission of the house to express their earnest hopes that the said enacted delivery will be either removed, or so modified as to be less injurious to those whom it has always been the liberal policy of all civilized nations to encourage and support; the petitioners find it impossible to publish, to the satisfaction of those who are desirous to become the purchasers of works of art, any books consisting of plates, whether of antiquities, curiosities, scenery, costumes, or otherwise, without some small quantity of letter-press, containing some description or account of the objects represented: yet, on the necessary addition of this letter-press, the said libraries make their demand for the said eleven copies, and the petitioners are informed that the addition of this descriptive letter-press subjects them, under the words of the said act, to this burthensome delivery; the petitioners beg to state that the demand of these eleven copies of works so circumstanced is operating greatly to their prejudice, and of the arts in general; it deters artists from undertaking such works, and it lessens the produce of their skill and labour to those who, notwithstanding this grievance, have the courage to risk them; but the petitioners humbly submit that the profit of such works is sufficiently uncertain already to make this delivery a great evil, and the expenses of many of them are so very heavy that the addition of this delivery is but an addition of actual loss in many cases, where the encouragement of the public has not equalled the disbursements; the finer parts of engravings are injured by every impression that is taken beyond a certain number, and the said libraries,

by making an immediate demand, take from the petitioners their most valuable impressions; therefore, fully convinced that the fine arts in the united kingdom will be greatly injured by the continuance of this demand and delivery, and believing that the prosperity of every nation increases where arts are most cherished and protected, the petitioners most respectfully solicit the attention of the house to this important subject, and that it will be pleased in its wisdom to free the arts from this growing evil, or, if that cannot be wholly done, to enact that the said libraries shall pay a reasonable proportion of the price of all works which they shall demand, or that the house will be pleased to grant such other relief or modification as to its equity and judgment shall seem most meet."

COTTON FACTORIES BILL.] Mr. *Finlay* presented the following petition of the directors of the Chamber of Commerce and Manufactures, established by royal charter, in the city of Glasgow. "That a bill has been introduced into the house, which proposes to restrict the hours of labour of all persons employed in cotton mills under sixteen years of age; that any legislative interference to control the employment of labour, the petitioners beg leave humbly to represent, is contrary to the established principles of political science, and must tend to paralyse industry, to increase poverty, and to injure the manufacturing and commercial prosperity of the country; that there appears to be no ground laid for such interference with the conduct of this manufacture in particular, as the number of persons under sixteen years of age employed in cotton mills bears no proportion to the number under that age employed in other branches of manufacture, and as their hours of labour are not more than those which every description of mechanics working in their own houses or shops usually impose upon themselves; that to abridge the hours of labour of these persons will necessarily have the effect to restrict the industry of all the other workers in the mill, and consequently to limit the use of the machinery, in the erection of which a great capital has been embarked; that at a time when every effort is making to establish a competition in this trade on the continent of Europe, it is peculiarly inexpedient to introduce new and hazardous experiments, which must assist the rivalship of foreign countries; that to tamper thus with a branch of industry from which so great a proportion of the income of the country is derived, and the unprecedented growth and prosperity of which prove the soundness of the principles upon which it is conducted, the petitioners humbly submit would be extremely impolitic; they, therefore, pray the house to reject a measure so contrary to principle, and in its effects so dangerous to the prosperity of the country."

Ordered to lie on the table, and to be printed.

Sir *C. Mordaunt* presented the following petition from the directors of the Chamber of Manufactures and Commerce at Birmingham.

"That the petitioners having received information that a bill has been introduced into the house for the purpose of fixing limits to the ages at which children shall be employed in cotton factories, and of controlling the hours of labour of all persons under sixteen years of age that may be employed therein, and of making other regulations relative thereto, are desirous of representing to the house, that although the petitioners have no means of judging how far the proposed measure of legislative control may be rendered necessary by the present condition of persons working in cotton factories, they feel considerable alarm and uneasiness at the prospect of a precedent being established, which may hereafter be extended to the manufactories and works in which the petitioners are concerned, and are therefore anxious to express to the house the following objections against its principle, which have occurred to them: 1st, that many manufactories afford various employments for children of an early age, which do not require any bodily exertion detrimental to health, but which greatly contribute to form early habits of attention and general industry; 2nd, that the clause which prohibits altogether the employment of children under nine years of age might have the effect of depriving many industrious mechanics of those resources, in the earnings of their children, which have contributed to the decent maintenance and education of their growing families, who in a great number of instances have been employed under their own immediate notice and superintendance at an earlier age than nine years; 3d, that the clause limiting to certain parts of the day the hours of employment of all persons under sixteen years of age would be most inconveniently felt in many large manufactories, in which the hours of attendance are necessarily dependent upon certain processes of the manufacture, which in many cases it is impossible to control in regard to the precise hours; 4th, that the proposed regulation for appointing visitors is liable to great abuse, from the vexatious interference manufacturers might experience, and from the exposures to which their concerns would be subject; 5th, that the powers proposed to be vested in the visitors, by substituting legislative authority for that of parents and masters, must tend to weaken and destroy that salutary control which is requisite for promoting habits of regularity and industry, and for maintaining that proper degree of subordination upon which the well-being of society materially depends; the petitioners being anxious, for the above-mentioned reasons, that the legislature should avoid establishing a precedent, which if afterwards extended to manufactories in general, would be followed by the most injurious consequences to those in which the petitioners are engaged, humbly pray that the house will be pleased, in the first place, to institute an inquiry, either by a commission of members of the house, or by such other manner as to them

shall seem meet, for obtaining satisfactory information in regard to the condition of persons employed in cotton factories in general; and that the house will be pleased not to suffer the provisions of the said bill to pass into a law, until it shall appear to them, from the result of such investigation, that the condition of persons working in cotton factories is such as to render those provisions necessary for the health and comfort of the persons employed therein."

Ordered to lie on the table, and to be printed.

The following petition of several Labourers above sixteen years of age, employed in the cotton spinning manufactories of the township of Hindlay, in the parish of Wigan, and county of Lancaster, was ordered to lie on the table, and to be printed. "That the petitioners feel themselves much oppressed by the immoderate and protracted labour to which they are subjected in cotton mills, extending to fourteen or fifteen hours per day (inclusive of the time granted for dinner), with a slender abatement thereof on Saturday alone, in apartments of high temperature and infected air, without generally any time being allowed for breakfast and the afternoon's refreshment, which they are obliged to take as the works are going on; that in consequence of taskwork thus severe, and in places so impure, they experience to their sorrow premature debility and distempered frames, which under various shapes make the prime of their manhood the termination of their usefulness, and the prelude to still heavier evils, as procuring their dismission from the only employment which they have been taught as soon as in any degree they prove insufficient to this exorbitant labour; that not for themselves alone, but yet more if possible for their children and relatives of tender years, do the petitioners intreat compassionate regard, witnessing as they do with painful feelings the miseries thus entailed upon those thus dear to them, too manifest to every eye, in the pallid looks and frequent distortions hence originating, and in the less known, but more deadly mischief of constitutions early broken, and some of the worst evils of age treading on the heels as it were of infancy and youth; and the petitioners cannot here omit to state, in addition to the other hardships of this infant class of labourers, many of them are detained three or four days in the week, during the time usually allowed for dinner, to clean the machinery; that the owners of factories, being deeply interested in perpetuating the system complained of, and jealous of yielding to a competitor the chance of a superiority in the market, no hope exists in reason or in past experience that they will depart from a rigid adherence to a plan which to their dependents is so oppressive; that the petitioners, aware of this, and having heard that the notice of the house had been called to this subject so long ago as in the year 1815, they consoled themselves with the prospect of the only remedy that seemed proportioned to the hardship of their case, and it is only when at length, after a long and painful suspense, the hope which they had so fondly cherished is attempted to be wrested from them, and both themselves and their cause publicly misrepresented, that they humbly now represent their grievances to the house, and pray that the provisions of Sir Robert Peel's original bill, to which they have before adverted, curtailing the working hours to twelve, and so as to allow therein half an hour for breakfast and one hour for dinner, may pass into a law, with such other regulations as shall seem expedient to the wisdom and humanity of the house, for the relief of the petitioners, and of the children whose condition they have so much reason to regret."

POOR LAWS AMENDMENT BILL.] General *Gascoyne* presented a petition from the owners of houses in Liverpool, against that part of the poor bill which subjected the owners, instead of the tenants of houses under 20*l*. per year, to the payment of the poor's rates.

General *Thornton* thought the clause in question so objectionable, that he hoped every town in the kingdom would petition against it, and that it would be eventually thrown out of the bill.

The petition was then ordered to be printed. It was as follows. "That the petitioners have learned that a bill is now in its progress through the house to amend the laws for the relief of the poor, and that it contains various amendments which the petitioners believe will be most beneficial to the country; that the petitioners are nevertheless compelled to state, that so much of the said bill as relates to dwelling-houses rented at 20*l*. a year and under (with respect to the owners thereof), if passed into a law, will be in its operation partial, unjust and oppressive, and therefore contrary to every principle at all former times adopted in the formation of poor laws, and inasmuch as it would render liable to the payment of the poor rates, the owners of houses let at 20*l*. or under, a year, the fair and equitable proportions of which have been heretofore payable by their respective tenants, not only to the total exemption of those tenants, but also to the exemption of other house owners whose rentals exceed 20*l*. a year per house; that the immediate consequence of such an imposition would be a decrease in the value of houses rented at or under 20*l*. a year, of at least one fourth or 25*l*. per cent., to the injury chiefly of a class of his Majesty's subjects who have moderate incomes arising from the rents of such houses; that the reasons stated in the said bill for the amendment complained against by the petitioners, are not, as they most humbly and respectfully submit to the house, generally applicable, and as the petitioners are well prepared to shew, with the permission of the house, but on the contrary, that the owners of small tenements are under many disadvantages which the greater land owners are wholly unacquainted with; the petitioners therefore most humbly and earnestly

intreat the house to take the premises into their consideration, and to reject that part of the said bill against which the petitioners have humbly complained."

LUNATIC ASYLUMS (SCOTLAND) BILL.] Mr. *Boswell* presented a petition from the inhabitants of the county of Ayr, against the Scotch lunatic asylum bill.

PARLIAMENTARY REFORM.] Petitions in favour of a reform in parliament were presented from inhabitants of Broseley, Derby, and Nottingham.—Ordered to lie on the table.

POLICE OF THE METROPOLIS.] On the motion of Mr. *Bennet*, a committee was appointed to inquire into the state of the police of the metropolis, and to report the same, with their observations thereupon, to the house.

The following gentlemen were named on the committee.

Mr. Bennet	Sir T. Acland
Mr. Abercromby	Mr. Barclay
Sir F. Burdett	Mr. C. Calvert
Mr. Butterworth	Mr. R. Gordon
Mr. F. Douglas	Lord V. Lascelles
Mr. Holford	Sir C. Monck
Mr. Lambton	Sir M. Ridley
Lord Ossulston	Sir J. Shaw
Sir S. Romilly	Lord R. Seymour
Mr. H Sumner	Mr. S. Bourne
Mr. Wynn	Mr. Lyttelton
Mr. D. Gilbert	Sir J. Sebright
Mr. Ward	Mr. J. H. Smyth
Mr. Sheldon	Lord V. Clive
Sir R. Ferguson	Mr. Waldegrave

The committee were empowered to send for persons, papers, and records, and were instructed to inquire into and report upon the state of Cold Bath Fields prison, Tothill Fields bridewell, and Clerkenwell prison.

MARRIAGE OF THE PRINCESS ELIZABETH.] Lord *Castlereagh*, in pursuance of the notice which he had given, rose to make a motion on a subject on which he was convinced there was but one sentiment on both sides of the house. He was persuaded, that all parties were most solicitous to offer their congratulations to his royal highness the Prince Regent and the royal family on the recent marriage of her royal highness the Princess Elizabeth with his serene highness the hereditary Prince of Hesse Hombourg; a prince whose character stood so high in Europe; who had been a distinguished soldier all his life; who had partaken in almost all the great battles by which the independence and tranquillity of Europe had been achieved, and who had exhibited in the field all those qualities which characterise a brave, zealous, and able officer. Convinced as he was that all who heard him entertained the most sincere wishes for the happiness of this illustrious pair, he should trespass no further on the house, but merely move, "That an humble address be presented to his royal highness the Prince Regent, to offer the dutiful congratulations of this house to his royal highness, on the happy nuptials of her royal highness the Princess Elizabeth, daughter of his Majesty, with his serene highness Frederick Joseph Louis Charles Augustus, landgrave and hereditary prince of Hesse Hombourg; and to assure his royal highness of the sincere and heartfelt satisfaction which this house derives from a circumstance that must add so much domestic happiness to his Majesty's family."

The motion was agreed to, *nem. con.*

The following resolutions were then put, and carried.

Resolved, *nemine contradicente*,—"That this house do congratulate her Majesty on the happy nuptials of her royal highness the princess Elizabeth, daughter of his Majesty, with his serene highness Frederick Joseph Louis Charles Augustus, landgrave and hereditary prince of Hesse Hombourg."

Ordered, "That Lord John Thynne, Mr. Disbrowe, Sir Thomas Acland, Mr. Frederick Robinson, Lord Viscount Valletort, Mr. Long, Lord George Beresford, and Mr. William Dundas, do attend her Majesty with this congratulation."

Resolved, *nemine contradicente*,—"That a message be sent from this house to congratulate her royal highness the Princess Elizabeth, daughter of his Majesty, and his serene highness Frederick Joseph Louis Charles Augustus, landgrave and hereditary prince of Hesse Hombourg, on their happy nuptials."

Ordered, "That Lord Viscount Clive, the Marquis of Worcester, the Earl of March, Mr. Bootle Wilbraham, Mr. Peel, Lord Viscount Lascelles, Lord Viscount Bridport, and Mr. Cartwright, do attend the Princess Elizabeth, and the hereditary prince of Hesse Hombourg, with the said message."

SPANISH SLAVE TRADE TREATY BILL.] Lord *Castlereagh* brought in a bill "to carry into execution a treaty made between his Majesty and the King of Spain, for the preventing of traffic in slaves."—Read a first time.

PRIVATELY STEALING (IRELAND) BILL.] This bill was considered in a committee, and ordered to be reported to-morrow.

BANK RESTRICTION BILL AND BANKERS' NOTES BILL.] The house having resolved itself into a committee on the Bank restriction act, and on the act for the regulation of private bank notes,

The *Chancellor of the Exchequer* rose to submit to the committee the propositions of which he had given notice. He observed, that he had waited with great anxiety, and had postponed the discussion of the question to a period of the session as late as was consistent with the expectation of a full attendance of members, in the hope that some events might arise of a nature so decisive as to enable the Bank of England at once to return to cash payments. Under present circumstances, however, he was not able to propose any proceeding of so distinct and positive a nature: but, on the contrary, he felt it his imperative duty, with a view to the public safety, and to the convenience of commerce, to

submit to the committee a proposition for extending, although for a very limited period, the act of restriction. In order to render what he had to say as intelligible as possible, he begged the committee to revert to the state of things under which the restriction act was originally passed, and under which it had subsequently and at various periods been renewed. The last renewal of that act for two years, in 1816, took place with the understanding that the Bank should employ that period in providing for the resumption of cash payments at its expiration. It would also be indispensable to advert to the course of the exchange during a considerable portion of the period to which he had alluded. The committee would recollect that, prior to the retreat of the French army from Russia, at the close of the year 1812, the price of gold bullion was 5*l.* 12*s.* an ounce, and of silver dollars, 6*s.* 6*d.* an ounce. At that time, therefore, any attempt to restore the metallic currency would have been utterly unavailing, as the coin would have been collected and melted as fast as it issued from the coffers of the Bank. But when the French army retired into Germany, and was beaten there; and when a prospect arose of a successful termination of the war, gold fell to 5*l.* an ounce; and subsequently, when the allied army entered into Paris, to 4*l.* 6*s.* 6*d.*; and there was every indication of its speedily falling to so low a rate as to enable the Bank to resume their payments in cash. The unfortunate events, however, which were notorious to the house, and which again involved Europe in the calamities of war, prevented this pleasing prospect from being realized. After the return of Buonaparte to France in March, 1815, gold rose from 4*l.* 6*s.* 6*d.* to 5*l.* 7*s.* an ounce. It was obvious that, as long as a state of hostility continued, any attempt at a resumption of cash payments would, for the reasons that had operated in preceding cases, prove wholly futile. From the period at which hostilities ceased, it was but justice to the Bank to state, that they had adopted every measure of precaution to enable them to resume cash payments with safety. Their collection of specie had been very rapid, and to a large amount; indeed, to an extent beyond what he could have supposed possible within the same space of time. Another preparatory measure of the Bank was, an experiment which was first tried by them in January, 1817. He alluded to their notice, that they were ready to make payments in cash of a certain description of outstanding notes. The extent of the notes for which payment might have been demanded was about one million sterling. The result of the experiment might be considered as indicative of what would take place on a general resumption of cash payments. It was then found, that so far from the public being anxious to obtain payment of those notes which were payable in cash, no demands whatever were made on the Bank. No preference whatever of metallic currency to paper was shewn on that occasion. At that time gold bullion, which had been continually sinking during the preceding year, was reduced to 3*l.* 18*s.* 6*d.* and silver to 4*s.* 10*d.* the ounce. It was therefore probable, that if, at that time, the Bank had returned to general cash payments, scarcely any would have been demanded. It was in the recollection of several of those gentlemen who heard him, and who had had opportunities of being acquainted with those transactions, that the facts were as he had stated them. He did not wish to enter into any detail on the subject, but he might mention one circumstance as peculiarly illustrative of the feeling of the country. When the old silver coin was exchanged for the new, a large quantity of the latter was sent down to the banks in Scotland for the purpose of being exchanged. After the required exchanges were made, there remained a sum of about 7,000*l.* in the hands of the Royal Bank, the directors of which stated, that it was desirable that it should be retained for the convenience of the country, and asked, as a favour, that they might be allowed to pay for it in gold rather than in bank-notes. He could acquaint the committee with other circumstances of a similar nature, but this might be considered a sufficient illustration. In October last, the Bank of England tried another experiment on a more extensive scale. On the 22d of September, in pursuance of the directions of an act passed in the 37th year of his present Majesty, for confirming and continuing, for a limited time, the restriction contained in the minute of council, of the 26th of February, 1797, on payments of cash by the Bank; and also of the several acts since passed for continuing and amending the same, the following notice from the governor and company of the Bank of England was published in the London Gazette, namely, "That on and after the 1st of October next, the Bank will be ready to pay cash for their notes of every description, dated prior to the 1st of January, 1817." (See vol. i. p. 1526, *note.*) But the result of this experiment varied considerably from that of the former. Payment in cash was demanded to a considerable amount; not for the purpose of internal circulation, for this he hardly apprehended was the opinion of any person, but for the purpose of being remitted to foreign countries. To the causes which produced that state of things he should presently advert. It appeared from a return made to the other house, that the Bank issued under their notice of the 22d of September, no less than 2,600,000*l.* Of that large sum hardly any part remained in circulation in this country. He should now call their attention to the circumstances which, in his opinion, had occasioned that result, in order to shew how unadvisable it would be, at this time, that the Bank should resume cash payments. Those circumstances appeared to him to be, in the first place, the deficient harvest of 1816, and the harvest of last year not being more than ordinary one, the consequence of

which was, that we were under the necessity of importing a considerable quantity of corn, which was paid for in specie. The sums drawn from this country by emigrants might be assigned as another cause. At the same time it was necessary to observe, that those sums were by no means so large as many persons might think. He held in his hand a list of the number of persons who had embarked at Dover for the continent, and who had returned from the continent to that port Dover was so much the most considerable port at whcih persons embarked from this country to the continent, that all the emigration from the other ports might be considered as unimportant; and the committee might therefore assume the emigration from Dover for the continent, as a criterion for determining the numbers of our emigrants. It appeared then, that the whole number of persons, exclusively of aliens, who, from the year 1814 to the 24th of February last, had embarked at Dover for the continent, amounted to somewhat above 11,000. The number of English who, during the same period, had returned to Dover, amounted to 77,530. The same persons might be included twice in this return; but that did not affect the conclusion which might be drawn from it. The difference, then, between these two numbers amounted to 12,700; so that it might be safely affirmed, that the number of Englishmen residing abroad did not exceed 13,000. If the committee assumed that these individuals expended on the average 200*l.* a year each, which, as a number of them were servants, might be considered a sufficiently high estimate, the amount of their annual expenditure would be somewhat about two millions and a half. But, they must also take into the account the large sum expended by our army abroad; for, although the French government provided for the support of our troops, great private expense was incurred by the officers. The two circumstances which he had mentioned, namely, the importation of corn, and the residence of a large body of English abroad, could not be considered of a permanent nature; but they were such as were likely to recur from time to time. But there was another circumstance of a very different nature, which had contributed to the change in the state of things. He alluded to transactions which had taken place in the course of the last two years, namely, the negotiation in this country of large loans for foreign powers. In June, 1816, the French government negotiated a large loan. The provision was six millions of francs of *rentes*, and the sum borrowed amounted to about five millions sterling. In 1817, a provision was made by the French legislature of thirty millions of *rentes* for a loan of about 24 millions sterling of stock, or about 15 millions of money. This sum was raised in three several loans. The first amounted to about ten millions of *rentes*. That operation took place in February, 1817; the second, of eight millions of *rentes*, in March; and a sum of nine millions of *rentes*, in July, leaving a sum of three millions to be raised in the present year. If they compared these dates with the rate of exchange, they would find that the exchange first began to fall soon after the conclusion of the first French loan. Gold, which in May, 1816, was as low as 3*l.* 18*s.* 6*d.* rose in the succeeding month, and had continued to rise till February in the present year. He was very far from wishing to throw any blame on the individuals who had contracted for those loans. It was but justice to them to say, that he firmly believed, if they had thought that by contracting for loans with foreign powers they should do any injury to their country, they would by no means have entered into them. At the same time it ought to be considered, that these were subjects with which government ought not to interfere. Every man had a legal right to the disposal of his own property; and there were political advantages of great importance connected with these loans: they had contributed to support the French government, and to enable it to make good its engagements with foreign powers. Under those circumstances, it would have been impolitic in this government to prevent any voluntary transactions of its own subjects with the French government. The effect, however, of those transactions had been such as he had described. The two millions and a half of cash issued by the bank in payment of their notes, had immediately gone out of this country, and had enabled the contractors for the French loan to make good their engagements. The loan which the French government had contracted for, in the present year, was twelve millions sterling; but he should hardly have thought it necessary to interfere with any preparations which the bank had made to return to cash payments, were this the only loan that was to be made. There was now a negotiation on foot, which might end in the raising of a much larger sum. (*Hear, hear, hear.*) As the measure which he intended to submit might be necessary in consequence of the negotiation to which he had alluded, he would state the precise object of it. They were aware, that, by the treaty of Paris, the allied army might either leave France in the course of the present year, or remain there two years longer. If it should happen, that the allied army left France in the course of the present year, and that the French should fulfil their pecuniary engagements in the present year, in addition to the sum of twelve millions, the French government would probably want twenty millions sterling to liquidate all the claims upon it. He would leave the committee to imagine what the effect of a loan to such an amount would necessarily be. He had before stated, that in so far as regarded our internal situation, there could be no danger in the resumption of cash payments, for that there existed in the public very little disposition to call for payment of any large proportion of the notes of the bank. But when so large a drain might be made from this country, he would put it to them, whether the

danger of attempting the operation of resuming cash payments at an undue time, would not more than overbalance any disadvantage which might arise from a temporary prolongation of the restriction? It would hardly be thought advisable that the bank should resume cash payments under circumstances extremely similar to those which existed when the restriction was first imposed. Nothing could be stronger than the resemblance between the circumstances of the two periods, and to shew it, he would read to the committee one or two documents. The right hon. gentleman then read the resolutions of the company of directors of the bank of England, dated the 3d of December, 1795, in which they declared that, after a solemn deliberation, they were unanimously of opinion, that should the proposed loan to the Emperor take place, judging from the effects of the last loan, and the drain of bullion which it had caused, they had every reason to apprehend very momentous and alarming consequences. On the 11th of February, 1796, the directors came to still stronger resolutions. They then declared, that if any farther loan to the Emperor, or to any other foreign power, should, in the present state of affairs, take place, it would, in all probability, prove fatal to the bank of England; and they solemnly protested against any responsibility for the calamitous consequences which might ensue. Thus similar were the circumstances of the two periods. Every one must be aware of the difficulty with which the change of a long established order of things must be attended; and more particularly in the case of currency and circulation. He should, perhaps, be asked, whether the nature of our currency was to depend on the operations of foreign powers? He should say, certainly not. If we could really return to a state of permanent and secure circulation, with safety, we ought to return to that state of things without delay. But surely the moment would be ill chosen for making the attempt, when we were under the influence of circumstances very like those which took place when the suspension was first proposed. He should be told, perhaps, that the restriction was first proposed in a time of war and danger, and that the measure was necessary, in consequence of the advances made by the bank to a foreign power, under the guarantee of government. He was aware of the force of this; but still it did not counterbalance the greater extent of the operations at the present time. For the Imperial loan amounted to only four millions and a half—a farther loan of three millions was in contemplation, but it was stopped by those resolutions of the Bank to which he had just adverted. Now, besides the loan of last year to France, 30 millions might be necessary in the present year, and five millions had been negotiated for Prussia. This would occasion a drain on this country to a much larger amount than that of 1795. He wished it to be distinctly understood, that he did not propose to continue the restriction of cash payments in consequence of any circumstances in the internal state of the Bank, which, he believed, was fully prepared to make good its payments, but, on account of those external circumstances which would render a return to cash payments peculiarly unpropitious and dangerous at the present moment. He hoped, however, that another measure which he should have the honour to propose, might have the effect of considerably alleviating the evil of the restriction—a measure which, he trusted, would, at the present moment, place a great part of our paper currency on a more secure footing than ever. On the resumption of cash payments, it would be proper that our paper currency should return as nearly as possible to what it had been. The committee might be assured, that if they were anxious for that state of things, the Bank directors were as sincerely desirous of bringing it about. They were most willing to adopt every measure which might be thought necessary for effecting that object, and for confirming every regulation which parliament might wish to propose. But he was now to direct their attention to the other part of the subject to which he had alluded, and which he should endeavour to explain as shortly as possible. He had to propose a plan, which, in the course of no long period of time, would give the public such a security for a considerable part of our paper circulation, as it never before possessed. It was his intention to propose, that the restriction act should be continued for one year, namely to July 1819, and that, in one year from that period, the operation of this new plan should commence. There could be no doubt that the most perfect and desirable currency for any country was a mixed one of specie and paper. It might be advisable that there should be a paper circulation to a large amount, but it was advisable at the same time that it should always be convertible into specie, so that the holders might have the most perfect reliance, that, whenever they pleased, they could convert the paper into a metallic currency. Many plans had at different times been in contemplation, respecting the best means of security from the abuse of paper currency. It had been proposed, that paper should be issued on the security of various deposits—on the security of landed property, and of other property. The great objection against issuing paper on the deposit of property was, that, whatever value the property deposited might possess, at the time the deposit was made, it could be converted into money only under favourable circumstances, and, that when attempts were made to convert it into money under other circumstances, it often fell so much in value as not to realize the sum advanced on the security of it. All land banks were subject to this inconvenience. From the many difficulties attendant on the conveyance of landed property, and on converting the land into money, land banks had generally been unsuccessful. This sort of uncertainty, however, did not prevail with respect to another descrip-

tion of property which existed in this country to a great extent—he meant funded property. It was not indeed free from fluctuation, but it might always be considered as available to a certain extent. If, at the time when funding was first introduced, a paper currency had been founded on it, and such currency had grown up with it, we might have possessed a paper currency as perfect as could be desired. If on the deposit of a certain amount of stock, a certain amount of paper might have been issued, such paper would have been free from the insecurity of the paper currency which we now possessed. At present our paper currency was not of equal security in different parts of the kingdom. Scotland, from the nature of its currency, and the extent of the capital of the persons engaged in banking, had experienced no considerable failures, and enjoyed great advantages in her paper circulation. No inconveniencies could be charged against it. In England, however, and still more in Ireland, this was not the case. But all those circumstances of so powerful a nature, arising out of the insecurity of the paper of private bankers, might be prevented by the plan which he should propose. In that plan, he wished to keep in view the difference between that part of the paper currency, which might be considered as the representative of cash, and notes of larger value. He meant, that he should be directed in his views by those which the legislature took, when they prevented the circulation of notes under 5*l.* Permission was first given to circulate notes under 5*l.* and of not less than 20*s.* value, when the metallic currency was suspended by the act prohibiting cash payments by the Bank. The period now fixed for the circulation of those notes was one year after the expiration of the term at which the suspension of cash payments should terminate. The suspension act would expire on the 5th of July, 1818; but as he should propose the continuance of the suspension for another year, it was his intention also to propose, that the alteration with respect to the circulation of private bankers should not take place before the 5th of July, 1820. There was an act now in force, permitting the issue of notes under the value of 5*l.* of the Bank of England. It was not his intention to interfere with that circulation, as it might be considered to rest on good security, the Bank giving, in fact, that very security which he now proposed to demand from the private bankers. They had advanced fifteen millions to government, and they always necessarily held in their hands a considerable amount of floating government securities. It was his intention to propose, that, after the 5th of July, 1820, no private banker should issue notes in England and Ireland (for he would except Scotland, as the objection against the paper circulation of the private bankers of England and Ireland did not apply to Scotland,) for any sum under 5*l.* without making a deposit of government securities, either in stock or exchequer bills. He proposed, therefore, that it should be enacted, that every private banker should transfer into the names of the commissioners for the reduction of the national debt an amount of stock double that of the nominal value of the notes of that description issued by them, or deposit exchequer bills of equal value to that issue. He proposed an amount of stock double that of the nominal value of the notes, as, from the frequent fluctuation in the price of stock, the nominal value of the notes in stock might become a very inadequate security. The interest arising on the stock transferred, or the exchequer bills deposited, would, of course, be paid to the owners after the deduction of charges for management. With respect to the notes to be issued on this credit, he meant to propose, that they should be stamped in a way to denote the security on which they were issued. Some farther collateral security against fraud or forgery might be devised, but that was a matter for future consideration. This was the general outline of his plan, which, he hoped, he had rendered sufficiently intelligible. There were, however, two objections that might be made to the plan, and which he was desirous of anticipating. One was, that it might tend to produce a great and unlimited paper circulation. It would be said, that as this paper was founded on the immense amount of the funds, it might be considered as co-extensive. The answer to this objection would be short, but he trusted satisfactory. It was impossible that there could be a greater temptation to an over-issue in the case of a paper founded on security, than in the case of one founded on no security, and which depended on the will of the banker, and of the party who was willing to receive it. There was no limitation at present but the will of the banker, and the will of those among whom the paper was to circulate. So long as the paper did not return upon the banker to an inconvenient amount, he had no inducement to limit his circulation; he might, therefore, issue as much paper as the public were willing to receive: but, if this plan were adopted, the banker would feel a considerable restraint from the necessity of depositing a valuable consideration. The other objection was, that the circulation of paper, under the value of 5*l.* was not so profitable to the banker as to induce him to continue it under the circumstances of a deposit—that he might consider the deposit so great an inconvenience, in addition to the other charges on banking, that he might not be disposed to engage in this plan. *(Hear, hear, hear!)* To this he would answer—undoubtedly, if the banker had his option to issue notes with or without security, there could be no question which he would choose. As issuing paper without security was more advantageous to him than issuing it with security, he would naturally prefer it. But, supposing that the safety of the public required that a security should be afforded, he felt persuaded that the banker had a sufficient interest in continuing his operations, subject to such

security. It was perfectly certain that every banker must have a large sum in his possession to answer the demands which might be made upon him: and this sum was wholly unproductive. But, under this plan, he could make the payment of demands upon him in his own stock notes, which would be received as cash in paying off his large notes. He would be left without restraint in all issues of notes beyond 5*l.* in value. He would have all that parliament thought it proper he should have before the restriction act was passed. Nothing would be taken from him to which he could be considered as having a well founded claim. He would still, therefore, have a very sufficient profit. Many private bankers were already stockholders to a very large amount. In that case, where would be the inconvenience of depositing in the hands of the commissioners a certain portion of that stock? The only difference was, that the amount deposited would be available only to the holders of the notes, instead of being available to creditors in general. But this safety which the public would receive, would far outweigh any inconvenience to the private banker. Strictly speaking, a banker at present had hardly occasion for any capital. But one consequence of the proposed plan would be, that it would have a tendency to engage men of large property in banking concerns, and to exclude those who did not possess an invariable security for their creditors. The leaving out of all that part of the circulation which exceeded 5*l.* would continue the operation of banking as advantageously to the banker as was compatible with the safety of the public. The committee were placed here in an option of difficulties. No man would say, that they ought to prohibit the circulation of all paper under 5*l.* in value. Opinions of this kind might be entertained; but they were, at all events, very rare. Those, however, who had any acquaintance with the commercial affairs of this country, could not but believe that such a system was impossible. A metallic currency was so cumbersome for mercantile dealings, that we could never conveniently return wholly to it. The question therefore was, whether, as it might not be desirable to return to a metallic currency, but as it might be wished that we should have a paper as near in value to a metallic currency as possible, we would allow an issue of paper without such a deposit as might secure the creditor against the danger of improvident speculation on the part of the banker, and the banker himself against the temptation of it? He thought, however, that it was desirable in every respect that full time should be given to private bankers before the system should be carried into operation, and that time, he conceived, he had given. During the two years after which this measure was to take effect, the country bankers would be enabled to reduce their transactions within the amount which might be convenient to them. Besides this, two years formed a convenient period, as the notes of country bankers were generally by themselves calculated to wear out in two years. The bankers would thus have a fair warning, lest they might incur expense by stamping other notes which might be useless. The restriction on the Bank of England being to continue one year longer, one of the inconveniences which had been anticipated from that measure was, that it would cause an inordinate issue of country notes. But, by the measure which he had just proposed, the bankers would be restrained from issuing largely, as they would be obliged, at a certain time, to draw in all for which they could not give security. A secure and permanent paper circulation would thus be provided, after the resumption of cash payments, which would afford that relief to the public that could not be effected by a complete return to the metallic circulation, with all the incumbrances attending it. He had thus shortly stated the measures which he had to propose, the latter of which he should have thought desirable, even if he had not recommended the continuance of the restriction. Considerable preparation would be necessary before that part of the plan which related to country bankers could be brought into operation. Inquiries must be made as to the species of stamp which ought to be put upon their notes, so as to afford the most effectual security against imposition. The public would thus have the best security which the country bankers could devise against forgery, superadded to all that a public office could do; which together would be as perfect a security as the nature of the case would allow. As soon as these preparatory arrangements were completed, every banker who was willing to issue notes on the security of stock or exchequer bills might do so; and it would no doubt be the wish as well as the interest of many bankers to do this before the period (July 1820,) which he had mentioned. Many of the country bankers were holders of stock, and they might thus, perhaps, add two or three per cent. to the interest of that stock. It might be said, that it would be inconvenient to them to transfer double the amount of their issues—but they had the choice of depositing exchequer bills, merely equal to those issues.—The right hon. gentleman concluded with moving, "That leave be given to bring in a bill for further continuing an act of the 44th year of his present majesty to continue the restrictions contained in several acts of his present majesty, on payments of cash by the Bank of England."

Mr. *Tierney* said, that the statements of the right hon. gentleman, so far as they went, were intelligible enough; but he was far from being convinced by his arguments. He begged the committee to consider the state in which they were placed. They were called upon to adopt quite a new system of currency, and that in a time of peace, without any previous committee, and without examining a single person. On the sole credit of the chancellor of the exchequer,

they were not only to continue the bank restriction, but to effect a total change in the circulation of the country, as far as all notes below 5*l.* were concerned. On this part of the plan he should give no opinion at all. He did not know whether it was intended to sweep away the circulation of all private paper, and to replace it by that of the Bank of England, or greatly to enlarge the issue of such paper. But one effect of this prospective measure would be, that the characters of the country bankers would stand tainted for the next two years. They were now represented as unfit to be trusted for an hour, but that it suited the convenience of the chancellor of the exchequer to let them do what they would for two years. As to the securities which the bankers were required to deposit—no man would choose to deposit stock. They were required to deposit double the amount of their issues in stock. In order to issue 100*l.* in notes, they must have 200*l.* in stock; or, according to the present price, 160*l.* No one would issue notes upon those terms. How such a proposal could be made, he could not comprehend. But the answer was, that if they did not like to give security in stock, they might deposit exchequer bills, and that they might issue notes to the full value of those bills. But what would this be but an issue of exchequer bills? (*Hear.*) With respect to notes of the value of 5*l.* and above, they would be driven entirely out of circulation; for no man would be such a fool as to take 5*l.* notes from a private banker, while he could get 1 and 2*l.* notes, the payment of which was secured by stock or exchequer bills. (*Hear.*) Was this the well-digested measure which the chancellor of the exchequer had had in contemplation for some months? Would he pretend that he had not a much more extensive plan, if he had not been corrected by others? Of the debentures, however, which were not issued, he should say nothing—*de mortuis nil nisi bonum*. But the plan which was actually proposed was deserving of a thorough investigation, which it could not have in a discussion in the house. However clear the statement of the chancellor of the exchequer, or the speeches of those who might follow him, they could not be satisfactory to the mass of the country without a reference of the subject to a committee, by which the various speculative opinions would be received, compared, and digested. But he would ask, why was the measure proposed two years before it was to take effect? Here was a new principle, which, for some reason or other, the chancellor of the exchequer wished them to admit two years before it was to be acted upon. The only reason which had been given was, that the bankers might have fair play—that they might not issue notes which would be drawn in before they would be worn out. But there would be no difficulty in having the old ones stamped. As to the continuance of the restriction, the chancellor of the exchequer professed that he felt the utmost grief in being obliged to bring it forward. He might be in great grief, but there was not a man in the house who had felt any disappointment at hearing his proposition. The moment the chancellor of the exchequer said that he had great doubts as to the resumption of cash payments, there was not a man in the country who had the smallest doubts on the subject. (*A laugh.*) The moment the doubts had got into his head, they had got out of the heads of all others. After all his magnificent promises, he brought in a bill for the continuance of the restriction, and made new promises, of which no one believed a single word. The restriction was to be continued for one year; but the words "no longer" had been avoided, as they had formerly been brought into discredit. (*A laugh.*) The chancellor of the exchequer had said that he was most sincere in his wish to resume cash payments, and he answered for it that the bank were equally sincere. In this, he believed him. The bank, and the chancellor of the exchequer, were just as sincere the one as the other. The system of finance on which the right hon. gentleman proceeded, was irreconcilable with the system of cash payments—and as the bank lived on their profits, which they could not increase indefinitely if they were obliged to pay in cash, they thus agreed together perfectly well. The chancellor of the exchequer trembled at the very idea of resuming cash payments—he knew that he should not then be able to talk of an increase in the revenue, or of lowering the interest of the debt—and of this the bank had availed themselves. It was said, that the bank had done every thing in their power to prepare for the resumption of cash payments at the time provided by parliament. Quite the contrary. They had done every thing in their power to avoid it, by increasing the issue of their notes by two millions and a half. And did the bank think that people were such dolts and idiots (to borrow an expression of a right hon. gentleman opposite) as to suppose that they contemplated the resumption of their payments? He did not know, without inquiry, whether the bank could, by any possibility, resume cash payments in July. He believed that it would produce a violent revulsion, a great change in both the domestic and foreign pecuniary relations of the country. But, was it not a grave charge against the bank, that they had neglected those preparations which they should have made, and had increased their issues? But how had this increase of issues taken place? By purchases of exchequer bills, or by advances to government on exchequer bills. Of ordinary securities—bills which they had discounted—they had hardly any, as bills could be discounted by others at so much lower a rate. Here was the mutual accommodation; the bank by purchasing government securities, raised the price of them, and enabled the chancellor of the exchequer to make flourishing speeches; and while he was making flourishing speeches, they were making flourish-

ing profits. The chancellor of the exchequer having brought forward this proposition in the teeth of his solemn assurance, had given, in the way of an argument, an account of the state of things twenty-seven years ago; but, for any reference to the present question, he might as well have stated what had happened in the time of king William. The only question now was, what would happen if cash payments were resumed in July next? The chancellor of the exchequer had read two resolutions of the bank in 1795 and 1796, declaring, that that body would be in great jeopardy if the Austrian loan of four millions and a half were negotiated. But, if his recollection were correct, the price of bullion was not at all affected by the remittances for that loan. But they must consider the different circumstances of the times. Men did not then demand gold to send it abroad, but to hoard it. A small body of French had shortly after contrived to throw themselves on the coast of Wales, and many timid persons thought it safe to have 100 or 150 guineas by them, in the dread that the bank would not be able to fulfil its engagements. The sums of money which were brought forward at the conclusion of the war proved this. But at this time, according to the chancellor of the exchequer, there was a laudable abhorrence of the precious metals, and if there existed one thing which Englishmen dreaded more than another, it was the sight of gold. The commerce of the country was flourishing—but the chancellor of the exchequer, on the look out for arguments to support the restriction, had produced lists of the persons who had gone abroad. His first statement of 90,000 persons who had left the kingdom was very appalling. But he had happily shewn them, that all but 12,000 had come back again. Those persons the chancellor of the exchequer had calculated drew two millions and a half a year from the country. This seemed a high calculation. He himself had been four times on the right hon. gentleman's travelling list, twice going and twice returning from France during the last two years, and the calculation of the average expense was certainly above his mark. (*A laugh.*) The foreign loans had been also spoken of as a reason for the present measure; but, until they were negotiated, it could not be said what effect they would have. The sums might be exaggerated by interested persons. But, at any rate, it was necessary that it should be known what sums would go out of this country. If he were allowed to examine the proper persons, he had no doubt that he could shew that the amount of the sums were so small, and the manner in which they would be transmitted so gradual, that they could not justify the continuance of the restriction even for a moment. He trusted, therefore, that a committee would be appointed to inquire into the reasons for the renewal of the restriction, which, at present, were so suspicious, that, it seemed it had been determined to continue it for ever. The bank, by their purchases of exchequer bills, were the masters of the chancellor of the exchequer. It was strange that the right hon. gentleman, who was alive to the danger of persons investing their money in foreign funds, should try to make our own as unproductive as possible. When he made that attack upon the sinking fund, which reduced it to its present state, he had given as a reason, that if the sinking fund went on increasing, it would lower the interest of money. Yet now the object of all his plans was, to effect this reduction of the rate of interest which he had before dreaded as an evil. At the present price of our stocks, persons would embark money in the French funds, in which they got an interest of seven per cent. which, if the security was not so good, afforded an ample insurance against risk. Besides the 12,000 persons who were constantly abroad, there were many others who were continually making remittances of their capital for the sake of higher interest, and every step which the chancellor of the exchequer took promoted this. When the rate of interest fell in proportion to the prosperity of the country, it was to be welcomed as a signal of that prosperity; but he deprecated the artificial system of raising the funds by the exertion of the government. Since the 25th of June last, every exertion of the chancellor of the exchequer had been directed to that end. He had been authorised to raise 300,000*l.* on the security of the woods and forests, but, as he did not immediately want the money, he had put it in the funds. Luckily, the speculation had succeeded—but, in a private individual, this would have been called stock jobbing. There was the clause also to augment the produce of the sinking fund in November and December last. By these acts, the price of stock had been raised, and the efficiency of the sinking fund had been consequently diminished. The expectation of reducing the 5 per cents. had, however, failed, and they now remained just as they were, though, not long ago, the chancellor of the exchequer had not doubted that the interest of them could be reduced at least to 4 per cent. The fluctuations which had taken place in the funds had originated in the doubt, whether or no cash payments would be resumed. That doubt had now been settled. The evil day was postponed, because the chancellor of the exchequer was afraid of facing it. There was reason to fear that the return to the former system of the country would be attended with difficulty, and some danger; but this was a reason why it should not be postponed, as by every delay the difficulty and danger were increased. Every ground on which the resumption of cash payments had been formerly opposed was now entirely done away. The pretext of the foreign loans was now brought forward, and it was for the house to say, whether they would hold up to Europe the example of a paper circulation, merely because other countries took a different course. The drain on this country by French loans would not be considerable. There was much unemployed capital in

France; and he was persuaded, that the consequence of the course which that country now pursued, would be, that they would not need much pecuniary assistance from abroad. He again pressed on the house the necessity of a committee. Without some inquiry, who could affirm that the bank might not be able to resume its payments? Perhaps, six months might be time enough for it to prepare for resuming them. And, above all, some enactments should be made to compel them to make preparations against the time fixed by law for the expiration of the restriction. This, too, the chancellor of the exchequer would resist, more than all the rest. His object was, to keep up a great paper circulation, to force up the stocks, and to reduce the 5 per cents. But the house, he hoped, would not lend itself to this project without examination. If the report were brought up on Monday, he should move to postpone it, in order to move for a committee. Without some inquiry, the right hon. gentleman could not with decency require the assent of the house to his plan; nor would Mr. Pitt, with all his confidence in himself, have ventured to demand it under such circumstances.

Mr. *Grenfell* concurred in the sentiments which had been so ably delivered by his right hon. friend. He would not now enter into details, but he could not refrain from making a few allusions to the many pretexts on which the restriction act had been prolonged, and which, if continued, would have so injurious an effect upon all the property of the kingdom, and necessarily produce here the same mischiefs that such a system had uniformly produced in every country in the civilized world which was left to depend on a paper issue not convertible to a metallic currency. *(Hear.)* The right hon. gentleman had stated something like three reasons for the continuance of the restriction act, (that of the country banks he looked on as a minor consideration in comparison with this.)—The first was, the state of foreign exchanges, and the prices of gold. Now, he recollected, that in 1815, the reasons urged were, that the course of exchange was 11 per cent. against us, and the price of bullion 11 per cent. But what had been done in the following year to redeem these solemn pledges which had been given? The exchange was then in our favour; gold was only 3 per cent. above par, and silver considerably below it. Notwithstanding this favourable change, nothing had been done by the right hon. gentleman, who said, that it was better at such a moment to let matters subside and settle. The state of the harvest of 1816 was likewise alluded to, and also that of the following year; but the right hon. gentleman could not forget, that, for the whole spring and summer of 1817, the course of exchange was greatly in our favour, and the price of the precious metals at par. It was in the autumn that these advantages ceased, and then, not on account of the harvest, but in consequence of the increased issue of bank notes. There was the index and the barometer by which the real cause and its progress would be distinctly explained. The last reason was, the foreign loans. This was equally futile. If a wealthy German merchant happened to settle here, and contract for a Prussian loan—and a rich English merchant should go over to Paris and treat for a French loan, was it to be borne that, for such a reason, incalculable mischiefs should be endured by a whole people. *(Hear, hear.)*—He could not dwell without warmth on such flimsy pretexts; but he would at present restrain himself, and defer his observations until the bill was brought in. On the subject of the country banks, he would at present only put one question to the right hon. gentleman, and that was, whether the stock deposits were to be held as security for one and two pound notes only, or for five pound and higher notes also?

The *Chancellor of the Exchequer* said, he had no intention whatever to cast any reflection upon country bankers, nor was such a supposition warranted by the character of the measure which he proposed to bring forward; for this measure was not suggested by any degree of distrust or suspicion of those individuals, but by a reasonable and proper solicitude for the interest and satisfaction of the public. With regard to the question of the hon. gentleman who had just sat down, he had to state, that the proposed deposit of stock by country bankers was to form a security for all notes under five pounds which those bankers might issue, but any surplus deposit would be deemed an additional security for their other notes. As to the assertion of the right hon. gentleman, with respect to the influence of the foreign loans in 1795 upon the price of bullion, he should refer to the evidence of Mr. Abraham Newland before a committee of that house. From that evidence it appeared, that the price of bullion in 1797 was four guineas an ounce. To the observation of the right hon. gentleman respecting the issue of debentures upon the capital stock of the country, he could say, for the satisfaction of the right hon. gentleman and the public, that no such plan was ever in his contemplation.—He had seen what had been written upon this subject by Mr Dunn, by whom so much discussion as to this point had been excited in the public newspapers. He had also had some communications with that individual, and, without meaning to say that no case could arise in which it might not be expedient to convert the capital of our debt into a floating security, he objected to the adoption of Mr. Dunn's plan at present, because he conceived that, while there were so many exchequer bills in the market, either these bills or the proposed debentures must fall in value. The plan of issuing a paper circulation upon the security of stock, was suggested many years ago in the pamphlet of Mr. Weston, a most respectable solicitor, but Mr. Pitt did not then think it expedient to act upon that suggestion. There was,

indeed, a part of the scheme of Mr. Weston to which he (the chancellor of the exchequer) felt a strong objection, namely, that of rendering such paper a legal tender. This pamphlet of of Mr. Weston's was, however, of considerable value, and he was free to confess, that a part of the plan which he had that night had the honour to submit to the committee, was taken from it. He hoped that this plan would serve to provide a remedy against the introduction of an insecure currency into the general circulation of the country. If it were said, as it had been urged in the course of the discussion, that this plan would leave the larger notes of country bankers comparatively insecure, he should answer, that that objection was of no importance, as such notes were always liable to be considered with more care, and received with more caution.

Mr. *Grenfell* observed, that it was somewhat singular that a pamphlet published in 1800, and so much applauded, should only now come to be acted upon. He expressed his surprise, that although there were seven directors of the bank present, not one of them had thought it worth while to favour the house with a single observation upon a subject so materially affecting the credit of the establishment with which they were connected. With respect to the evidence of Mr. Newland, which had been referred to by the right hon. gentleman, he distinctly recollected the particulars of that evidence. Mr. Newland was asked, whether the price of gold in 1797 was not so high as four guineas, and he answered in the affirmative. But this, he (Mr. G.) could affirm, was not the market price of gold, as would appear from an examination of the tables. It was indeed true, that the bank paid four guineas an ounce for gold, but this expence was incurred upon gold imported in 1797 from Hamburgh through the house of Eliason and Co. and this gold, when brought to the bank, cost four guineas an ounce; that, however, was not the market price of the day.

The motion was then agreed to. The house resumed, and leave was given to bring in two bills: one, "for farther continuing an act of the 44th of his present majesty, to continue the restrictions contained in several acts of his present majesty, on payments of cash by the Bank of England;" the other "to authorize bankers in England and Ireland to issue and circulate promissory notes secured upon a deposit of public funds, or other government securities."

Mr. *Grenfell* asked, what was meant to be the charge upon the proposed deposits?

The *Chancellor of the Exchequer* replied, one-eighth, or 2*s.* 6*d.* per cent. upon the original deposit, and one shilling per cent. per annum during the continuance of such deposit.

HOUSE OF LORDS.

Friday, April 10.

STATE OF THE CURRENCY.] The Earl of *Lauderdale* said, that after what had passed last night in another place, to which he conceived he was at perfect liberty to allude, he thought it necessary to advert to the motion of which he had given notice, respecting the currency of the country. The business to which he referred was intimately connected with the subject of his motion, and was of the greatest importance. Two measures, he understood, had been proposed: first, the continuing of the bank restriction act; secondly, a regulation respecting the notes of country bankers. Both were measures which called for the serious consideration of their lordships; but the latter was, besides, an extraordinary innovation on the general principles on which banking establishments had hitherto been conducted, and one which, in his opinion, required the immediate attention of that house. Under these circumstances, he had resolved not to postpone his motion, which would not be confined merely to the relative state of the money issued from the mint; but would have for its object the paper-currency, as well as the coinage, of the country. He should therefore bring it forward on Thursday next, for which day he moved that the lords be summoned.—Ordered.

FEES OF COURTS OF JUSTICE.]—The Marquis of *Lansdown* rose to move an address to the crown, for copies of the reports of the commissioners appointed in 1814, to inquire into the fees paid to officers of the several courts of justice in the united kingdom. He could not anticipate any opposition to this application; at the same time, the discoveries which the commissioners had made with respect to the practice of taking fees, especially in one part of the united kingdom, were of so extraordinary a nature, that, he apprehended, he might be excused, if he called their lordships' attention to them by a few observations. When the authority was given for the inquiries which had been instituted, it certainly never was supposed that any of the venerable persons at the head of the courts in the united kingdom had, in any way, sanctioned the abuses which had grown up. Accordingly, it was found upon inquiry, what, indeed, no inquiry was necessary to establish, that their character was unimpeachable, and that the more it was investigated, the more evident its purity would appear. It must, however be obvious to their lordships, that it was perfectly impossible for the heads of courts to superintend all the details of the practice of clerks and inferior officers, in which the interests of suitors were involved. It had, indeed, been found, that in one part of the United Kingdom, (Ireland) suitors had suffered most severely from the unjust and illegal exactions of officers holding situations in the courts of law. He should briefly allude to some of those iniquitous extortions, and, in doing so, he must remind their lordships, that no class of persons stood in so defenceless a situation as poor suitors, who were destitute of all means of resisting the ex-

tortions imposed upon them; and that, therefore, none were more entitled to their attention and protection. It would, however, appear from the reports for which he was about to move, that there was scarcely an instance of any alteration in the practice of certain courts having been enacted by the legislature, though intended for purposes unconnected with fees, which was not made an instrument of new extortions from the suitors. It would be found also, that rules expressly made by the courts for the benefit of suitors, had been perverted to their injury. A remarkable instance of this kind occurred with regard to an order made by the Court of Chancery in Ireland, to allow the solicitors in causes to attend, instead of the six clerks. It had been contrived to evade the effect of that order; and, in one case, no less than 197 attendances were charged to a suitor, though not one of the clerks had attended. It would likewise appear, that most unjustifiable extortions had been practised with regard to offices executed by deputies. In some instances, where the emoluments of the principal arose from fees, he had appointed a deputy, who increased the fees; that deputy again sometimes appointed a clerk, who made additional fees; so that the unfortunate suitors had, first, to pay the principal; secondly, the deputy; and, thirdly, the clerk. Indeed, in many of the courts in the sister kingdom, the clerks had been in the habit of varying the price paid for the sheet of office copies of papers, without assigning any reason, except that they found some solicitors willing to pay more than others. When they met with solicitors who were disposed to do their duty towards their clients, they abated in their demands; but when the solicitors were inclined to yield, the exactions of these gentlemen increased in proportion. In some of these courts, the practice followed in taxing bills of costs, was often rendered a subject of great vexation to the parties. It might be expected, that the party to whom that duty was referred, would be one who had no direct interest in the matter. Yet, in one court, it had so happened that the party who made the charges had been allowed to tax the costs. It thus often happened that the charges were 50 per cent. higher than they ought to be. There was an instance in one of the courts, in a case of error, where the demand for office copies of papers amounted to 400*l.*, though the property in question did not exceed 300*l.* This enormous demand had induced the party to make an application to superior authorities; but he found he could obtain no relief, except by proceeding with his suit, which would have increased his expense. He was therefore induced to abandon all farther proceedings, though it was generally understood that the opinion of the court was favourable to his claim. There was one circumstance more connected with law proceedings, to which he should take the liberty of referring, and in what he should say on that subject, he was fully persuaded he should be supported by the concurrent opinion of the noble and learned lord on the woolsack. He meant the state of the law with regard to stamps on legal proceedings. The duties on stamps had been imposed during a time of war; but, if the necessities of such a period could be urged as a reason for laying them on, it might reasonably be hoped that the burden would be lightened on the restoration of peace. Their lordships were now called upon to consider whether these oppressive duties ought to be continued. In his opinion, the public distress had afforded no excuse for these taxes, which were levied on private distress—which were often extracted from misery itself. Disapproving of all law-taxes, which were burdens imposed on the necessitous, and obstacles to the obtaining of justice, he could not but condemn the enormous duties levied by law-stamps. Great, however, as the evil was, it had been immensely aggravated by the ingenuity of clerks and officers in some of the courts to which he had already alluded; for when, by an act of the legislature, stamp-duties were required on office-copies of certain papers, these clerks had availed themselves of that circumstance to increase their fees. In Ireland, the fees had, on this ground, been in general augmented 25 per cent. There was a case mentioned in one of the reports, where the stamp-duties came to 69*l.*; but the charge, including fees, was 459*l.*: so that when the legislature intended that parties were to be charged only 69*l.*, about seven times that sum was extorted from them. Thus property was destroyed by the means to which it was necessary to resort in order to secure it. He was far from imputing any blame to his Majesty's government on account of these nefarious transactions. He had no doubt that ministers would visit the offenders with just severity, and believed them to be perfectly disposed to check, and even extirpate, the evil; but it would be satisfactory to the house to know what measures had already been taken towards this end; and this was certain, that it was their lordships' duty to see that the object was accomplished. The noble marquis concluded by moving an address to the Prince Regent, for copies of the reports referred to in the commencement of his speech.

The Earl of *Liverpool* said, he did not rise for the purpose of opposing the motion, which, on the contrary, had his most cordial support, but to make a few observations, suggested by what had fallen from the noble marquis. Their lordships must have heard with satisfaction what had been stated by the noble marquis respecting the heads of the different courts, whose conduct, as might have been expected, had been found liable to no kind of imputation whatever. He must also take the liberty of remarking, that nothing in the statement which their lordships had heard, and the matters of complaint in the reports, in scarcely any respect applied to the courts of England or Scotland, but were con-

fined almost exclusively to Ireland. The investigations had been carried on with the greatest impartiality and all practicable diligence; and he believed, he spoke the opinion of every man who had seen the reports, when he said, that the conduct of the commissioners had been most exemplary. Indeed, every circumstance mentioned by the noble marquis tended to prove the honourable and upright manner in which their inquiries had been prosecuted. Four reports had already been made, and there were two more in a very forward state. The report on the court of chancery had been referred, after it was drawn up, to the Lord Chancellor of Ireland, and the Master of the Rolls, by whom the labours of the commissioners were approved. With regard to the court of exchequer, in which the right of appointment to the office of the Clerk of the Pleas had become a question of legal dispute, the report was equally approved. A decision had been given in favour of the crown by the Court of King's Bench in Ireland as to the appointment of the Clerk of the Pleas; but an appeal had been made to their lordships' house, where the final judgment must now be given. The report respecting the Courts of Error was important, and he could assure the noble marquis that his Majesty's government would be happy to carry the recommendations of the commissioners into effect. He had thought it necessary to make the few explanations with which he had troubled the house. It would be for their lordships, when the reports should be before them, to consider whether it would be requisite to apply farther remedies to the evils complained of, which had arisen from no neglect in his Majesty's government, and the existence of which could scarcely have been suspected before the investigation of the commissioners disclosed them. In the mean time, it could not escape observation, that this inquiry was one of the advantageous results of that measure by which the two countries had been united, and the proceedings which might be instituted on the reports would afford a farther proof of the attention of the united parliament to the interests of the people of Ireland. The motion, as he had already observed, was one for which he would most willingly vote.

The Earl of *Lauderdale* observed, that he had great satisfaction in hearing that none of the extortions which his noble friend had recited were chargeable on the courts in Scotland. He could not help, however, reminding the noble lords opposite, that an inquiry of the same kind, which was now acknowledged to be so salutary, had formerly received their disapprobation. The commissioners who had been appointed to inquire into the state of the courts in Scotland, had not only reported what they considered as abuses, or unnecessary burdens, but had pointed out the means of redress. He hoped, however, that a report which he had heard would not prove true, namely, that appointments had lately been made to some of the offices in Scotland, the abolition of which had been recommended by the commissioners. He was exceedingly glad that these reports were to be laid on the table, which would give their lordships the opportunity of judging whether the commissioners should continue their labours. It would be proper to take care that these commissions were not maintained longer than was necessary; for they were attended with no little expense. If maintained too long, they would justly deserved the name of jobs, and parliament ought to be as careful in guarding against the evils which might arise from their undue continuance, as in abolishing those abuses which they had been the means of disclosing.

The motion was then put, and agreed to.

HOUSE OF COMMONS.

Friday, April 10.

COTTON FACTORIES BILL.] Sir *R. Peel* presented a petition from labourers employed in the cotton spinning factories at Stockport, in favour of this bill. The hon. baronet said, that the petition was signed by seven master manufacturers, the opinion of one of whom, Mr. Entwistle, was entitled to the greatest consideration; and by thirteen resident clergymen, who had an opportunity of knowing the condition of the objects of it; and by eight medical gentlemen.

Sir *J. Graham* said, he wished to guard the house against some of these petitions. It was well known how easy it was to stir up discontented persons to make complaints. Many of the signers of the present petition were discarded and worthless workmen, who conceived that they did too much, when in employment, for the wages which they received. He was an advocate for free labour; and had not free labour existed when he was a boy, he never should have had the honour of a seat in that house.

Mr. *Curwen* thought that, if the house agreed to legislate for restricting labour to ten hours and a half, they would next be petitioned to limit it to nine hours. He hoped and trusted that the humane feelings of manufacturers would reduce it to twelve hours.

Sir *R. Peel* said, that to his certain knowledge, the character of the petitioners varied materially from the character given of them by the hon. baronet. They were respectable inhabitants of Stockport, professional men, and clergymen.

Mr. *Butterworth* said, he knew that many respectable persons in the north complained of the length of labour to which young persons were subjected, and who thought that some remedy was necessary to prevent the rising generation from being a worthless race.

Mr. *Finlay* observed, that children as young as those employed in cotton-spinning were employed in flax-spinning, in button-making, in the silk-factories, and in the potteries. If the evil were once proved and admitted, the remedy

must be applied generally, and the legislature must interfere with the freedom of labour. The manufacturers themselves might shorten the hours of labour. He deprecated the proceeding to legislate on principles merely of humanity, without taking every other principle into view, and was convinced, that the effects of the present bill would operate more to the injury than the benefit of those for whom it was intended.

Mr. *Wynn* said, that it was a general principle not to interfere with free labour, because it was to be presumed that the labourer, if required to do more than suited him, would seek other employment; but here was a case regarding the employment of young children, and it surely was within the province of the house to protect those who could not protect themselves.

The petition was ordered to lie on the table.

PARLIAMENTARY REFORM.] Three petitions from Birmingham, one from Portsmouth, and four from Littlemoss, Taunton, and Waterloo in Ashton-under-line, praying for a reform in parliament, were presented, and ordered to lie on the table.

PARISH VESTRIES BILL.] The report of this bill was further considered, the bill recommitted, considered in a committee, and reported.

POOR LAWS AMENDMENT BILL.] The report of this bill was further considered, the bill recommitted, considered in a committee, and reported.

BREACH OF PRIVILEGE.] Lord *A. Hamilton* rose, pursuant to notice, to bring before the house his complaint of a breach of its privileges, by a member of the other house of parliament. The noble lord said, that he was not actuated by personal feelings alone. It could not be denied by any hon. gentleman who heard him, that the privileges and the independence of that house were the sources of our national power and prosperity. They had all heard much of the reproaches which had been cast upon the character of that house by those who had petitioned for a reform in parliament; and the best answer that could be made to such charges would be, to evince a disposition to investigate cases of the nature of that to which he was about to call their attention. The representation of Scotland had been peculiarly an object of attack; more, perhaps, from the mode of election in that country, than from any thing in the character of the people; and it was, therefore, peculiarly desirable, that any specific imputation on that country should be strictly inquired into. The case which he was about to detail regarded the county which he had the honour to represent. To explain it, he must observe that, above a year and a half ago, Sir Alexander Cochrane announced his intention of becoming a candidate at the next election for the representation of the county of Lanark; since which time, a most active canvass had been carried on; the whole influence of every partizan and dependent of government having been exerted against him (Lord A. Hamilton) in a way which he could not avoid calling unfair and improper. A noble lord, a member of the other house, had warmly espoused the cause of Sir Alexander Cochrane; and though he did not mean to charge that noble lord directly with a breach of the privileges of the House of Commons, he had evidence to shew that such a breach had been committed in some quarter. The case was simply this: he held in his hand a letter written by a person of the name of Thomas Ferguson, who was employed under the factor of the noble lord to whom he had alluded, and who must therefore be regarded as acting under the noble lord's influence; especially as it was stated in the letter, in plain and distinct terms, that the writer had his lordship's authority. At the same time, he was bound to state, that he had communicated with the noble lord on the subject, intimating his intention of bringing it before parliament, and the noble lord had given a general denial that the letter was written by his authority. He by no means meant to say, that the noble lord's assertion was untrue; but, when two individuals told any circumstance so differently, that it was impossible to believe them both, it was indispensable to weigh the evidence on each side, and to give credit to that party for which it preponderated. And besides, the noble lord's answer was couched in terms so general, as not to be altogether incompatible with the inference that Ferguson had written the letter with his authority. If it should turn out that the charge conveyed in that letter were not well-founded, it would be matter of regret to him, that, in the prosecution of his duty, he should have been obliged to use the name of the noble lord in the way in which he was now under the necessity of mentioning it; but on the other hand, if it should be manifest to the house, that the letter was actually authorized by the noble lord, he should feel it his duty to resort to stronger measures. The letter was addressed to William Dykes, esq. a freeholder of the county of Lanark, and was in these words:

"Glasgow, May 24, 1817.
No. 50, Miller Street.

"Dear Sir,—According to your desire, I communicated to Lord Douglas your wish to have a situation under government for your young friend, Mr. Dykes; and I am authorized to state, that if you support his lordship's views in politics, at the first election, his lordship will secure an eligible situation for your friend, which will be of great advantage to him; and and as you are independent of the Hamilton family, I think you should accept of Lord Douglas's offer.

"If you have not made a promise to Lord A. Hamilton, I think you have good grounds to get clear off from what you mention regarding your vote, for you certainly have not been well used.

"If an application is made to you from the

Hamilton family to promise your vote, I think you should not grant it, until I see you in Glasgow, when I will tell you all about the matter.

"Sir Alexander Cochrane is not at home just now, otherwise I would have written you more particulars. Have the goodness not to mention this matter until the whole is arranged. I will write you when the noddy is painted, and I hope to have the pleasure of seeing you and Mrs. Dykes at Glasgow.—I am, dear sir, your most obedient servant,

"THOMAS FERGUSON."

(Addressed)
William Dykes, Esq. of Lambhill,
by Strathaven.

Now, the point at issue was, whether any authority had been given to Ferguson to write this letter. It appeared to him to be impossible that any person, situated as Ferguson was, should, without any authority, use the name of Lord Douglas, state the names of the candidates, request support for one of them, and, at last, beg secrecy until the whole affair should be arranged. Some authority might have been given by some person acting under Lord Douglas, and yet the noble lord himself might not have authorized the writer. It was highly proper, however, that the truth should be ascertained; and, for that purpose, the house might either order Ferguson to attend at their bar, to give an account of the authority under which he acted, or they might refer the matter to a committee of privileges. They might, indeed, direct the Lord Advocate to prosecute Ferguson, but he did not recommend that proceeding. He was not aware of the existence of any precedent immediately in point. The act of 1809, commonly called Mr. Curwen's act, had created some embarrassment in his mind, with respect to calling Ferguson to the bar; as the first question to be put to him would be, on what authority he wrote that letter, and it might be considered unfair to call on him to acknowledge that which might eventually subject him to prosecution. But, on the whole, he conceived that that act applied only to cases of treating, and not to a case like the present. He should propose, therefore, that Ferguson should be called to the bar, and the house might afterwards proceed to other resolutions on the subject. He thought that he owed it to the independent, unbought, and unbiassed freeholders of the county which he had the honour to represent, and who had heretofore returned him without fee or reward, to submit this case to the consideration of parliament; and in doing so, he felt that he did no more than sustain their rights, the privileges of that house, and the liberties of the country. He therefore moved, "that Mr. Thomas Ferguson do attend this house on Tuesday the 21st of April."

Mr. *Wynn* observed, that the regular course was, to deliver in the letter of which the noble lord complained.

Lord *A. Hamilton* said, he had no objection to do so. The letter was accordingly delivered to the clerk, and read.

Mr. *W. Dundas* said, he thought that, after the correspondence which had taken place between the noble lord opposite and Lord Douglas, this motion might have been spared. If he could not satisfy the noble lord on the subject, he was sure he should be able to satisfy the house; for he was desired by Lord Douglas to declare, upon his honour, that he never gave any order to any person to make any such promise as was mentioned in the letter which had been read to the house. He was desired, too, by the noble lord to state, that he was sure the house was too generous to doubt this unqualified and express denial, and too just to entertain any hasty and unfounded suspicion.—He therefore conceived, that, after having made this statement by the desire of Lord Douglas, the house would not agree to the motion now before it, without implying a distrust in the word of honour of that nobleman. Having done with the conduct of Lord Douglas, he wished to say a word or two respecting the conduct of the noble mover himself. There was an old saying, of which every day's experience proved the truth—that "a man who lives in a glass-house should beware of throwing stones." What had the noble lord's own conduct been? Had the privileges of the house never been violated in his own case? When the noble lord first came forward as a candidate for the county of Lanark, he was backed by no mean interest, by no common individual. To further his election, letters were written by a person of the first rank in the nobility of Scotland, by the duke of Hamilton, the father of the noble lord. A complaint of this kind did not, therefore, come with the best grace from such a quarter.

Mr. *Wynn* said, that this was a case of direct bribery—a most serious invasion on the privileges of the house. That this offence had been committed by Lord Douglas no man could for a moment suppose, after the positive denial which that noble lord had directed to be given on his part to the charge. But that the offence had been committed by some one, the letter indisputable proved, and it ought not to be passed over. He would not detain the house by quoting precedents on this subject. It was one of their standing resolutions, that it was a high infringement of their privileges for any peer to concern himself in the election of members to serve for the commons in parliament*. In the year 1779,

* "Resolved, That no peer of this realm, except such peers of Ireland as shall for the time being be actually elected, and shall not have declined to serve for any county, city, or borough of Great Britain, hath any right to give his vote in the election of any member to serve in parliament.

"That it is a high infringement of the liberties and privileges of the commons of the United Kingdom, for any lord of parliament, or other peer or prelate, not being a peer of Ireland at the time elected, and not having declined to serve for any county, city, or borough of Great Britain, to concern

when a complaint of this nature was made against the Duke of Chandos, the question was referred to a committee of privileges. The same thing was done in the case of the mayor and corporation of Oxford. The house, then, might either refer the present case to a committee of privileges to take evidence, or, if it should be thought more convenient, they might order the party at once to the bar. They would be totally forgetful of their own dignity, if they did not inquire who the guilty persons were, and if, after discovering the offenders, they did not prosecute them with the greatest severity. (*Hear, hear.*)

The *Lord Advocate* said, that, according to the notice of the noble lord, the subject of his motion was, the interference of a peer with the election of a member of that house. Now, he would put it to the house, whether the noble lord, in his statement, had brought any proof of the interference of a peer of the realm with the election of a member to serve for the commons in parliament. The evidence referred to in his statement was, a letter from a person who was not a factor or servant employed by Lord Douglas, or even employed on any estate of his lordship, in Lanarkshire. Whether he had been employed on any other estate of that noble lord, he had had no means of ascertaining. But this assertion rested simply on the declaration of Ferguson, that authority was given to him by the noble lord. In opposition to this, they had the positive averment of Lord Douglas, that this assertion was unfounded. The conduct of Ferguson was another matter. The motion before them was, that Ferguson should be ordered to attend at the bar. Now, he presumed, that the noble lord had considered the questions which he would put to that person when he was there. It was a matter of very grave consideration, whether he should be forced to answer questions by which he might criminate himself. The noble lord had alluded to another mode of proceeding: he mentioned, that he had had it once in contemplation, that his Majesty's advocate should be directed to prosecute Ferguson. Whether or not the noble lord relied on the individual who now filled that office, he did not know; but this he would say, whatever orders might be given by the house on this subject to him, to the best of his poor abilities he would endeavour to execute. He thought it would be more consonant to justice and to law, that the person in question should be put on his trial, than that he should be brought to the bar of the house. By bringing him there, they would lay the foundation of a prosecution against him, and his own statement would be made a ground of crimination against him. The noble lord had said a great deal about the attempts of the servants and agents of government to remove him from the representation of the county of Lanark. He, for one, would state, that his own conduct had been the direct contrary of this from beginning to end, for he had not the means of influencing any person in the county—he had neither directly nor indirectly interfered in the election. If he had had the means of so doing, it might be another question; and for this reason—that having a most cordial personal attachment to the noble lord's opponent, the gallant admiral, he should be proud of having it in his power to serve him. Was there any disgrace in opposing the noble lord? If that were a disgrace, it was a satisfaction to him that he should share it with a majority of the freeholders of Lanarkshire. The noble lord had talked of the interference of the peerage. Did the noble lord dispute, that the noble duke, his father, finding that the contest was likely to turn out not very successfully for the party whom he supported, had not been satisfied with the fair votes of the freeholders, but had been obliged to make out of his great estate in the county of Lanark 80 votes, called paper or parchment votes*, to

himself in the election of members to serve for the commons in parliament, except only any peer of Ireland at such elections in Great Britain respectively, where such peer shall appear as a candidate, or by himself or any others be proposed to be elected; or for any lord lieutenant, or governor of any county, to avail himself of any authority derived from his commission, to influence the election of any member to serve for the commons in parliament.

"That if it shall appear that any person hath procured himself to be elected or returned a member of this house, or endeavoured so to be, by bribery, or any other corrupt practices, this house will proceed with the utmost severity against such person." (See page 64.)

* In order to explain what is meant by paper or parchment votes, the Editor will extract one or two passages from the petition, for a reform in parliament, which was presented to the house by Mr. (now Earl) Grey, in 1793, and which was framed by Mr. Tierney and other distinguished characters.—"In Scotland, the grievance arising from the nature of the rights of voting, has a different and still more intolerable operation. In that great and populous division of the kingdom, not only the great mass of the householders, but of the landholders also are excluded from all participation in the choice of representatives. By the remains of the feudal system in the counties, the vote is severed from the land, and attached to what is called the superiority. In other words, it is taken from the substance, and transferred to the shadow, because, though each of these superiorities must, with very few exceptions, arise from lands of the present annual value of four hundred pounds sterling, yet it is not necessary that the lands should do more than give a name to the superiority, the possessor of which may retain the right of voting notwithstanding he be divested of the property. And on the other hand, great landholders have the means afforded them by the same system, of adding to their influence, without expense to themselves, by communicating to their confidential friends the privilege of electing members to serve in parliament. The process by which this operation is performed is simple. He who wishes to increase the number of his dependent votes, surrenders his charter to the crown, and, parcelling out his estate into as many

secure the election of the noble lord? Was not this an interference of a peer of the realm in the election for a county? Had the noble lord rested on the free and independent interest, he would not have referred to such matters.—There was no evidence whatever to implicate Lord Douglas in the conduct of Ferguson, and he thought that they ought not to agree to the motion. Of the name of Ferguson he had never heard till that day. He would admit, that they were bound to proceed against that individual in some way or other, if guilty. But he thought that it was not desirable, that that individual should be brought to the bar, that he might be afterwards prosecuted on his own statements.

Mr. *Brougham* said, that, among the old sayings, for which the right hon. gentleman opposite, (Mr. Dundas) seemed to have a strong predilection, there was this—"there is nothing new under the sun." But, notwithstanding such high authority, he would venture to say, that he had heard that night such a code of the privileges of that house, from the learned lord, as he believed, was quite new to every member; for every chapter of that code contained nothing which any one had ever heard any thing of before. He had heard from the learned lord, that they ought not to call Ferguson to the bar, because the motion referred to the conduct of Lord Douglas, and this motion was not consonant with the notice, and that the noble lord was therefore precluded from taking up a question of privilege, which could not be taken up without notice. Now, he thought it had been known to the whole house, that, in a question of privilege, all notice was superfluous; he should have thought it was known to the learned lord himself, that every member had a right to bring in a matter of privilege without notice; and that, on going up to the table of the house, and producing the letter, or other voucher, by which it was evident that a breach of privilege had been committed, the house were bound to entertain the motion. Had the noble lord, therefore, gone up to the table without notice, and produced the letter, the house were bound to entertain the motion, and to give it precedency of all other orders or notices. But the novelty did not stop here. Ferguson, it seemed, ought not to be called to the bar of the house, because his noble friend having probably turned over in his mind the questions which he should put to him, Ferguson might criminate himself. He supposed that his noble friend knew the questions which he should put—at least he knew that he would put one question to him—"Are you the author of that letter?" And if he did not answer that question, he would be committed to the custody of the serjeant at arms. And if the learned lord asked any of the gentlemen beside him—for, it seemed, he knew nothing of the matter himself—he would find, that what he had said was the greatest injustice, was not only not a new proceeding, but was, in fact, the only way they had of asserting their privileges. No man could refuse to answer the questions of the House of Commons, or, if he did, he would be committed for contempt: and he had no right to say he would not answer, because he would not criminate himself. He would be told, "whatever you confess here you do in perfect safety, except in so far as respects the offence against this house." How did it happen, when poor printers who had no peers to support them —who did not act under the authority of peers —(in that case they would probably not be called on; for that house was often a little select in this respect; and when printers, in their attacks, were so fortunate as to be supported by noble lords, they were seldom brought there; but if, without that support, they ventured to attack members, then those poor printers were sure to be before them)—how did it happen, that no one ever ventured to object to their being called to the bar of the house, and that no one ever attempted to say they ought not to answer, because they might criminate themselves? He had not been long in parliament, but he had seen several instances where a member only produced a letter or paper, and the printer or writer was immediately ordered to appear at the bar. He believed the house were a little select with respect to their persons, but such an inequality as that which was now proposed was not only unknown in practice, but had never been contemplated by any man; for, on the part of the house, it would be openly disgracing and vilifying itself in the eyes of the whole country. For what would it be saying? It would be saying, that persons had only to attack those who were opposed to his Majesty's ministers, and they would receive the support of the agents of government, and that there was nothing so atrocious which they might not do in such a case, not only with impunity, but even without inquiry or investigation*. Never

lots of four hundred pounds per annum, as may be convenient, conveys them to such as he can confide in. To these, new charters are, upon application, granted by the crown, so as to erect each of them into a superiority, which privilege once obtained, the land itself is reconveyed to the original grantor; and thus the representatives of the landed interest in Scotland may be chosen by those who have no real or beneficial interest in the land.

"Such is the situation in which the counties of Scotland are placed. With respect to the burghs, every thing that bears even the semblance of popular choice, has long been done away. The election of members to serve in parliament is vested in the magistrates and town councils, who, having, by various innovations, constituted themselves into self-elected bodies, instead of officers freely chosen by the inhabitants at large, have deprived the people of all participation in that privilege, the free exercise of which affords the only security they can possess for the protection of their liberties and property."

* If such a case should arise, it might seem, perhaps, to be only a necessary consequence of the privilege which the house claim of being the sole judges

till the present case had a motion of this nature been resisted on such grounds. This was what the house would bring on themselves, in the minds of all reasonable men, if they resisted the motion; but he, for one, could not bring himself to think that they would. It was unnecessary to detain the house one moment longer. The motion was confined to Ferguson—it said nothing at all respecting Lord Douglas; but even if the motion had related to Lord Douglas, that did not preclude them from inquiry. For how stood the case as to the charge against Lord Douglas? Here they had evidence *primâ facie* against him. And what had they against that evidence? The simple denial of Lord Douglas. This was not only no ground of defence for Lord Douglas, but every friend of Lord Douglas ought to defy Ferguson to come forward, that he might be subjected to all the inquisitorial powers of the house for the sake of the vindication of that noble lord. If he were the friend of Lord Douglas, for his sake alone he would support the motion; for they might rest assured, that to Lord Douglas a very great suspicion would attach, if no farther explanation were given with respect to his conduct.

The *Lord Advocate* in explanation, said, he had never stated that the house were precluded from entering into the question, because notice had not been given. What he had stated was, that the motion fell short of the notice.

Mr. *Brougham* said, that no member who heard what had originally fallen from the learned lord, could entertain any doubt that he had stated it correctly.

Mr. *Bathurst* said, the question before the house was, the conduct of a private individual, who appeared to have committed a very high breach of privilege. (*Hear.*) The question for their consideration was, not whether it ought to be passed over without any notice, but in what way it ought to be noticed. With respect to the mode in which this individual ought to be punished, the noble lord said, that he had not made up his mind. The general mode of proceeding in case of a breach of privilege was, to refer it to a committee of privileges. Another course was, that which had been adopted on the complaint of Sir John Packington against the bishop of Worcester, in the reign of queen Anne, in 1702. In that case, Mr. Lloyd, the son of the bishop was also complained of, and the house, after hearing the charges against them, ordered that the son should be prosecuted by the attorney-general*. The general course however was, to refer the matter to the consideration of a committee of privileges. The noble lord had very candidly admitted that an

whether a particular act amounts to a libel. In matter of libel, they act as their own Counsel, Jury, and Judge; they are the accusers and the punishers; they are judges of the law, and of the fact; and the party is committed during their pleasure. In 1810, the Editor published an argument respecting the right of the house to commit for a breach of privilege in the case of a libel on the conduct of one of their members. (See Howell's State Trials, vol. viii. p. 13.) In the case of Sir F. Burdett against Mr. Abbot, the Speaker, and Mr. Colman, the Serjeant of the House, the courts of Westminster Hall decided in favour of that right. The question was afterwards brought by two writs of error into the House of Lords, where it was ably argued, by Mr. Brougham and Mr. Courtenay, for Sir F. Burdett, the plaintiff in error. The Lords, without hearing the counsel for the defendants, affirmed the judgment of the courts below. Many lawyers and statesmen, however, still entertain doubts upon this right, and it does seem, that, in some cases, (for instance, the case put above) it may defeat its own object.—The late Bishop of Landaff, in a letter to Mr. Harrison, who had written to him on the subject then in agitation, the imprisonment of Sir F. Burdett, expressed himself in these words.—"The power of expelling a member from the House of Commons is a privilege essential to the constitution of it as a House; but the committing a member, or not a member, to prison, and by military force, for a speech or writing which has not been *found by a jury to be a libel*, is a privilege which I cannot prove to my own satisfaction to be either necessary to the constitution of the House of Commons, or useful to the State. What the decision of the present question may be is wholly uncertain. Should it be in support of the Speaker's warrant, I think it ought to be followed by a law prohibiting such violence in future, and defining, as far as can be done, the extent of privilege; for I must ever adhere to the maxim, *Ubi jus incertum ibi jus nullum.*" (See his Life, vol. ii. p. 403.)

* The complaint of Sir John Packington in this case was reduced to the following heads:

I. "That soon after the last parliament rose, the bishop of Worcester took upon him to send to me to desist from standing to be elected knight for that county, and to threaten me, that if I would not desist, he should think himself obliged to speak against me to his clergy.

II. "He sent some letters himself, and his secretary sent others to several of his clergy, with directions to make what interest they could against me in their several parishes, and where they could not prevail with such who voted singly for me in the last election, to give a vote for one or both the other candidates, they should desire them to stay at home; and in order to this, his lordship sent them copies of the poll of their respective parishes.

III. "He aspersed me to his clergy, branding me and my ancestors with several vices; and at his confirmation and visitations solicited his clergy to vote against me, representing me as very unfit to serve in parliament, and threatening them with his displeasure, if they did not vote against me.

IV. "He aspersed me and my ancestors to several of the laity, who were his tenants, and threatened them, that if they would not vote against me, they should never renew any estate under him, and that he would set such marks upon them, that his successors should not suffer them nor their children to renew any more.

V. "Mr. Lloyd, the bishop's son, aspersed me, and gave scandalous characters of me to several freeholders, whom he solicited to vote against me,

act of parliament affected this question. Admitting, then, that the offence against this house was also an offence against the statute law of the realm, he submitted, whether it would not be better to proceed under the statute law: he suggested, whether it would not be more advisable to refer it to a committee of privileges. This, he conceived, would answer all the purposes of the motion; and if the noble lord did not think proper to adopt this course, he himself would take the liberty of moving as an amendment, "that it be referred to the consideration of the committee of privileges to examine the matter of the said complaint, and to report the same, with their opinion thereupon, to the house."

Lord *A. Hamilton* said, that as his only object was to have the question fully investigated, he had no objection to the amendment.

Mr. *Bathurst* begged to understand, whether the noble lord intended to withdraw his motion?

Mr. *Speaker* said, it would be proper to put the original question, and then to state the amendment which the hon. member had moved.

This being done—

Lord *A. Hamilton* rose, and begged to offer a few words in reply. He said, he was not aware of having stated this as a party question, nor of having stated it unfairly (*hear, hear.*) He had brought it forward on general grounds, as a high breach of the privileges of that house; and the right hon. gentleman opposite must feel some disappointment that the house had

and told them I voted for bringing in a French government.

VI. "The bishop's secretary aspersed me to several freeholders in the like manner, representing me as unfit to sit in the house, threatening them with the bishop's displeasure; and said, they might as well vote for the Prince of Wales as for me."

Upon a full hearing of the whole matter, the house came to the following resolutions:

"Resolved, *nem. con.* That Sir John Packington has by evidence fully made out the charge which he exhibited against the lord bishop of Worcester.

"Resolved, *nem. con.* That Sir John Packington has by evidence fully made out the charge against Mr. Lloyd, the said lord bishop's son.

"Resolved, That it appears to this house, that the proceedings of William lord bishop of Worcester, his son, and his agents, in order to the hindering the election of a member for the county of Worcester, has been malicious, unchristian, and arbitrary, in high violation of the liberties and privileges of the commons of England."

"Resolved, That an humble address be presented to her Majesty, that she will be graciously pleased to remove William lord bishop of Worcester from being lord almoner to her Majesty."

"Ordered, That the said resolution and address, be presented to her Majesty by such members of this house as are of her Majesty's most honourable privy-council. 2. That the further consideration of the matter relating to the lord bishop of Worcester, be adjourned till this day se'nnight. 3. That Mr. attorney-general do prosecute Mr. Lloyd, the lord bishop of Worcester's son, for the said offences, after his privilege as a member of the lower house of convocation is out."

Nov. 20. Mr. Comptroller reported to the house, that their resolution and address to her Majesty for the removing of William lord bishop of Worcester, from being lord almoner to her Majesty, had been presented to her Majesty; and that her Majesty was pleased to give this most gracious answer:

"I am very sorry that there is occasion for this address against the bishop of Worcester: I shall order and direct, that he shall no longer continue to supply the place of almoner, but I will put another in his room to perform that office."

Resolved, That the most humble thanks of this house be returned to her Majesty, for her Majesty's most gracious answer to their address relating to William lord bishop of Worcester.

Ordered, That Mr. Comptroller of her Majesty's household, do return the said most humble thanks of this house to her Majesty.

Nov. 21. The Speaker acquainted the house, that there had been with him that morning, the prolocutor of the lower house of convocation, and also the dean of Canterbury, arch-deacon Ottley, and Mr. Moor, and had brought him the following order:

Nov. 20, Ordered, "That the prolocutor, the dean of Canterbury, arch-deacon Ottley, and Mr. Moor, do attend Mr. Speaker of the honourable house of commons, and return our most humble thanks to him, and to that honourable house, for the great favour to the church and convocation, which they had on all occasions been pleased to express, and particularly for that late regard which they of themselves, without suggestion, were pleased to have to the privilege of this house, in the case of one of our members, who had the misfortune to fall under their displeasure."

Upon this the house passed a resolution, That they would upon all occasions, assert the just rights of the lower house of convocation.

The lords, alarmed at these proceedings of the commons, against a member of their house, agreed upon the following address to the queen, "That it was the undoubted right of every lord of parliament, and of every subject of England, to have an opportunity of making his defence, before he suffers any sort of punishment; and therefore humbly desired her majesty, that she would be pleased not to remove the lord bishop of Worcester from the place of lord almoner, nor to shew any mark of her displeasure towards him, till he be found guilty of some crime by due course of law." This address being presented to the queen, she returned answer, "That she agreed, that every peer and lord of parliament, and indeed every other person, ought to have an opportunity of being heard to any matters objected against him, before he be punished. That she had not yet received any complaint of the bishop of Worcester, but she looked upon it as her undoubted right to continue or displace any servant attending upon her own person, when she should think it proper." The lords, upon this answer, resolved the same day unanimously, "That no lord of their house ought to suffer any sort of punishment by any proceedings of the house of commons, otherwise than according to the known and ancient rules and methods of parliament."

not got rid of the question on the simple denial of the noble lord. He was not aware of having departed from the notice which he had originally given: he had stated on the former night, that the matter of charge regarded the interference of a noble lord with the privileges of that house, but he had never said, that the matter rested exclusively with that noble lord. It had been attempted to rebut this charge by an assertion, that, at a former period of his life, he had had no objection to aristocratical influence, and that, in fact, it had been exercised for him. To this he would reply, that he was not responsible for the conduct of others, and that whatever had occurred fifteen or sixteen years ago, should have been made matter of complaint at the time, instead of being now raked up to defend other acts of impropriety. There was, however, a great distinction between the two acts. The mere personal request or solicitation of an individual bore no resemblance to such an influence as that of which he now complained, which was palpably corrupt, and went to destroy the rights of the electors. The learned lord had said, that he had not exercised any influence, because he had none to tender—this was certainly a very sufficient reason. He had also alluded to the manner in which electors were made in Scotland, but he at the same time well knew, that there was no other mode of contesting a county election in that country than by creating these paper or parchment votes; for a man might have 20,000*l.* a year in land, and yet not be entitled to vote.—The noble lord concluded by acceding to the amendment, which was accordingly put and carried.

It was then proposed, that the committee should sit and proceed on the matter of the said complaint on Monday.

Mr. *Tierney* suggested, that as no time should be lost on such an inquiry, the committee ought to sit to-morrow.

Mr. *Wynn* expressed the same opinion.

Mr. *Bathurst* said, he had no objection to this proposal.

Lord *A. Hamilton* wished to know, whether he should have the liberty of suggesting to the committee what queries should be put to the witnesses? He asked this question, as his name did not stand on the committee of privileges.

Mr. *Bathurst* observed, that although certain members only were named on the committee, yet it was open to all knights of the shire, gentlemen of the long robe, and merchants of the house.

Mr. *Speaker* admitted that this was the case, as appeared by the standing orders moved on the opening of the session (see p. 63); but it would be better, perhaps, that the name of the noble lord should be added to the committee.

This was accordingly done, and the committee were ordered to sit to-morrow.

POLICE OF THE METROPOLIS.] Mr. Shaw Lefevre, Mr. Alderman Wood, Mr. Blair, Mr. Mellish, and Mr. Byng, were added to the committee.

ORDNANCE ESTIMATES.] The house having resolved itself into a committee of supply, to which the ordnance estimates were referred,

Mr. *R. Ward* said, he would not trespass long upon their attention. A variety of regulations and retrenchments had taken place within the last year in the department of the master-general, and there was only a single addition in one particular branch. The general outline of the establishment for the current year as compared with the peace establishment of 1788, presented an augmentation of only 47,000*l.* which, considering the extended nature of the present service, was an extremely small addition, and at once shewed the pains that had been taken to make every possible reduction. He would reserve any explanations till they should be called for, as the estimates were read. He therefore moved, "that a sum not exceeding 596,469*l.* 1*s.* 8*d.* be granted to his Majesty, in full, for the charge of the office of Ordnance for Land Service in Great Britain for the year 1818."

Mr. *Bennet* wished to say a few words in behalf of a class of officers whom he could not but consider very hardly treated—he meant those of the drivers' corps. After very long service they had been put upon half pay, without any chance of being ever again called upon to act. There was a captain Humphries, who had served for three and twenty years' in a most meritorious way, and in different parts of the world. He was now reduced to 6*s.* 8*d.* a day, while officers, not of three years' standing, had retired upon full pay. There was this difference between the officers of the drivers' corps and others, that the former could not be restored to full pay by the commander-in-chief. The same observation might be made with respect to the Irish artillery. The officers of one of the Irish artillery corps had, after a long service, been dismissed upon half pay, while those of another corps had their choice either to continue in the army, or to retire upon full pay. He trusted that something would be done to meliorate the condition of the gentlemen to whom he had alluded.

Mr. *Benson* concurred in the sentiments expressed by his hon. friend. He hoped, that whatever might be required for those meritorious officers, as a reward for their services, would be granted with that liberality which had been always evinced.

Mr. *Ward* said, that the corps of artillery drivers had increased during the late war to 7,000 men, who were divided into twelve troops, with twelve captains and other officers. They had deserved well of their country, and distinguished themselves on every occasion, as far as the nature of their service allowed. It was not, therefore, for any fault of theirs that they were reduced: they had experienced the same fate as the army. Eight troops had been

reduced out of the twelve, and put on half-pay. When, after the campaign of 1815, a fresh organization of the remaining four troops had taken place, as they were still retained, full pay was given to the officers who retired, and from that arrangement there had been no deviation. If captain Humphries was in one of those four troops, and did not receive full pay, he was not in the situation in which it was intended he should be placed, and he might not only claim his full pay, but its arrears. But if he belonged to one of the eight troops which had been reduced, he was not entitled to more than half-pay.

Mr. *Bennet* and Mr. *Benson* again observed, that the case of those officers, who had served so many years, was very hard. The latter stated, that a promise had been made, that they should retire upon half pay.

The *Chancellor of the Exchequer* said, that there were a great number of situations in which ministers were placed, in which it was very difficult and delicate to regulate their conduct. In the present instance, it was a matter of doubt whether the officers in question should be favoured beyond the usual rule of the service. If the case, as had been stated, was one in which a promise had been made, that would, no doubt, be fulfilled; but if the merits and services of the persons concerned were the foundation of their claim, he was sure the noble lord on whom such cases depended for decision would give the matter every consideration that could be given to such affairs. He submitted, whether it would not be better to allow the case, after what had been stated, to be considered by the noble lord, and to leave him to decide on it as its merits demanded. It would still be equally open to be brought forward at any future period in the way of address, or in any other way that might appear proper.

Mr. *Ward* said, he was extremely anxious to do any thing he could on the subject; but with respect to a promise, it was in his opinion impossible that any could have been made, except with regard to the four troops he had mentioned. It was true that they could not return to any other military service; but certainly, no promise had been given to them. If the reduction had been expected, and notified the usual time before it took place, the officers alluded to suffered no more hardship than was suffered by a great number every year.

Mr. *Bennet* thought there was no reason why the officers of artillery drivers should not have the advantages of other officers. They were discharged, and it was said to them "there is an end of you." Their case was an entire anomaly; and unless the hon. gentleman could produce an instance of officers retiring without a chance of returning to service, he had adduced no case in point.

The resolution was then agreed to: after which, the following resolutions were severally put, and carried.

"That a sum, not exceeding 28,419*l.* 17*s.* 2*d.* be granted to his Majesty, for defraying the expense of services performed by the office of ordnance for land service for Great Britain, and not provided for by parliament, in the year 1817."

"That a sum, not exceeding 115,609*l.* 19*s.* 11*d.* be granted to his Majesty for the charge of the office of ordnance for Ireland, for the year 1818."

"That a sum, not exceeding 233,408*l.* 2*s.* be granted to his Majesty, for the charge of the office of ordnance for Great Britain, on account of the allowances to superannuated, retired, and half-pay officers, to officers for good services, and to wounded officers, to superannuated and disabled men; also for pensions to widows and children of deceased officers late belonging to the several ordnance military corps, for the year 1818."

"That a sum, not exceeding 11,406*l.* 14*s.* 3*d.* be granted to his Majesty, for the charge of the office of ordnance in Ireland, on account of the pay of retired officers of the late Irish artillery and engineers, and of pensions to widows of deceased officers of the same, for the year 1818."

"That a sum, not exceeding 10,394*l.* 7*s.* 10*d.* be granted to his Majesty, for defraying the expense of the allowances to superannuated and half-pay officers, to superannuated and disabled men, and also for pensions to widows of deceased officers late belonging to the several ordnance military corps in Great Britain, and not provided for by parliament, in the year 1817."

"That a sum, not exceeding 29,727*l.* 13*s.* 8*d.* be granted to his Majesty, for the charge of allowances, compensations, and emoluments, in the nature of superannuated or retired allowances, to persons late belonging to the office of ordnance in Great Britain, in respect of their having held any public offices or employments of a civil nature, and also for the charge of widows' pensions, for the year 1818."

"That a sum, not exceeding 4,164*l.* 6*s.* 3*d.* be granted to his Majesty, for the charge of allowances, compensations, and emoluments, in the nature of superannuated or retired allowances to persons late belonging to the office of ordnance in Ireland, in respect of their having held any public offices or employments of a civil nature, and also for the charge of widows' pensions, for the year 1818."

"That a sum, not exceeding 5,000*l.*, be granted to his Majesty, for repairing damages done to the sea walls at Portsmouth and Haslar by the late violent storm."

BANK RESTRICTION BILL.] The *Chancellor of the Exchequer* brought in the Bank Restriction Continuance Bill.—It was read a first time, and ordered to be read a second time on Friday next.

BANKERS' NOTES BILL.] The *Chancellor of the Exchequer* brought in the Bankers' Notes

Bill.—It was read a first time, and ordered to be read a second time on Monday the 20th of April.

SURGERY REGULATION BILL.] The following petition of the Royal College of Surgeons in Ireland, was presented and read. "That the petitioners having seen the copy of a bill for regulating the practice of surgery throughout the United Kingdom of Great Britain and Ireland, lately introduced into the house, humbly beg leave to submit the following statement; the petitioners are far from objecting to the principle of the bill, so far as it is calculated to restrain persons from practising surgery for lucre or profit, whose qualifications and fitness thereto have not been ascertained by a competent tribunal; and it is manifestly just and expedient that all regularly educated surgeons should be placed on an equal footing in any and every part of his Majesty's dominions; but the petitioners humbly submit, that the power of granting diplomas on the mere test of an examination is liable to much abuse, and it was upon the proof that such abuses did actually exist, that his Majesty was graciously pleased to grant letters patent bearing date the 11th of February 1784, constituting certain persons therein named a corporation, by the title of the Royal College of Surgeons in Ireland, empowering the court of examiners of the said college, to grant letters testimonial, or diploma, but restraining them from admitting to an examination for such diploma any person who had not served an apprenticeship, for the full term of five years, to a regularly-educated surgeon; although the petitioners have every reason to be satisfied with the result of a regulation, which, by obliging the student in surgery to devote a suitable portion of his time to the study of the various duties of his profession, assures to him, at least, the opportunity of acquiring knowledge, still they are far from affirming that this mode of surgical education is exclusively to be preferred; they observe however with pleasure, that the principle of education by apprenticeship has been fully recognized by the other colleges, and has uniformly been acted upon by those able surgeons who administer the public hospitals of London, and whose talents and acquirements have illustrated the character of British surgery in every quarter of the civilized world; the petitioners humbly submit to the consideration of the house, that the Royal Colleges of Surgeons of London, Edinburgh, and Dublin, cannot be considered as being placed upon a footing of equality, so long as the Dublin college is restrained from granting of diplomas, except upon a service of five years, while the colleges of London and Edinburgh have the power of granting them at their discretion; in such a state of things, it is obvious that the Royal Colleges of London and Edinburgh can at any time assure to themselves a monopoly, not only in the granting of diplomas, but in the education of candidates, since a legal qualification to practise will always be sought where it can be obtained at the least expense of time, labour, and money; if, on the other hand, it should be deemed advisable so to alter the charter of the Royal College of Surgeons in Ireland, as to place all the colleges upon an equality, in respect to the power of granting diplomas, the petitioners humbly submit that such an arrangement would, by increasing the facilities of obtaining a mere legal qualification to practise, eventually give rise to a competition between the colleges, which would lower the standard of professional attainment in the empire; it has been stated, that the competency of the candidate can be ascertained by the test of an examination, and that the skill and integrity of the examiners stand as a defence between the candidate and the public; but to this the petitioners humbly beg leave to object, first, that as surgery must be considered in the light of a practical art, as well as of a science, that oral examination can scarcely be considered a test of professional competency; secondly, that it is proved by experience, that tests of this kind have a strong tendency to degenerate into matters of mere form, inasmuch as the indolence, if not the good-nature of mankind, in affairs which do not touch their interests or their passions, lead them insensibly to mitigate the strictness of their scrutiny; thirdly, that, strong as they feel in the rectitude of their own motives, the petitioners would nevertheless decline being placed in a situation in which their interests might too frequently be found in opposition to their duty; and they feel themselves strengthened in this decision from having observed, that in another country, in which medical degrees have been conferred upon the mere test of an examination, that a competition among the universities has produced the dangerous abuse of granting diplomas for a certain consideration to persons residing in a distant country, and of whose professional qualifications the examiners could have no knowledge; in proof and illustration of the ill consequences which must result from equalizing the privileges annexed to diplomas obtained upon unequal terms of service; the petitioners are prepared to adduce evidence before the house, that there are at this moment in Ireland persons possessed of diplomas from the Royal College in London, who have obtained them within a period of eighteen months from the commencement of their professional education, and who have never within the course of that time enjoyed the advantage of attending to the practice of a public hospital; should the proposed bill pass into a law, such persons would be eligible to the situations of surgeons to county infirmaries; and it is well known that the appointment to such situations is conferred by persons who are, from their situations in life, unable to appreciate the professional attainments of the candidates, and to whom a legal qualification to practise must be

considered as a sufficient title to their confidence; the petitioners therefore humbly pray, that if it shall be deemed expedient to place the surgical profession in Ireland upon a different footing from that in which it was placed by the charter of incorporation of the year 1784, that the house will, in its wisdom, provide that the qualifications necessary for becoming a candidate, and the amount of the fee paid on receiving the diploma, shall be equalized in the United Kingdom, and shall be regulated by law."

Mr. *Courtenay* then moved the second reading of this bill. The hon. member animadverted on the danger of suffering ignorant and unqualified persons to practise, since but a small proportion of the public could form a correct opinion of their talents and abilities. He thought the present bill was adapted to obviate this danger.

Sir *C. Monck* thought, that the adoption of this measure would be inconsistent with justice and sound judgment, as well as with the conduct of that house, which had recently abolished the restrictions imposed by the laws of Elizabeth, upon the subject of trade. He was not among those who deprecated the policy of the laws which subjected to a pecuniary penalty those who set up particular trades, without having served an apprenticeship to them: such laws were, in his opinion, necessary to secure to society persons of competent skill in the mechanical professions. But it had recently become the fashion to deprecate those laws, and, therefore, they were repealed about four years ago*. Would it, then, become parliament, after acceding to that repeal, upon the ground of removing undue restrictions, to adopt

* That part of the act of the 5th of Elizabeth which prevented persons from exercising certain trades without having served an apprenticeship, was repealed by the 54th Geo. III. c. 96, which, however, contains a saving clause as to the customs of the city of London.

The hon. baronet remarks, that it had recently become the fashion to deprecate the statute of apprentices. With great submission, it may be observed, that the impolicy of that act was seen and acknowledged above a century ago.

3d Modern Reports, p. 317.—Judge Dolben said, that "no encouragement was ever given to prosecutions upon the statute 5 Eliz. and that it would be for the common good if it were repealed; for no greater punishment could be to the seller, than to expose to sale goods ill-wrought, for by such means he would never sell more."

2 Salk. 613. The Queen v. Maddox.—It was held by the court, "that upon indictments on the statute of 5 Eliz. the following of a trade for seven years was sufficient without any binding; this being a hard law."—And so held in Lord Raymond, 738.

Rennard and Chase, Brewers, 1 Bur. Rep. p. 2. —Lord Mansfield. "It hath been well observed that this act (viz. 5 Eliz. cap. 4.) is, 1. A penal law. 2. It is a restraint on natural right. 3. It is contrary to the general right given by the common law of this kingdom. 4. The policy upon which this act was made, is from experience become doubtful. Bad and unskilful workmen are rarely prosecuted. This act was made early in the reign of Queen Elizabeth, when the great number of manufacturers, who took refuge in England after the Duke of Alva's persecution, had brought trade and commerce with them, and enlarged our notions. The restraint introduced by this law has been thought unfavourable; and the judges, by a liberal interpretation, have extended the qualification for exercising the trade much beyond the letter of it, and confined the penalty and prohibition to cases precisely within the express letter."

Accordingly, it was held by the courts, that the 5th of Eliz. did not affect a trade which was not in existence at or prior to that time. In a *qui tam* action, *Pride* v. *Stubbs*, (reported in the 2d vol. of Campbell's cases at *Nisi Prius*, p. 397.) Lord Ellenborough said, that it did not extend to the trade of coachmaking, as "the trade of a coachmaker did not exist in England in the 5th of Elizabeth. The Queen went on horseback to open the very parliament at which this statute passed; and she used frequently afterwards, on occasions of state, to ride behind the Earl of Leicester. Coaches were not known in England till the middle of Elizabeth's reign."

Burn's Justice.—"So detrimental was this statute thought, that by 15 Car. II. all persons spinning or making cloth of hemp or flax, or nets for fishing, or storm or cordage, might exercise those trades without serving apprenticeships.—And so little did the legislature, at subsequent periods, think that any benefit was to be derived from the statute of 5 Elizabeth; or that manufactures were made better, or improved by this restraint;—and the minds of men being more liberal, that trade should, as much as possible, be flung open; it was enacted, by 6 and 7 W. III. that any apprentice discovering two persons guilty of coining, so as they are convicted, shall be deemed a freeman, and may exercise his trade as if he had served out his time."

And, in order still stronger to shew how little the legislature thought that the seven years' binding improved manufactures, it was enacted, by 3 Geo. III. cap. 8. that "all officers, mariners, and soldiers who have been employed in his Majesty's service, and not deserted, may exercise such trades as they are apt for, in any town or place."

So dangerous and fatal had been the evil of combinations and conspiracies amongst journeymen, that, in particular instances, as in trades where many hands were required and very little skill, as dying, and such like, the legislature made express laws to give relief to masters. The 17 Geo. III. cap. 33; enabled dyers, in Middlesex, Essex, Surrey, and Kent, to employ journeymen who had not served apprenticeships.—And to such a pitch had this mischief, in the West Riding of Yorkshire increased, by the conspiracies facilitated by the 5th of Eliz. that it went to the total annihilation of our staple manufactures, and every other trade, which hoped for success not only by the home, but from foreign consumption.——See the report from the committee of the House of Commons, on the woollen trade and manufacture of these kingdoms, on the 4th of July 1806.

Lord Coke says: "At the common law, no man could be prohibited from working in any lawful trade; for the law abhors idleness, the mother of all evil—*Otium omnium vitiorum Mater*—and especially in young men, who ought in their youth (which is their seed time) to learn lawful sciences and trades,

a measure which proposed to invest certain corporations with the power of deciding who should or should not practise surgery? Such restrictions could only be tolerated upon the ground that it was necessary to provide against unskilful practitioners; but no such necessity was shewn to exist; and if it existed, how did this bill propose to remedy the evil? Why, merely by making it obligatory upon persons to submit to an examination before certain colleges. But what guarantee did such examination afford to the public for competent practitioners? The usual examination before the college of surgeons was conducted in a very loose and slovenly manner. Then, as to the college of surgeons in Edinburgh, the fee for a testimonial or diploma there was, in the first stage, about 30*l.*; but, in a subsequent stage, the fees required were 250*l.*, and those fees were exacted by the mere by-law, or internal authority of the college. Was the house, under all these circumstances, prepared to compel every candidate for the practice of surgery, to appeal to these colleges, and to depend upon their will for the right to pursue his profession? He had no objection to a law to regulate the practice of surgery, and to prevent the evil of improper practitioners; but he thought the hon. mover had begun at the wrong end; for, instead of proposing a measure at the instance of the public, for whose benefit such a measure ought to be adopted, he brought it forward at the instance of the college of surgeons of London, whose benefit it was calculated to promote.—He should therefore move as an amendment "that the bill be read a second time this day six months."

Mr. *W. Dundas* stated, that the fee required by the college of surgeons of Edinburgh, from a person desiring to practise as a licentiate, was only 5*l.*; but that any one requiring (and this was wholly voluntary) to be admitted as a member of that corporation, which admission would entitle him to certain advantages for himself, his widow, and his children, was called upon to pay 250*l.* for the benefit of the general fund.

Captain *Waldegrave* mentioned a case which had come to his knowledge, and which seemed, in his opinion, to shew the necessity of making some provision that the people should not be exposed to the danger of incompetent medical practitioners. This case had occurred in his own neighbourhood, (Bedford) where, upon the regular surgeons refusing to inoculate for the small pox, conceiving vaccination preferable, some people were, through prejudice and imposition, induced to apply to chemists, and other unqualified persons, who inoculated for the small pox, and the consequence was, that the contagion spread so rapidly, that, in one parish, 800 persons were infected by it.

Mr. *Peel* reprobated the idea of legislating upon a single fact, however respectably authenticated. He entertained insuperable objections to the regulation proposed by his hon. friend. In the first place, he considered it as raising an obstruction to the free exercise to which every man in this country was entitled, of his own abilities in that way for which he deemed himself best qualified. As far as the bill applied, as a measure of regulation to Ireland, he believed it to be quite unnecessary. The effect of a measure like the present, would only be, in his opinion, to make the payment of a fee, the amount of which must continue in the discretion of the constituent body, the ultimate test of adequate qualifications. With respect, indeed, to Ireland, he believed that the system of probation established there was the best that could be devised, requiring, like the ordinances of the English universities, a certain period of residence. independent of other circumstances, and of oral examination. In the course of his own experience in that country he had never heard any complaint of want of skill in the practitioners of surgery; and another objection which he felt to this bill was, its necessary operation in confining the practice of midwifery to regular surgeons to the exclusion of women*.

which are profitable to the commonwealth, whereof they might reap the benefit in their old age; for "idle in youth, poor in age."

And therefore the common law abhors all monopolies, which prohibit any from working in any lawful trade. And that appears in 2 Hen. V 5. b — A dyer was bound not to use the dyer's craft for two years: and there Judge Hall held "that the bond was against the common law; and by G—d if the plaintiff was there, he should go to prison till he paid a fine to the King." And see 7 Edw. III 65 b. "And, if he who takes upon himself to work is unskilful, his ignorance is a sufficient punishment to him. for *Imperitia est maxima mecanicorum pœna et quilibet quærit in quâlibet arte peritos*:—which is, that want of skill is the greatest punishment of mechanics; for every body will employ those who are the best skilled in their business. And, if any on takes upon himself to work, and spoils it, an action on the case lies against him."

* It appears singular, when we consider the instinctive modesty of the sex, that midwifery should be so little practised by women. It must have been difficult at first, to deviate from employing females in a department to which decency seems peculiarly to have allotted them. In those parts of the world where science was first cultivated, the practice was solely committed to women. That the ancient Hebrew and Egyptian matrons employed their own sex on these occasions, is evident from Genesis, ch. 38. ver. 27, and Exodus, ch. 1. ver. 15. With respect to the Greeks, Dr. Potter informs us that the ancient Athenians used none but women midwives, it being forbidden by one of their laws, that women or slaves should have any concern in the study or practice of physic. This proving very fatal to many women, whose modesty suffered them not to entrust themselves in the hands of men one Agnodice disguised herself in man's clothes, to study physic under a professor called Herophilus: and having attained to

He believed that the present bill was the child of the late attorney-general, who transferred it to the hon. and learned mover, by whom, with all his paternal care for the bantling, it had not, he was sorry to say, been much amended or improved.

Sir *John Newport* was averse to the bill, on the ground of its tendency to destroy competition, and to reduce the ultimate test of ability to the payment of an arbitrary fee. The examination would become a mere formality.

Mr. *Courtenay* said, he was not disposed to press the bill against the sense of the house.

Mr. *D. Gilbert* said, that, although he considered the present measure objectionable, he thought that some plan should be devised to guard against those abuses, which, he feared, were too general.

General *Hart* said, that this was one of the most exceptionable measures ever submitted to parliament. Its framers might with equal propriety have demanded, that the surgeons of the united kingdom should pass through a certain turnpike and pay toll, in order to qualify them for the exercise of their functions, as to regulate their efficiency by such a test as was now proposed.

The amendment was then carried, by which the Bill was lost.

EMPLOYMENT OF THE POOR.] Mr. Alderman *Wood* rose to move for leave to bring in a bill for the encouragement of the fisheries, manufactures, and commerce of the united kingdom. His object was to promote the employment of labour in the different branches of industry pointed out in the title of the bill.

Mr. *Speaker* said, that no motion of this nature could be entertained, unless it grew out of some proceeding by a committee of the whole house.

Mr. Alderman *Wood* then altered the terms of his motion, and moved, that the subject matter of his bill be submitted to the consideration of a committee of the whole house.

Mr. *Grenfell* observed, that as far as he understood the nature of his hon. friend's bill, it was not merely to amend the acts which regulated the Irish trade and fisheries; but, by extending the main provisions of those acts to this country, to do away with the 6th of George I. for preventing the formation of joint stock companies, and to innovate considerably on the whole commercial system of Great Britain. The bill, as it appeared to him, would, if passed, enable any number of individuals to form themselves into a joint stock company, and to enter upon any undertaking, on the mere responsibility of each subscriber, to the amount of his interest or share in such undertaking. He was aware that such a law had beneficially existed with respect to Ireland; but in every view which he could take of the subject, he could not but regard it as so extremely inapplicable to the situation of this part of the empire, that he felt it his duty to intimate to his hon. friend that he should oppose it in every stage.

Mr. Alderman *Wood* said, he was desirous that the bill should be brought in, if it were merely for the purpose of examining in a committee the proposed amendments of the acts of the 21st, 22d, and 26th of the king relating to Ireland.

Mr. *Grenfell* observed, that all he had meant to say was, that the bill was entirely new, as far as it went to legislate for England.

Sir *J. Newport* wished the question to be entertained, without expressing at the present moment any decided opinion on its merits. From his own knowledge, he was satisfied that such companies had proved very beneficial to Ireland, in encouraging the employment of capital.

Mr. *Finlay* observed, that a similar practice prevailed abroad, but here he was convinced that it would be attended with the greatest possible disadvantage to trade and commerce. He hoped the worthy alderman would so separate the two objects, that if what related to England were rejected, that which related to Ireland might remain.

Mr. *D. Gilbert* considered the measure to be one which would affect a fundamental principle in our commercial system, and, therefore, it would require the most deliberate attention of the house.

The motion for a committee was then appointed for Monday next.

SCOTCH BURGHS.] The *Lord Advocate* rose

a competent skill in that art, she revealed herself to her own sex, who agreed with one consent to employ none besides her. The rest of the faculty, displeased at their want of business, cited her before the court of Areopagus, as one that corrupted men's wives. To obviate this accusation, she discovered her sex; upon which the faculty prosecuted her with great eagerness, as violating the laws, and encroaching upon the prerogative of the men; when, to prevent her ruin, the principal matrons of the city came into court, and addressed themselves to the judges, telling them, "that they were not husbands, but enemies, who were going to condemn the person to whom they owed their lives." Upon this the Athenians repealed the old law, and permitted free women to undertake this employment. (Antiq. of Greece, vol. 2. p. 324.)—With regard to the Romans, we find that the word *obstetrix* and the word *medica* are synonymous in the books of the ancient lawyers. "*Quoties de prægnatione dubitatur, quinque obstetrices, id est medicæ, ventrem jubentur inspicere.*" (Ulpian, lib. 1.) Dr. Freind says, that Paulus (who lived in the seventh century, and who is the last of the Greek classical physicians) seems to be the first instance upon record, of a professed *man-midwife*, for so he was called by the Arabians, and accordingly he begins his book with disorders incident to pregnant women. (Hist. of Physic. v. 1. p. 159.) In latter times, the obstetrick art has been exercised chiefly by men; but, in France, midwives are very generally employed. They are called *sages femmes*, and are regularly educated for their office.

to move for leave to bring in a bill to regulate the funds of the Royal Burghs of Scotland. He observed, that this measure would partially revive the obsolete laws of that country, which called the magistrates to account for the revenues of the burghs in the court of exchequer. In addition to this, it would oblige them to submit their accounts annually, and empower the burgesses, if they saw grounds of an improvident expenditure, to make representations to the court, which, on the complaint of five burgesses, would be authorized to control the payments. He would, therefore, move "that leave be given to bring in a bill for better regulating the mode of accounting for the common good and revenues of the Royal Burghs of Scotland, and for controlling and preventing the undue expenditure thereof."

Lord *Archibald Hamilton* congratulated the house, and more particularly the country with which he was immediately connected, that, at length, after all the petitions which had been presented, all the complaints of abuse and bankruptcy, the learned lord admitted, what before he had uniformly denied, that the Royal Burghs had very just reason to complain of serious injuries. For more than thirty years Scotland had been asking this boon of the house: but no longer ago than last session, the learned lord had denied that there was any necessity for the measure. He was rejoiced that redress would be afforded at last, but he considered it redress of a very partial nature. The complaints had been, not only that the burghs had no control over their funds, that they were dissipated, and rendered unavailing; but that the burgesses had no voice or control in the election of the magistrates, who disposed of their funds and property. That grievance, it seemed, the learned lord meant to leave wholly untouched. He regretted that the noble lord had so long delayed his measure. Two months ago, he (lord Hamilton) had stated his intention of calling the house to a consideration of the subject at large; (see page 400), but he gave up his intention, in consequence of the learned lord stating, that he had long had it in contemplation to introduce a measure of this nature; yet, from that time to the present, they had heard nothing on the subject, and this bill seemed to embrace only a part of the evil—it did not reach the self-election of magistrates, in some cases for life, and the dissipation of the funds consequent on that self-election. The learned lord had spoken of statutes that were unoperative. Why were they unoperative? Because they were overwhelmed by the corruption which marked the burghs in Scotland, and which now called for this measure. Corruption had long been continued; and from it those abuses, which the learned lord now meant partially to remedy, had proceeded. He hoped the learned lord would have the bill circulated among those who, like himself, were deeply interested in the measure. In conclusion, the noble lord inquired whether the bill had been submitted to the judges of Scotland, as he had understood it would be; and, also, what period the learned lord meant to give, before he moved the second reading?

The *Lord Advocate* replied, that no one was responsible for this measure but himself. A noble friend of his, (lord Castlereagh) had stated, that the judges would be consulted; but the bill had not been submitted to them, though the opinions of others had been requested, that it might not come in a crude shape before the house. That was the reason of the delay that had taken place, together with some peculiar circumstances that affected himself. He had said, that the measure had been long in contemplation, but he denied that he had said it had been long in contemplation, and then delayed. As to statutes in abeyance, (*hear, hear*, from Sir J. Newport,) he excused the hon. baronet, he could not know the law of Scotland; but the noble lord knew that there were ancient statutes in Scotland, which, by non-observance ceased to be operative. (Lord Archibald Hamilton said, he had not denied, but only regretted it.) The complaint of delay was without foundation: he had never stated that the measure would go to alter the ancient constitution of the burghs, but only to regulate their funds; he had given due notice of this; those, therefore, who complained of having been misled and delayed, might have brought forward a measure with other objects, if they had thought proper. He had never stated that the royal burghs had nothing to complain of: what he had said, he was still prepared to maintain, namely, that it was impossible to introduce any general measure to regulate the election of magistrates in those burghs, without abrogating the whole system of the laws by which they were at present affected. He thought that the bill was sufficiently wide to cure all the grievances complained of, as to the mismanagement of the funds; but it certainly was not intended, like some of the measures proposed by the noble lord, as a mere stalking-horse for parliamentary reform. As to time, he proposed that the bill should be printed, and read a second time, three weeks hence, or next session, if it suited the noble lord better: he had no wish to hurry the measure.

Sir *J. Newport* was astonished at the opinion expressed by the learned lord, that statutes could become of no effect from mere desuetude. He recollected that a very high authority in Ireland (Lord Kilwarden) had expressed great reprehension at such a notion being broached at the bar; he said, that the thing was quite impossible; that where a statute could be produced, it was binding on the court. It was not the courts, but the legislature alone, that could render a statute unoperative. As to the bill in question, it was inefficient, inasmuch as it left the control of the funds in the very body that had committed the abuse.

The *Lord Advocate* said, the hon. baronet was, no doubt, well skilled in the law of Ireland and England, and it was no reproach that he should be ignorant of that of Scotland. But it had been admitted by the legislature itself, that, in Scotland, obsolete statutes ceased to be law. As to the bill he proposed, its chief object was to give the burgesses at large the right of inspecting the accounts of the magistrates.

Mr. *Finlay* thought, that the bill would be of no use if it were only to compel the lodging of accounts in the Exchequer: the great object was, that the accounts should be public—that they should be circulated through the burghs to which they related, and not merely placed among the lawyers in the exchequer. He agreed, that the remedy was difficult; but the disease was dangerous, and required some attempts for its cure.

The *Lord Advocate* explained, that his purpose was, that the accounts should be open to the inspection of the burgesses.

Leave was then given to bring in the bill. It was immediately brought in, read a first time, and ordered to be read a second time on Friday, the 1st of May. It was in these words.

"Whereas by an act of the parliament of Scotland, made in the year 1535, intituled, 'Of the chusing officiares in burgh, and bringing of the compts of their commoun gudes zeirly in the checker,' all provosts, baillies, and aldermen of burrowes, were ordered to bring yearly to the chequer, at the day set for giving of their compts, their compt buiks of their common gudes, to be seen and considered by the lords auditores, gif the samen be spended for the common weil of the burgh, or not:

And whereas by another act of the parliament of Scotland, made in the year 1693, in the fifth year of the reign of King William and Queen Mary, intituled, 'An act anent the common good of royal burrows,' it is enacted, 'That as well for what is past as in time coming, their majesties will give commissions, one or more, to such persons as they shall be pleased to nominate, to enquire into the condition and state of the common good and revenues whatsoever, of all the royal burghs, and how the same hath been heretofore or shall be hereafter employed or misemployed, and to call the malversers and misemployers to make account, and to ordain and decern them, and every one of them, to refund and repay or otherways repair the burgh or or burghs by them lesed, as the said commissioners shall find them liable;' and every burgh royal is thereby ordered to give into exchequer a stated account of their public good and revenue, and of the whole debts and burdens and incumbrances that affected the same, betwixt and the first day of November then next; and by the said last recited act sundry regulations are made respecting the contracting debts, and granting bonds for the same by the magistrates and councils, as is therein particularly mentioned;

And whereas although the magistrates and councils of the royal burghs of Scotland may have stated and audited yearly an account of their receipts and expenditure of the common good and revenues of their respective burghs, under the direction and management of their immediate predecessors in office, yet they have not been in use of clearing such accounts yearly in exchequer, as directed by the first recited act, made in the year 1535: in respect of which, doubts have arisen, whether the provisions of the said act, so far as respects the accounting in exchequer, are now in force:

And whereas no commission, in terms of the last recited act made in the year 1693, was ever issued:

And whereas it is expedient that one and the same mode of accounting should take place, and be followed by all and each of the royal burghs of Scotland, and that regular accounts of the receipts and expenditure of the common good and revenues of all and each of those burghs, should be stated, audited, and cleared, and the respective magistrates and council discharged or acquitted of the management of those funds, as publicly as may be:

And whereas it is also expedient that there should be the means of preventing the misemployment of the common good and revenues of the said royal burghs, and of controlling the undue and lavish expenditure thereof:

Be it therefore enacted, that from and after a particular account of the annual receipt and expenditure of the common good and revenues of the several royal burghs of Scotland, under the direction and management of their respective magistrates and councils, made up to the annually, shall be stated, given in, and audited, under the direction and during the administration of their respective immediate successors in office, within calendar months after the said and that in the following manner; (to wit) That the said accounts, when prepared, shall, with the vouchers, be remitted to auditors, to be named by the magistrates and council of each of the said several burghs, one half of them to be merchants and the other half tradesmen; and that the number in Edinburgh shall be sixteen, according to the present usage in that burgh, and in all the other burghs the number shall consist of at least auditors; and with respect to such burghs who have been in use to appoint more than auditors, the usual number shall continue to be observed: Provided always, that no person who was either a member of council during the period of the account, or a member of the then present council, shall be one of the auditors aforesaid.

And be it enacted, that the said annual accounts shall remain in the custody of the respective town clerks, for the inspection of the burgesses, for previous to the meeting of the auditors, of which public notice shall be given to the burgesses by beat of drum, on a market day, at least previous to the

day of such meeting; and the respective town clerks are hereby authorized and required to give such inspection to every burgess demanding the same, without fee or reward, under the penalty of   to be levied and applied in the same manner as is hereinafter directed with respect to the penalties on magistrates and councils not transmitting their accounts to the court of exchequer.

And be it enacted, that as soon as the said auditors shall have reported the state of each annual account to the magistrates and council of each burgh, and after such report shall have been approved of by the said magistrates and council respectively, a true copy of the account, audited as aforesaid, certified as such by the chief magistrate and town clerk, shall be transmitted to the king's remembrancer in the court of exchequer in Scotland, who is hereby required to receive and preserve, and to give a receipt for the same, and also to give inspection thereof to any person whatever demanding the same, upon payment of a fee of   and the said king's remembrancer shall give copies of such accounts, upon payment of the usual fees paid for copies of papers.

And be it enacted, that the barons of his majesty's court of exchequer in Scotland shall have the sole jurisdiction in bringing the magistrates and town councils of the royal burghs of Scotland to account for the due administration and management of the common good and revenues of the same; and the said barons are hereby authorized and required to judge and determine in a summary manner in any complaint which may be brought before them, at the instance of any   or more burgesses, in manner and to the effect hereinafter mentioned.

And be it enacted, that in the event of any of the magistrates or councils of the respective burghs failing and neglecting to get the accounts of their immediate predecessors stated and settled, or neglecting to transmit a copy thereof, certified as aforesaid, to the king's remembrancer in the said court of exchequer, such magistrates and councillors of each royal burgh so failing or neglecting, shall forfeit and pay for each offence, out of their own proper estate, the sum of   sterling, with costs of suit; such penalties and costs to be sued for and recovered in the said court of exchequer, in the name of his majesty's advocate for the time being.

And be it enacted, that it shall and may be lawful for any two or more burgesses of any of the respective burghs, at any time within   calendar months after any such annual account shall be presented in the court of exchequer, and they are hereby authorized, to bring a complaint or information in the said court, stating objections that articles of the common good have been omitted to be stated, or that sums taken credit for have not *bonâ fide* been expended, or have been improperly applied to and for the use and benefit of the then magistrates and councillors, or of their predecessors in office, or in any other corrupt and unjustifiable manner, and upon   calendar months notice or service of such complaint, the respective magistrates and councillors shall be bound to give in answers thereto, and produce therewith the voucher or vouchers of the article or articles of the account contained and objected to in such complaint or information; and the barons of exchequer are hereby authorized and required to give judgment in such complaints or informations, in a summary manner with costs of suit; and if the said court shall find and determine that the items or sums of money contained and objected to in the said accounts, have not been *bonâ fide* expended, or have been improperly applied, to and for the use of the then magistrates and councillors, or their predecessors in office, or in any other corrupt and unjustifiable manner, then and in every such case, the magistrate or councillor, or magistrates and councillors, therein offending, shall be adjudged to repay and make good to the respective burghs concerned in such complaint or information, out of his or their own private fortune and estate, and for which they shall be personally liable, for such loss and damage as the common good of the said burgh shall, by the judgment of the said court, be found to have sustained: Provided always, and it is hereby provided and declared, that no such complaint or information shall be brought into court or entertained, until sufficient caution shall be found in the court of exchequer by such complainers for paying costs of suit, in case they shall not make good or prevail in their complaint.

And be it further enacted, that if the persons preferring such complaint or information shall discontinue or neglect to prosecute the same with due diligence, or shall die before judgment given, then and in every such case it shall and may be lawful for any other two or more burgesses of the respective burgh against whose magistrates and council any such complaint or information shall have been brought, and they are hereby authorized, to proceed in and carry on the aforesaid complaint or information, until it shall be finally determined, in the same manner as if they had been the original complainers; provided always, that these other two or more burgesses shall previously find sufficient caution for payment of costs, in manner and to the effect before-mentioned.

And be it further enacted, That in the event of no objection being made to any of the annual accounts as aforesaid, within   calendar months after they shall have been transmitted to and lodged in exchequer, it shall not be competent thereafter to object to such accounts; and the magistrates and councils concerned shall be acquitted and discharged of their intermissions with and management of the public good and revenues of the respective years for which accounts have been audited and lodged in the exchequer in manner aforesaid, either in the case of no objection being made within the

said calendar months, or in the case of their being acquitted by the said court of exchequer on a complaint when objections shall have been made.

And be it enacted, That the magistrates and councils of the aforesaid royal burghs shall not be entitled to feu or alienate property in any other manner than by public roup or auction, of which calendar months notice shall be given in of the newspapers printed at Edinburgh, and the newspapers of the other burghs respectively where the estates or subjects lie, if any such newspapers are there printed, and upon notice to the burgesses by beat of drum days previous to the roup or auction; excepting always areas for building within the said burghs, conform to plans and stated prices, which the said magistrates and council shall be entitled to sell and dispose of by private agreement: provided always, That the terms on which such sales shall be made, shall be published to the burgesses months previous to the making such sales; and provided also, that no interdict shall be served upon the magistrates and council of such burgh, at the instance of any two or more burgesses, which they are hereby authorized to apply for, to the court of session or ordinary, on the bills in time of vacation, they always finding sufficient caution for the payment of costs in the event of their application being found to be frivolous.

And be it further enacted, That in future every collector or other person employed by or under the direction or authority of any magistrate or councillor of any royal burgh of Scotland, in the collection or levying of cess stent, or any public burden whatsoever, within any royal burgh, shall separately and distinctly specify, at the time of levying, for what purpose, by what name, and on what account such sums or impositions are demanded from the burgesses and inhabitants of any royal burgh, and also shall be bound, and they are hereby required to give information, to any two or more burgesses, of the yearly amount of the sums levied for every purpose on account of which the demand is made, under the penalty of to be sued for and applied in the same way and manner as hereinbefore directed with respect to other penalties.

And be it further enacted, That so much of the aforesaid act, made in the year 1693, as enacts, 'That it shall not be lawful for hereafter to the magistrates and town council of any burgh royal to contract any debt, or give bond for the same, obliging them and their successors in office, without a previous act made in the town council, in their fullest convention, both of merchants and deacons of crafts, condescending upon the causes and uses for which the said debts are contracted, and bonds granted, certifying the aforesaid magistrates and others who shall contract debts and grant bonds, without the said previous act, or of the causes and uses condescended on in the said act, shall not be found to be just, true and real; and in any of the said cases, the said contractors and subscribers shall be personally liable, they and their heirs and successors, in their private fortunes, to relieve and disburthen the town of the said debts; and that by decreet of the lords of session at the instance of any burgesses of any of the said burghs who have borne the office of provost, baillie or dean of guild, within the same, but prejudice always to the right and security of the party creditor, as likewise but prejudice to any private person's rights, as to any of the said burghs, as accords,' is and shall be obligatory and in full force, and have effect now, and in all time coming, any thing in this or any former or other act contained the contrary notwithstanding.

And be it further enacted, That any two or more burgesses of any of the said respective burghs shall be entitled, and they are hereby authorized to carry on prosecutions and obtain decrets of the lords of session, for the purposes mentioned in the aforesaid last recited act of king William and queen Mary, made in the year 1693, in the same way and manner as is thereby provided, in favour of any burgess of any of the said burghs, who have borne the office of provost, baillie, or dean of guild: provided always, That nothing in this act contained, shall hurt or infringe the rights, powers, and privileges of the magistrates and councils of the said royal burghs, in their administration, powers and management of their respective burghs, and the common good, estate and revenues thereunto belonging, excepting the enactment hereinbefore contained, respecting the alienation of property belonging to royal burghs; and provided likewise, that nothing herein contained shall hurt or infringe the rights and privileges of the annual convention of the royal burghs of Scotland.

And be it further enacted, That it shall at all times be lawful for any five or more burgesses, qualified to hold the offices of provost, baillie, or dean of guild, of the said burghs respectively, to apply by complaint or information to the said barons of the said court of exchequer, to stop or reverse any act of administration, in regard to the common good or revenues thereof, of the magistrates and councils of the respective burghs, which shall appear to the said five or more burgesses, qualified as aforesaid, to be lavish or profuse, or to have for its object the misemployment of the said common good or revenues; provided always, that the said complaint shall be lodged within calendar months after the date of the act of administration or resolution of council complained of being entered in the public record of the said burgh; provided always, that the said five or more burgesses, qualified as aforesaid, shall, if the application shall be found by the said court of exchequer to have been made without due and sufficient grounds, be liable in costs,

and in a penalty not exceeding to be applied, the one moiety to his Majesty and the other moiety to the common good of the said burgh, and for which the said court of exchequer are hereby authorized and directed to award judgment accordingly: provided always, and it is hereby provided and declared, that no such complaint or information shall be brought into court or entertained, until sufficient caution shall be found in the court of exchequer for such complainers, for paying costs of suit, as also the penalty aforesaid, in case they shall not make good or prevail in their complaint.

And be it further enacted, That if the persons preferring such complaint or informations, shall, for one term, discontinue or neglect to prosecute the same, after security has been found as aforesaid, it shall be competent for the magistrates and council of the said burghs respectively, to apply the first day of the term immediately following, to the said court of exchequer, to have the said costs and penalty awarded against the persons aforesaid.

And be it further enacted, That if the persons preferring such complaint or information shall discontinue or neglect to prosecute the same with due diligence, in manner aforesaid, or shall die before judgment given, then and in every such case it shall and may be lawful for any five burgesses, qualified as aforesaid, of the respective burgh with regard to the management of whose magistrates and council any such complaint or information shall have been brought, and they are hereby authorized to proceed in and carry on the aforesaid complaint or information, until it shall be finally determined, in the same manner as if they had been the original complainers; provided always that these five or more burgesses shall, within calendar months after the same shall have been abandoned or neglected as aforesaid, or of the death of the original complainers, and before they themselves shall be allowed to make appearance, find sufficient caution for payment of the said costs and penalty, in manner and to the effect before mentioned.

And be it further enacted, That if it shall appear to the said court of exchequer, that the said complaint or information shall have been made upon due and sufficient grounds, and that the act of administration or resolution of council ought to be reversed, and the proceeding intended to follow thereupon interdicted or prevented, then and in that case, all such transaction, agreement, or compact following upon the said act of administration or resolution, shall *ipso facto* be at the same time declared void and null, and the parties preferring or insisting on the said complaint or information shall be entitled to recover their costs of suit, either from the common good of the said burgh, or from the individual magistrates and councillors thereof conjunctly and severally, as the circumstances of each case may to the said court of exchequer seem to require."

HOUSE OF LORDS.

Monday, April 13.

MARRIAGES OF THE ROYAL DUKES.] The Earl of *Liverpool* presented the following Message from the Prince Regent.

"George, P. R.

"The Prince Regent, acting in the name and on the behalf of his Majesty, thinks it right to inform the House of Lords, that Treaties of Marriage are in negotiation between his Royal Highness the Duke of Clarence and the Princess of Saxe Meiningen, eldest daughter of the late reigning duke of Saxe Meiningen; and also between his Royal Highness the Duke of Cambridge and the Princess of Hesse, youngest daughter of the Landgrave Frederick, and niece of the Elector of Hesse.

"After the afflicting calamity which the Prince Regent and the nation have sustained in the loss of his Royal Highness's beloved and only child, the Princess Charlotte, his Royal Highness is fully persuaded that the House of Commons will feel how essential it is to the best interests of the country, that his Royal Highness should be enabled to make a suitable provision for such of his Royal Highness's brothers as shall have contracted marriage with the consent of the crown: and his Royal Highness has received so many proofs of the affectionate attachment of this House to his Majesty's person and family, as leave him no room to doubt of the concurrence of assistance of this House, in enabling him to make the necessary arrangements for this important purpose. G. P. R."

The message was ordered to be taken into consideration to-morrow.

FEES OF COURTS OF JUSTICE.] The Marquis of *Lansdown* adverted to the conversation which had taken place on Friday last. The reports to which he then referred, had stated some irregularities in the Court of Common Pleas, in Ireland, with respect to the loss of certain recoveries. He had, however, since had a communication with a person who held the place of prothonotary of that court, who had assured him, that no loss or inconvenience had occurred with respect to any recoveries. In consequence of what had already passed on the subject, he thought it proper that their lordships should be informed of this circumstance. While he was on his legs, he should move for an account of the fees taken in cases of pardons granted by the crown. He was glad to learn that a bill on that subject was in progress in the other house of parliament, and he hoped it would soon come before their lordships. It was a serious consideration, that by far the greater number of the persons who received pardons under the Great Seal, were unable to avail themselves of the advantage to which they were entitled by the

mercy extended to them by the crown, in consequence of not being able to pay the fees. But it was not the mere fees which constituted the burthen of the charge. A great part of the expense was occasioned by the stamp duties. It appeared that a pardon could not be sued out without incurring an expense of more than 40*l*. This was certainly a great hardship, especially when it was considered that the persons to whom the mercy of the crown was extended were often in great distress. It was with reference to the bill which he had stated to be in progress, that he had resolved to move for some papers which appeared to him to be necessary, to enable their lordships to understand the subject when it should come before them. He concluded by moving, that there be laid before the house an account of the fees paid on suing out a pardon granted under the Great Seal.

The *Lord Chancellor* said, he had no objection to the motion, but he wished the words "distinguishing the parts of the fees payable to different persons," to be added thereto.

The Marquis of *Lansdowne* consented to this addition, and the motion was agreed to; as was a subsequent motion of his lordship, for an Account of the Number of Pardons sued out during the last ten years.

Lord *Holland* noticed, as somewhat connected with the present subject, the fees required from persons who pleaded not guilty. It would, perhaps, appear incredible to their lordships, that an expense was incurred by a plea of not guilty; and that, in some cases, lawyers were in the habit of advising persons to plead guilty, in order to avoid the expense. This was an enormous abuse; and, if inquiries were to be instituted into the expenses occasioned by the proceedings of criminal courts, he hoped that this and other practices would be strictly investigated.

HOUSE OF COMMONS.

Monday, April 13.

EDUCATION OF THE POOR BILL.] Mr. *Brougham*, in moving the second reading of this bill, observed, that it was the opinion of many for whom he had great respect, that the commissioners should be instructed to inquire into all charities in the kingdom. If the present bill should be agreed to, he hoped that, in the next session, it would be extended to all charities whatever; and then an addition might be made to the number of commissioners. At present, he wished the commencement of inquiry to be set at work. By adopting now the limited plan for charities for education, time would be given for considering its general extension. He also hoped that it would operate as a warning to all charitable institutions, of which the funds were misused, and set them upon correcting the evils.

Mr. *Abercromby* repeated his wish, that the measure should extend to all charities, which was an object highly desirable.—The bill was then read a second time.

SCOTCH BURGHS.] Sir *Samuel Romilly* presented the following petition of the Burgesses and Inhabitants of the Royal Burgh of Whithorn, in Scotland, which, he said, was signed by 120 persons, and it drew, he believed, a tolerably accurate picture of the situation of most of the burghs.—It was ordered to lie on the table and to be printed. It set forth, "that the petitioners, in common with the immense majority of the inhabitants of the other towns and cities in that part of the kingdom, being deeply impressed with a sense of the many evils resulting from the pernicious system on which the municipal government of the Scottish burghs is conducted, have resolved to apply to the house, in the full persuasion that they will be inclined to redress the grievances of which the petitioners have so much reason to complain; in order to allay all apprehension, and to do away with the possibility of misrepresentation, the petitioners distinctly declare that, in seeking for an alteration in the set or charter of the burgh of Whithorn, they are actuated by no theoretical or factious or discontented motives; they are aware of the many inestimable benefits derived from the free constitution of the British empire; with that constitution they are perfectly satisfied, and it is chiefly because the system of local government acted upon in that and the other royal burghs of Scotland is perfectly at variance with every principle consecrated in the constitution, and because it has entirely deprived them of many of its most invaluable privileges, that they now presume to address the house; the petitioners assume, as a principle universally recognized, and which will admit of no dispute, that the persons entrusted with the management of the pecuniary and other affairs of any community, ought to be elected by, and held responsible to, the individuals of which that community is composed, for their proceedings, but they affirm that this salutary principle has been totally lost sight of in the constitution of the royal burghs in Scotland; the practice of self-election is general and universal throughout that part of the kingdom, and the burgesses of the different Scottish burghs have just as much to do with the election of a president for the United States as they have to do with the election of their own magistrates and town council; in Whithorn, the magistrates and council for the time being meet each year at Michaelmas and vote out one of their number, and elect a new councillor in his stead; notwithstanding, however, that the petitioners, who comprise almost all the burgesses and the other inhabitants of the burgh, are thus completely and effectually excluded from all participation in that election, and notwithstanding they can exercise no control whatsoever over the proceedings of the members of the town council, still, in their corporate capacity, they are bound by its acts;

these self-elected councillors have full power to expend, in any manner they may themselves judge best, the entire revenue belonging to the town, they can, at their own pleasure, sell or alienate the common property of the burgh, they can contract debt, for payment of which the highest legal authorities in Scotland have declared that the private and personal funds belonging to the petitioners may be made responsible, and they alone have any power to exercise the elective franchise by voting in the return of a member to the house; as a consequence of so preposterous a state of things, the town council has always been under the direction of a particular junto; and, for these many years past, a certain noble family having obtained the ascendancy, every person who might be disposed to doubt of the propriety of seconding its views on every occasion has been carefully excluded from the council; and the petitioners intreat the house to observe, that this packing of the council with noblemen and their adherents is not only in complete contradiction to the acts of the Scottish parliament 1535, cap. 26, and 1609, cap. 8, which enact that no person shall be capable of provostry or other magistracy within any burgh, but merchants and traffickers inhabiting within the said burghs, and no other, and which acts, although they have not been repealed nor modified by any subsequent statute, are yet held, by repeated decisions of the court of session, to have fallen into desuetude; but that it is also in complete contradiction to the charter or set of the burgh of Whithorn, as it is recorded in the books of the convention of royal burghs at Edinburgh, which fixes that the provost baillies, or aldermen, and councillors, shall be chosen out of the most deserving, judicious, and best qualified persons within the said burgh; for the petitioners have to state, that at this moment only five out of the eighteen persons of whom the town council consists are resident within the burgh; and the petitioners farther state, that scarcely a single individual of the non-resident councillors have any property within the royalty, or ever visit it, except once a year, when it is necessary to act a part in the farce called election, by assisting in the voting out of one councillor and choosing another; nor is it possible for the petitioners to obtain redress of these intolerable grievances from any court of law, inasmuch as it has been repeatedly decided, that usage is sufficient to change the original set of any burgh; the petitioners do not wish to hurt the feelings of any individual, and they do not mean to insinuate any thing unfavourable to the character of the persons composing the majority of the town council, but they affirm that, with very few exceptions, they can have no direct interest in the prosperity and welfare of the burgh: they are admitted into the council merely because they are the friends of a particular family, and the advancement of its interests, and not those of the petitioners, and of the other inhabitants, is their proper and only object; such being the fact, the house will not be surprised to learn, that measures are very frequently proposed in the council, and carried into effect, in direct opposition to the declared sentiments and opinions of the inhabitants; this pernicious and absurd system of municipal government has another evil consequence, it destroys the fair and salutary influence of property, and of talent; no extent of fortune, and no excellence of character, are sufficient to procure admittance into the town council; those who have any desire to become members of that body, must recommend themselves to the ruling junto, they must insinuate themselves into the good graces of those by whom the council is packed, and the petitioners can assure the house that such councillors as discover any independence of mind, have been invariably expelled on the first opportunity; but the petitioners chiefly object to this system of burgh government, because it totally deprives them of that share in the returning of a member to the house, to which, as freemen of the burgh of Whithorn, they are entitled; if the town council was really elected by the inhabitants, the vote which its delegate gives in the election of a member to represent the Galloway district of burghs, would be the vote of the petitioners and of the other inhabitants, but as the case now stands, the vote of the delegate is simply the vote of the head of the noble family by whom the council is actually chosen; the petitioners are thus deprived of an invaluable privilege conferred on them by the constitution, and without which there can be no security for the permanent enjoyment of any other; and that wise resolution of the house, which declares that it is a high infringement upon the liberties and privileges of the commons of Great Britain and Ireland, for any lord of parliament, or any lord lieutenant of any county, to concern themselves in the election of members to serve for the commons in parliament, is defeated and set at nought; the grievances which the petitioners have detailed are not peculiar to the burgh of Whithorn, but are almost universally felt; a very great proportion of the royal burghs of Scotland are at present in a state of bankruptcy, the common property has almost in every instance been dissipated, councillors and their friends have been enriched at the public expense, and jobbing and corruption of every kind have been disseminated throughout the country; it is the decided conviction of the petitioners, that there is but one remedy for these complicated and disgraceful disorders; the restoring to the burgesses the right of electing the magistrates and council by open poll, a right which the burgesses of Scotland formerly enjoyed, and of which they were most unjustly deprived, can alone accomplish this most desirable object; this remedy would be equally simple and efficacious; it is easy of adoption, it could lead to no bad consequences, and by it only can the right to exercise the elective franchise be restored to the

petitioners and the other burgesses of Scotland; the petitioners have heard with surprize and astonishment that it has been stated in the house that the Scottish burgesses would be satisfied with the present constitution of the burghs if the magistrates were obliged to submit their accounts to an audit; but the petitioners can assure the house that this assertion is entirely ill founded, the burgesses of Scotland will, they are convinced, be satisfied with no such regulation, and they firmly believe that the house will at once perceive its perfect futility; it is a control over the measures of the magistrates, by having the right to elect them vested in the burgesses, and not a power to examine into the accuracy of the accounts resulting from those measures a self-elected junto might be pleased to adopt that is wanted, and it is this alone which will give satisfaction: the petitioners have therefore, for these and other reasons, which they will not occupy the time of the house by stating, to intreat of them that they will be pleased to take such measures as to their wisdom may appear best calculated to put an end to the absurd, unconstitutional, and baneful practice of self-election in the royal burghs of Scotland; they are confident that such a measure would be regarded as a signal boon by every burgess in that part of the kingdom, while, by admitting them to a participation in all the privileges of the constitution, and by doing away all degrading distinctions, the house would cordially unite all classes in its defence; but, if the house entertains any doubts as to the propriety of a general measure applicable to all the burghs of Scotland, the petitioners trust there can be none as to the propriety of introducing a particular measure affecting the burgh of Whithorn; the evils which the petitioners suffer from the operation of the present system of burgh government are clear, tangible, and obvious, they can neither be denied nor palliated; and when such is the case, they entertain a confident expectation that the house will earnestly and in good faith set about the adoption of that measure which can alone occasion their removal; may it, therefore, please the house to take the premises into consideration, and to grant to the petitioners such relief as their superior wisdom may deem proper and expedient."

MARRIAGES OF THE ROYAL DUKES.] Lord *Castlereagh* presented a message from the Prince Regent respecting the marriages of the Dukes of Clarence and Cambridge, similar to that presented to the House of Lords by the Earl of Liverpool. (See page 1294.)

The message having been read from the chair,

Lord *Castlereagh* said, that, conformably to precedent in former cases, he should move that the message be referred to a committee of the whole house to-morrow, when he should be able to state more fully the grounds on which it was sent to the house. At present he should merely propose, that an humble address be presented to his royal highness the Prince Regent, to thank him for his most gracious communication, and to assure him, that the house would immediately proceed to take it into consideration in such a manner as should demonstrate the zeal, duty, and affectionate attachment of that house to his Majesty's person and family, and a due regard to the importance of any measure which might tend to secure the succession of the crown in his Majesty's illustrious house.

Mr. *Tierney* said, he had no objection to the course thus proposed; but he thought some further particulars might have been stated by the noble lord as to his intentions in the committee. He understood, that certain members of that house had been summoned to the house of a minister, (*hear, hear,*) where they attended to day; he believed about 50 or 60 gentlemen; and where they were informed of what the house, it appeared, was not to be informed of till to-morrow. (*Hear, hear.*) The noble lord seemed to think that he could not get his work through without a previous rehearsal among his friends. (*Hear.*)

Lord *Castlereagh* said, he was not aware that any thing had been done on the subject alluded to that was at all inconsistent with former practice.

Mr. *Protheroe* said, that he had heard reports of rather a strange nature; and he must express his opinion, that if those reports were true, it was necessary that the country should know how their representatives acted; and, if time for consideration were not given, by postponing the discussion, he should feel it his duty to make a motion for a call of the house.

Lord *Castlereagh* said, that in the course which he proposed to adopt, he was only following the invariable practice of parliament, which was to take a royal message into consideration on the next day after it was presented. If a call of the house should be moved, he should not oppose it.

Mr. *Brougham* said, that whatever the practice had been, there might be some justification now for departing from the strict line of precedent, particularly if any advantage were likely to result from it. If the house set a just value on their own character, on the peace of the country at large, and on the stability of the throne, they would take every step in their decisions to carry the voice of the people along with them. (*Hear, hear.*) He should be disposed, therefore, to support the motion mentioned by the hon. member, to obtain the usual security for the full attendance of members. He also suggested the propriety of having a correct statement of facts, before they legislated on this message: he meant the sums already granted to the royal dukes, and what they were now in possession of. (*Hear.*)

Mr. *Methuen* agreed with what had fallen from the hon. and learned gentleman, and said, that he should move for an account of the incomes received by the Dukes of Clarence, Kent, Cumberland, and Cambridge, arising from different

appointments, civil, naval, and military. *(Hear, hear.)*

Lord *Castlereagh* said, he did not intend to oppose the motion, but it must be postponed till the present question was disposed of.

Mr. *M. A. Taylor* confessed that, in the present distressed state of the country, he could scarcely have brought himself to believe that such a message could have received the sanction of the confidential advisers of the crown. *(Hear, hear.)* He would put it to ministers, and to all members, whether such a grant of public money was not improper. For his own part, he considered it to be objectionable in the highest degree. No man was more attached than himself to the house of Brunswick. He believed the support of the throne to be essential to the happiness and security of the people at large. But, in giving the royal family every proper support, it was necessary for him to look also at the interests and feelings, and to examine what the finances of the country enabled it to pay. The state of the trade of the country, on the late discussion on the leather tax, clearly shewed the impropriety of such large grants as were to be proposed. He intended to make no kind of reflection on an illustrious personage, but he was desirous of knowing what burthens the people could bear, before he voted a shilling. *(Hear.)*

Mr. *Curwen* thought, that grants should not be voted till the Chancellor of the Exchequer had laid before the house a detailed statement of the Supplies, and Ways and Means of the year.

Mr. *Brand* could not see any fair reason why the noble lord should refuse to mention the amount of the grants he intended to propose. *(Hear.)* Information was due to the public, when a grant, reported to be so large, was intended, in the present circumstances of the country.

Lord *Lascelles* said, that as a conversation had arisen on this subject, he should make a few observations. At the meeting alluded to, he certainly was present. He must add, that he did not think it too much for him to say, that what transpired at the meeting did not completely satisfy him; and he believed there were others of the same opinion. He should say no more on the subject at present, as the message was to be referred to the committee to-morrow.

Mr. *Bennet* wished to know whether ministers had not communicated to their select committee, that they intended to propose 19,000*l.* a year in addition to the Duke of Clarence, 19,000*l.* for out-fit, and 12,000*l.* a year to the Dukes of Cumberland and Cambridge?

Lord *Castlereagh* declined answering the question of the hon. gentleman.

Sir *Charles Monck* observed, that it was a very singular proceeding for his Majesty's ministers to declare to a private meeting of their own friends, what they refused to communicate to the house. *(Hear, hear.)*

Mr. *Calcraft* said, he should be very glad if any of the gentlemen who were present at the meeting alluded to, if they were not bound to keep silence on the subject, would be so kind as to state, for the information of the house, what was the amount of the sums proposed to the persons to whom they were to be granted. If any gentleman would have the kindness to furnish that information, the house would be much better prepared for the discussion to-morrow.

Lord *Stanley* wished to know from the noble lord, or if he did not give him the information, perhaps the chair would, whether there was any instance, in which the house, in their vote of thanks to the throne for such a communication, went further than the message itself?

Lord *Castlereagh* said, that the proposed address gave no countenance to any particular amount of grant, or, in fact, to any grant at all. It contained a mere expression of thanks, as usual, for the communication, and a promise, to take it into consideration.

Mr. *Brougham* considered, that he owed by the constitution a duty to his sovereign; but, regarding his duty to the people, and believing that those duties were closely united, and connected one with the other, there was one omission in the address, which, unless it were supplied, made it impossible that that address should meet with his concurrence. The address, after expressing the satisfaction of the house on the intended marriages, pledged them to take such measures as were consistent with a regard for the establishment of the family, and for the continuance of the succession, without saying one word about another regard which they ought to entertain, which was their principal and permanent duty—that due regard for the state of the people of the country, for the burthens under which they laboured, and for their capacity to sustain the pressure of those burthens—that regard which ought to limit the demands made for the third branch of the legislature, the royal family. The hon. and learned gentleman then moved, as an amendment to the motion of the noble lord, that after the word 'house' should be added, "and with a due regard to the present burthened state of the people of this country." *(Hear, hear, from the opposition benches.)*

Lord *Castlereagh* thought that the amendment of the hon. gentleman had a tendency to imply, that in some quarter there was not that due regard to the burthens of the people which there should be. There was nothing in the address that called in question the attention that was due to the best interests of the people.

Sir *G. Heathcote* thought that nothing could be more moderate than the amendment of his hon. and learned friend. When the house was called on to make large provisions, there was nothing more natural than to take into consideration the situation of the country. He did not feel all that joy which the noble lord perhaps might feel on the occasion of these marriages. They were unlike marriages in private life. No one of them ever occurred without the country

being burthened. They were always accompanied with a considerable addition to the revenue of the noble personages who were the parties. At present, a man had only to walk about with his eyes open, to see that the country was in a most distressed condition. They ought to consider before they added even a single sixpence to the public burthens.

Mr. *Tierney* said, the noble lord should observe that the amendment did no more than was right: for though it was proper to shew attachment to the crown, yet it was equally their duty and their policy to shew that they were allied to the interests of the people. They were called upon to pay more than on any former occasion. There had been a meeting, and the house knew from one of the most respectable members amongst them, that the propositions laid before that meeting were thought by some unfit to be entertained. The house should take care, then, not to suffer his majesty's ministers to go one inch beyond what was necessary.

The gallery was then cleared for a division. While we were excluded, the debate proceeded:

Mr. *Cocks* rose and declared, that he should shew by his vote that he was as ready to consider the burthens of the people as any member of the house, but that he could not vote for the amendment, as he thought it would be offensive to the royal personage by whom the message had been sent to the house.

Mr *Brougham* said, he was confident that the amendment, if carried, would have the most salutary consequences, as well to the interests of the country, as to the stability of the government.

Mr. *Legh Keck* expressed his disapprobation of the measures which had been submitted to the meeting of the members held that morning, and stated, that although he wished the amendment had not been moved, still he felt that he had no choice, but must give it his support.

Mr. *Plunkett* said, that on the merits of the question he entirely agreed with his hon. and learned friend, and when it was brought forward, he should support him to the utmost of his power: but he wished him to withdraw the amendment, lest it should wear an appearance very foreign to his intentions, by seeming to insinuate that the crown had improperly omitted the consideration of economy.

Sir *John Newport* said, that the amendment referred merely to the conduct of ministers. The message was their act, and if the omission was censured by the amendment, the censure fell upon the constitutional advisers of the crown.

Lord *Lascelles* said, he should oppose the proposition of ministers, when it should be brought forward, but he declined supporting the amendment, or voting in the present stage.

Sir *C. Monck*, Mr. *Tierney*, and Mr. *Calcraft* severally supported the amendment, on the ground of Lord Castlereagh's refusal to inform the house what was intended, and the fact of several members having been privately called together, who now declared that they could not agree to what had been proposed to them.

Mr. *E. Littleton* declared that the tenour of his politics had shewn his disposition to support his Majesty's ministers, but that he could not approve of the proposition which had been submitted to him at the private meeting that morning.

Mr. *Abercromby* contended, that in point of candour and good faith, the house were bound to express their sentiments on the address, otherwise it would mislead his royal highness into an expectation of their supporting the measure proposed.

Mr. *Wynn* thought the amendment contrary to the usual form of proceeding, but added, that he should certainly oppose the proposition of ministers, whenever they brought it forward.

Mr. *Courtenay* said, that the amendment had his unqualified assent.

Sir *T. Acland* disapproved of the amendment, though not of its principle, which he should shew by his vote, when the measure was proposed.

Mr. *Gooch* said, he had been at the private meeting, and disapproved of the proposition of ministers.

Mr. *Methuen* and General *Walpole*, warmly supported the amendment.

Sir *William Curtis* said, that if he had been at the meeting at Lord Liverpool's, he should have opposed the proposition decidedly, and so he should when it came on; but he would not vote now for the amendment.

Sir *S. Romilly* begged the house, before it came to a vote, to recollect, that every one of the members to whom the private and unconstitutional disclosure had been made in the morning, and who alone knew its nature, had expressed his disapprobation of it. The original address, therefore, would only tend to mislead those who read it as to the sentiments of the house, and the reception which the proposition was likely to meet with.

The house then divided on the question, that the words "and with a due regard to the present burthened state of the people of this country," be added.

Ayes	93
Noes	144

The original address was then agreed to.

LIST OF THE MINORITY.

Abercromby, Hon. J.	Barnett, J.
Aubrey, Sir John	Barnard, Visc.
Archdall, Gen.	Bennet, Hon. H. G.
Broderick, Hon. W.	Birch, J.
Bentinck, Lord W.	Brand, Hon. T.
Baker, J.	Brougham, H.
Barclay, C.	Burrell, Hon. P. D.
Babington, T.	Burrell, Walter
Butterworth, Jos.	Courtenay, W.
Baillie, S. E.	Carhampton, Earl of
Baring, Sir T.	Calvert, N.

Calvert, C.
Calcraft, J.
Campbell, Hon. J.
Carter, J.
Caulfield, Hon. H.
Cochrane, Lord
Coke, T. W.
Curwen, J. C.
Dickinson, W.
Duncannon, Visct.
Douglas, Hon. F. S.
Fane, J.
Fellowes, W. H.
Fazakerley, N.
Fergusson, Sir R. C.
Folkestone, Visct.
Gaskell, B.
Gurney, H.
Grenfell, P.
Grant, S. P.
Hamilton, H.
Hamilton, Lord A.
Heathcote, Sir G.
Hill, Lord A.
Howard, Lord H. M.
Howard, Hon. W.
Hughes, W. L.
Keck, G. A. L.
Lefevre, C. S.
Lemon, Sir W.
Lloyd, J. M.
Lyttelton, Hon. W. H.
Macdonald, Hon. J.
Macintosh, Sir J
Markham, Admiral
Martin, John
Moore, Peter
Newport, Sir J.
North, Dudley
Onslow, Arthur
Ord, William
Ossulston, Lord
Parnell, W. H.
Pelham, Hon. C. A.
Philips, George
Powlett, Hon. W.
Pym, Francis
Portman, Ed. B.
Protheroe, Ed.
Robarts, W. T.
Romilly, Sir S.
Rowley, Sir W.
Sebright, Sir J.
Spencer, Lord R.
Sharp, R.
Sefton, Earl of
Smith, John
Smith, Sam.
Smith, Abel
Smith, Wm.
Smith, Robt.
Smyth, J. H.
Stanley, Lord
Symonds, T. P.
Taylor, M. A.
Thompson, T.
Tavistock, Marquis
Tierney, Rt. Hon. G.
Teed, J.
Walpole, Hon. G.
Waldegrave, Hon. W.
Wharton, John
Wood, Alderman

TELLERS—Methuen, Paul, and Monck, Sir C.

—

Mr. *Methuen* then moved, "That there be laid before this house a return of all incomes received by their royal highnesses the Dukes of Clarence, Kent, Cumberland, Sussex, and Cambridge, arising from Military, Naval, or Civil Appointments, Pensions, or other emoluments, as well as all Grants out of the Admiralty Droits, made to them since the year 1800."

Mr. *Tierney* proposed, that their incomes from any foreign states should be included.

The *Chancellor of the Exchequer* said, it was impossible to make such a return, as the means of making it were beyond the province of ministers.

Mr. *J. P. Grant* observed, that at least the personages who received these incomes were enabled to make the return.

Mr. *Brougham* thought that the house ought to be informed of the emoluments of the Duke of Cambridge in Hanover, and he could name one person who could make a return to that effect; it was the person who was making the application to the house for more money. (*Hear, hear.*) Their grant must be influenced by the amount of the present income, because they would grant only what was necessary for supporting the splendour belonging to the situation of the royal dukes. What was necessary for that purpose they were bound to give; but if any other means existed for contributing to that object, it was surely indispensable to know their amount, in order to enter upon the question, how much ought to be granted in addition? (*Hear, hear.*) Hanover had formerly been a burthen, and the source of incalculable expense to this country; it would be some compensation if she were now found to alleviate our charges. (*Hear, hear.*)

The *Chancellor of the Exchequer* observed, that on former occasions of a similar nature, Mr. Pitt and Mr. Fox had made no inquiry into the foreign receipts of any of the royal family.

Mr. *Brougham* replied, that if Mr. Fox had lived to see the country so burthened as at present, his conduct in that respect would have been different.

The original motion was agreed to.

Mr. *Protheroe* said, he conceived this to be a question of very great importance, and, therefore, he felt it proper that there should be a call of the house for Friday, the 24th instant, in order to ensure the attention of members to every stage of the inquiry. If the question were fairly and at once put to the house, he was certain it would meet with a decided negative: but as attempts might be made to accommodate and compromise matters, he thought it important to have a full attendance of members. He therefore moved, "That the house be called over on Friday, the 24th instant."

The motion was agreed to.

ORDNANCE ESTIMATES.] Mr. *Brogden* brought up the resolutions of the committee of supply, to which the ordnance estimates had been referred.

Mr. *Bennet* rose and said, that the more he inquired, the more certain he was that there never existed a case of greater hardship than that of the artillery drivers. The hon. gentleman opposite (Mr. Ward) had stated, that eight troops had been disbanded, and four retained. The fact was this:—Of the twelve troops, six were disbanded in 1814, and the other six were retained till 1818. Out of the six troops, four now remained, and all that he asked for was, that the other two corps should be placed in the same situation as those that remained.

Lord *Cochrane* said, it would be a cruel case if those officers should be denied the advantage of receiving full pay, which was conferred on so many officers who had never rendered any services at all. He regretted much to witness the disregard that was generally shewn to the rights of individuals, and thought it as much the duty of the house to attend to claims of this nature as to the dignity and splendour of the royal family.

The Earl of *Carhampton* said, he felt himself in a strange place, and heard strange things. He was perfectly astonished at the enormous sums contained in those various papers which the hon. member opposite, on a former night, dragged from his pocket, or his sleeve, like a conjuror.

The sum of 5,000*l.* for repairing the harbour of Portsmouth, might, in his opinion, be safely reduced to 500*l.* The expense of the ordnance department had increased, was increasing, and ought to be diminished. He firmly believed, that in England a reduction of one half might be effected, and in Ireland of two-thirds. He had himself held the appointments of adjutant-general, and of commander-in-chief in that country. At that time, there were three engineers employed, and he then thought there was one too many; but Ireland had now no less than thirteen. (*Hear, hear.*) He was anxious to point out to the public where a reduction could be made; but he would leave the subject for the present, however fully he was convinced of the necessity of speaking upon it.

Mr. *R. Ward* said, he would not now enter upon a discussion which could be much more satisfactorily entertained when the measure should come in the shape of a regular bill before the house. The noble lord who spoke last had certainly availed himself of a fair opportunity for making his observations; but he must say, in return, that the subject had been so amply discussed, not only in that house, but by committees above stairs, that he felt it unnecessary to offer any reply. If the noble lord would suggest to him any practicable retrenchment, he should most willingly accept the suggestion. With regard to the vote of 5,000*l.* for the repair of the damage done by the late storms to Portsmouth, he admitted that, in point of regularity, notice ought to have been given of this additional item in the estimates. The report, however, on which the application to parliament was founded, represented the immediate necessity of the repairs, and it was upon this consideration that the notice had been dispensed with. If the house should be of opinion that this form of proceeding was necessary, he would withdraw the resolution for the present.

The resolutions were then agreed to.

REWARDS ON CONVICTION BILL.] Mr. *Bennet* moved the second reading of this bill.

The *Attorney-General* said, that he had no difficulty in admitting the propriety of some alteration in the law as it now stood; but the present measure went to the total abolition of all rewards for the apprehension and conviction of offenders. Those rewards had been enacted by a great variety of statutes, passed at very different periods: and the inference was, that the legislature had at each of those periods been impressed with the necessity of stimulating the assiduity and exertions of the persons employed in performing this necessary service. Now, a law passed for the more effectual punishment of offenders, must not be supposed to have been inefficacious, merely because offenders were still found to exist. It was not possible for any man to say how many had been deterred from crime by such regulations, nor, indeed, how many had been brought to justice by their means, who would otherwise have escaped. He certainly could not deny the position, that rewards might in some cases operate, for that they had so operated had been lately proved in courts of justice, to induce men to tempt others into offences for the purpose of obtaining them. Of so serious an evil the instances, he must hope, were but few, and no general law, it was well known, could ever arrive at perfection, or be at all times guarded against abuse. The question was, whether these were not cases of a peculiar nature, in which it was necessary to the interests of society, that the zeal and activity of individuals should be stimulated—cases in which it was necessary for them to leave their homes, and expose themselves to situations perhaps of considerable peril. His notion was, that it would be injurious to the interests of justice, in the apprehension of criminals, to take away the rewards for conviction in all cases; but he thought that for no apprehension ought there to be a fixed reward. His opinion was, that both the extent of the reward, the distribution of it, and whether there ought to be any reward at all, ought to be referred to the judges before whom the charge was made, and the indictment tried. The stimulus for the apprehension of criminals would thus be left, while the inducements to conspiracy would be removed. When cases came before the court, in which the prosecutor, the witnesses, or the officers, appeared to be acting from motives of interest, and not from a regard to public justice; when they appeared not meritoriously zealous for the punishment of crime, but disposed to make a trade of their services for personal benefit; then the judges should refuse the reward altogether. If the contrary were the case, they might award the whole 40*l.*, or give any part, or distribute it among those who had exerted themselves for the apprehension of the criminal, according to their merits. He opposed the second reading of the bill, therefore, not because it abolished fixed rewards, but because it allowed no rewards at all, and thus took away all inducements to exertion in the apprehension of criminals. By the bill no reward was allowed except to the family or executors of an officer who was killed in the execution of his duty. This provision of the bill he would adopt, and in another part of it too, that which referred to the prohibition of transferring Tyburn-tickets, he entirely concurred. He would agree, generally, with the hon. author of the bill, to abolish all certainty of reward, either as to amount, the terms on which it might be claimed, or the distribution of it among the different parties who lent their exertions to apprehend criminals: but he could not concur with him in abolishing rewards altogether. He thought the evils at present complained of might be removed, conspiracy prevented, and all the salutary objects in view attained, by still continuing to hold out rewards for apprehension; but referring the amount, and the question whether any thing at all should be granted, to the judges. In their discretion it might be safely rested; with them the power

would not be abused, while the public would have all the benefits that might arise from stimulating the activity of officers and prosecutors in the performance of their duty. It was because the bill, as it at present stood, could not accomplish the latter object, that he opposed the second reading.

Mr. *W. Smith* said, he could not agree with the hon. and learned gentleman in opposing the second reading of the bill, while he concurred with him in several of his positions. It might go into the committee, and be there amended, so as to meet the views of the hon. and learned gentleman, and those who concurred generally in its principle, but differed about its detail. In much of what the hon. and learned gentleman had said towards the conclusion of his observations he cordially agreed, but he could not allow the strength of his arguments against a change, drawn from the history of the statutes connected with the present subject. The rewards, he thought, were very improperly proportioned, as regarded the different kinds of crimes. The greatest reward was given for the apprehension of the greatest criminal, and the less reward for the conviction of the least offence. The scale appeared to him to be thus improperly graduated, both because less pecuniary inducement was required for exertion to apprehend a person charged with a great crime, from the natural sentiments of mankind being more strongly excited against the criminal, and because, by holding out an increase of reward in proportion to the atrocity of crime, a motive was given for allowing offenders to proceed in their guilty course till their apprehension should become of value. The hon. and learned gentleman had spoken of the merits of persons who exerted themselves to apprehend criminals. In the sentiments he had expressed on this subject, he could not concur. Where was the merit of apprehending or prosecuting, if it were done for the purpose of obtaining 40*l.*, and not from a regard to the interests of justice? In his opinion, there was not only the want of merit, but a great demerit. If you took away the hope of reward, you confessedly took away the motive to exertion, and the merit of the prosecutor was thus to be measured by his love of gain. If the case were otherwise, if the prosecutor were sincerely actuated by motives of duty and a regard to public order or justice, the stimulus would remain the same, though the rewards on conviction were abolished. But though he could not allow merit to prosecutors who acted from a regard to personal interest, he could not agree with his hon. friend (Mr. Bennet) in abolishing all motives to exertion arising from such a cause. The reward should be proportioned to the exertion, and to the trouble incurred, and not according to the magnitude of the offence for which a conviction might be obtained; but still there ought, in his opinion, to be some kind of reward. He objected to the bill in some particulars; but he could not concur with the hon. and learned gentleman in opposing its second reading, because he thought that such a decision against it would appear to cast a slur on the motives and exertions of his hon. friend, the former of which all were as ready to acknowledge to be laudable as the latter were great, and because he thought that what was objectionable in it might be amended in the committee.

The *Attorney-General* said he would not oppose the second reading, if the objections which he had stated could be removed in the committee.

Mr. *Bennet* observed, that he found himself placed in rather an awkward situation, opposed to persons who had the same objects in view with himself, and whose characters he highly respected, and supported by others who, with him, had weighed the subject maturely, and had come to those conclusions which were embodied in the bill now before the house. Every gentleman who attended the police committee agreed in the policy of abolishing rewards on convictions. They were supported in their opinion by all the police-magistrates, and all the police-officers, whom they had examined. Their opinion rested on many grounds. In the first place, they thought the rewards ought to be abolished, from the manner in which officers were treated before a jury, under the suspicion that they were actuated by the hope of personal advantage in delivering their testimony. They never could be listened to with that confidence with which the evidence of persons speaking on oath should be received. The appellation of blood-money given to the reward, tainted the whole of their testimony, and rendered them general objects of suspicion with the courts, the juries, and the people. The opinion of the country was general as to the mischievous policy of granting these rewards. It not only excited a prejudice against the officers, even when inclined to speak the truth; but, in the second place, it biassed them in giving their testimony, and offered an inducement to give false testimony. The persons most conversant with proceedings before our criminal courts, and with the character and disposition of the officers, all concurred in stating the strength of the bias thus created, and the generality of its operation. Mr. Holdsworth, the city marshal, and Mr. Shelton, the clerk of the arraigns at the Old Bailey, said, that they had often seen officers stretching a point to give a higher character to the offence, and delivering fabricated evidence to procure the rewards consequent on conviction. This was not the only testimony on this point. The slightest inspection of the comparative number of charges and convictions, not only in the metropolis but over England, shewed the same thing. In London, the charges for highway-robbery in one year had been 105, and the convictions only 42; and in the country the proportion was nearly the same. This shewed that the indictments were laid, not according to the

crimes committed, but according to the hope of the reward to be obtained. As these rewards had so pernicious an effect, they ought to be abolished; nor did he see any necessity to provide farther than the bill did for the apprehension of criminals. It proposed to indemnify prosecutors and witnesses for their expenses, and to remunerate them for the trouble they incurred. He did not think that the ends of justice required more, or that the interest of the prosecutor should be made to lie in procuring the conviction of an offender by any testimony to which he was not prompted by a sense of truth and the common feelings of our nature against crime. The inducement which was thus held out to prosecution, was as great as should be given. Fixed rewards had been long the great blot in our system of criminal procedure. As long as any thing more was offered for procuring convictions than a mere indemnity for expense, and a remuneration for time and trouble, the interest of the prosecutor would be made to consist in prosecuting falsely, and an inducement would be held out not to detect, but to make crime. The police-officers, who in this instance might be credited with the more facility, as they spoke against the system by which their own emoluments were increased, by which some of them made from 40*l.* to 50*l.* a year, all delivered their opinion against the statutary rewards on conviction. They said, they were damaged as witnesses, that they were treated with suspicion by juries, and were exposed to public odium, by the law as it stood. These rewards held out a bounty for crime and a temptation to perjury. By this means children were prosecuted for capital felonies, who, without it, would have been punished by a ducking. Two children were now in Newgate, one of them of thirteen and the other of nine years of age, who had been convicted on the testimony of a child of six years of age, and who would never have been prosecuted for capital felonies, except for this system of rewards. He trusted, therefore, that the bill, which was intended as a remedy for these monstrous evils would be allowed to be read a second time. He had often heard the wisdom of our ancestors brought forward as a plea in bar of any change of our laws; but it should not be forgotten, that the laws by which these rewards for conviction were granted, were part of those rude acts by which the life of a man was valued at five shillings. (*Hear, hear.*)

Mr. Alderman *Wood* supported the second reading of the bill. He gave his decided opinion against all fixed rewards whatever. The reward of 7*l.* given by the Bank, for the apprehension of persons circulating bad money, had led to many false convictions. He himself found thirteen men in Newgate, who had been apprehended for passing counterfeits, which they received from a man whom they met on Tower-hill, and who desired them to go into a shop with them and purchase bread. They consisted of Irish, Germans, and other foreigners, who did not know the crime they were employed to commit, nor the consequences of what they were doing. He had detected one of his own officers at such practices, and had found it his duty to lay the whole of the system before Lord Sidmouth. The officer whom he had so detected, he had of course discharged, but he was aware that the same nefarious system was still very often practised. Perhaps the hon. and learned gentleman (the Attorney-general) did not know the struggle that often took place in a justice-room to get a capital conviction, when the evidence only bore upon a less offence. If, for instance, a lady's ridicule were snatched from her hand, it did not infer a capital crime; but the officers sometimes endeavoured to give the offence that character, by saying that the string of it was twisted round her arm, and as force was used in getting it away, the crime became a highway robbery. Could the House of Commons allow this system to continue? The reward for the apprehension of coiners was often divided among so many, that each received only 40*s.*; but here were so many witnesses pre-engaged by their interests to distort the truth.

Colonel *Wood* hoped that the bill would be allowed to go into a committee, and recommended the consideration of the report of the police committee to the attention of members. It would shew how much the country was indebted to the exertions of the hon. gentleman (Mr. Bennet) who was its chairman *. He saw no reason why it should be supposed that the

* The great and unremitting attention which Mr. Bennet has bestowed on our criminal code, and the essential benefits which the country has already derived from his exertions, induce the Editor, with the greatest respect and deference, to submit to his consideration a point of the utmost importance. It has often occurred to the Editor, in considering the policy of our criminal laws, and the mode in which they are administered, that great injustice is done to prisoners by withholding from them the assistance of counsel to make their defence. In no capital case whatever, except in high treason, or misprision of treason, (other than treason in counterfeiting the king's coin and seals) and parliamentary impeachments for treason, (the former by the 7 W. III. c. 3. the latter by the 20 Geo. II. c. 30.) is a prisoner allowed the benefit of counsel on his trial, unless some point of law arises proper to be debated. The injustice and inhumanity of this rule has been felt and acknowledged at different periods, by lawyers of the highest eminence. It was established, says lord Coke (3 Instit. 137.) upon "these two causes: first, for that in case of life, the evidence to convict a prisoner should be so manifest, as it could not be contradicted: secondly, the court ought to see that the indictment, trial, and other proceedings, be good and sufficient in law." But, on the trial of lord Cornwallis for murder, (30 Car. II. 1678,) lord Nottingham (then high steward) declared, that the first of these causes was "the only good reason that could

abolishing of the rewards on conviction would be injurious to the interests of public justice, if the expenses of the prosecutors were paid. Both in the metropolis and in the country they

be given for refusing to allow a prisoner counsel." Sir W. Blackstone observes, that this rule seems to be not at all of a piece with the rest of the humane treatment of prisoners by the English law. For, upon what face of reason can that assistance be denied to save the life of a man, which yet is allowed him in prosecutions for every petty trespass? Nor, indeed, is it strictly speaking a part of our ancient law; for the Mirror, having observed the necessity of counsel in civil suits, 'who know how to forward and defend the cause, by the rules of law and customs of the realm,' immediately afterwards subjoins, 'and more necessary are they for defence upon indictments and appeals of felony, than upon other venial causes.' And the judges themselves are so sensible of this defect, that they never scruple to allow a prisoner counsel to instruct him what questions to ask, or even to ask questions for him, with respect to matters of fact. for as to matters of law, arising on the trial, they are entitled to the assistance of counsel. (4 Comm. 355.) —At what period of our history the benefit of counsel was first denied to prisoners, does not appear. – Mr. Whitelocke informs us, that, in 1649, "There was a great peak taken against the lawyers; insomuch that the old odium against them was revived, and it was said in debate, 'That it was not fit for lawyers who were members of parliament, if any lawyers ought to be there at all, to plead or practise as lawyers during the time they sat as members of parliament;' which gave occasion to one of that profession," meaning himself, "to speak as follows." (The learned gentleman then replies to several charges brought against the profession, and concludes in these words) "Sir, the worthy gentleman was pleased to mention one thing with some weight, 'That lawyers were permitted to counsel and plead for men in matters touching their estates and liberties; but in the greatest matters of all others, concerning a man's life and posterity, lawyers were not permitted to plead for their clients.' I confess I cannot answer this objection, That, for a trespass of a sixpence value, a man may have a counsellor to plead for him, but where his life and posterity are concerned, he is not admitted this privilege and help of lawyers. What is said in defence or excuse of this custom is, 'That the judges are of counsel for the prisoners, and are to see that they have no wrong.' *And are they not to take the same care of all causes that shall be tried before them?* A law to reform this, I think, would be just and give right to the people."

Two laws have since been passed, viz. the 7th of W. III. c. 3. and 20th Geo. II. c. 30. (as stated above) to give the people this right in cases of treason, and no satisfactory reason can be urged why it should still be withholden from them in other cases. Those who are acquainted with human nature must be aware, how often prisoners are presumed to be guilty, from the very embarrassment which they betray in their helpless situation. The Editor has now before him a little work, written by M. Salverte, entitled "*Des Rapports de la Medecine avec la Politique*," which contains some observations on this point, extremely worthy of attention. After having spoken of the emotions which the aspect of a numerous assembly must infallibly create in an individual brought before a full tribunal, the author introduces, very happily, the anecdote of a noble lord, who, in the house of commons, was so agitated while recommending the bill for allowing counsel to persons accused of high treason, that he actually could not go on with his speech.—"Sir," said he, "if I, who rise only to give my opinion on the bill now depending, am so confounded, that I am unable to express the least of what I proposed to say; what must the condition of that man be, who, without any assistance, is pleading for his life, and under apprehensions of being deprived of it*?"

"Civilians," continues Mr. Salverte, "have hinted "at the perturbation of a person accused as being "the strongest presumption of his guilt; this rule "has been adopted in practice by many judges, and "an almost general prejudice has established it. But "independently of the apprehension of this error, "from which no tribunal is exempt, independently "of the agitation which a painful situation cannot "but create in the human mind; can a man who "for the first time of his life perhaps, is brought "into public view, and who would feel himself "intimidated were he to decide in the capacity of a "judge,—can he be calm and unaffected when he is "to answer as a culprit? when every surrounding object "is calculated to inspire him with inquietude and "alarm, when no comforting voice invites him to be "composed, when his only expectation rests on his "innocence, innocence so frequently misjudged by "men! Is it to be wondered at that his voice fails "him, that he falters in his speech, that he grows "pale, that he shudders, that he looks around but "without seeing, that he listens and hears without "comprehending, that, in the unsteadiness of his "discourse, he manifests a suspension of reason, of "memory, of ideas? No, certainly; and it becomes "the duty of the philosopher who studies man in "men; it belongs to the physiologist who laments "his inability to remove such fatal agitation, to "check at least our unjust precipitation, to demon-"strate in this timidity which at once clogs the "moral and physical powers, the inevitable effect "produced by the presence of an assembly; an ef-"fect which is only overcome by the most resolute "after long habit, or by exercising a command "almost miraculous over his own imagination."

Upon the whole, it appears, that this subject deserves to be most maturely considered, and the Editor ventures to hope, that it will not be overlooked by

* This was lord Ashley, afterwards earl of Shaftesbury, and author of the Characteristics. It is said, (Gen. Dict. Hist. and Crit. vol. ix. p. 179.) that his lordship had prepared a speech in behalf of the bill, which those, to whom he shewed it, thought a very proper one on the occasion. But, when he stood up to deliver it, the great audience so intimidated him, that he lost all memory, and was unable to proceed. The house, after giving him a little time to recover his confusion, called loudly upon him to go on, when he proceeded to this effect. "Sir, if I, who rise only to give my opinion on the bill now depending, am so confounded, that I am unable to express the least of what I proposed to say; what must the condition of that man be, who, without any assistance, is pleading for his life, and under apprehensions of being deprived of it?" This sudden turn, which by some was imagined to be premeditated, though it really was not, is said to have been of service in promoting the bill."

would be sufficiently inclined to prosecute without any additional reward.

Mr. *Hurst* gave his assent to the principle of the bill. The whole country shuddered at the abuses which it was intended to correct.

The *Solicitor-general* said, that his hon. and learned friend had not objected to the abolition of fixed rewards. There might, however, be cases where persons had meritoriously come forward, in which it would be very desirable that rewards should be given. He thought that the judges should have the power of determining in what cases rewards should be allowed.

Mr. *Bennet* said, he wished to give the judges that discretionary power, and to remove fixed rewards altogether.

After a few words from General *Thornton* and Sir *T. Baring*, who supported the bill, it was read a second time.

PRIVATELY STEALING (Ireland) BILL.] This bill was read a third time, and passed.

EDUCATION OF THE POOR BILL.] This bill was read a second time.

EMPLOYMENT OF THE POOR.] Mr. Alderman *Wood* moved, that the house should resolve itself into a committee on the Irish acts of the 21st, 22nd and 26th of George III. relating to partnerships.

Mr. *Grenfell* objected to the principle of the bill which his hon. friend wished to found on those acts: it would alter the whole commercial system of England, and establish joint stock companies, with all their inconveniences.

Mr. Alderman *Wood* said, that if there were any objection to the operation of the bill in England, it might be confined to Ireland, where the importance of such a measure could not be denied.

The house then resolved itself into a committee, in which Mr. Alderman *Wood* moved, "that a bill be brought in to repeal the Irish acts of the 21st, 22nd and 26th of the King, for the purpose of consolidating their provisions into one act, and extending the same, to promote the employment of the poor in the fisheries, trade, and manufactures of Ireland, by regulating and encouraging partnerships in that part of the United Kingdom."

The resolution was agreed to.

FRAME WORK-KNITTERS.] The following petition of the frame work-knitters in the town and county of Nottingham was presented, ordered to lie on the table, and to be printed.

"That the petitioners are much distressed, not only from the want of employment, but also by the low price of labour, which accumulation of misery has reduced a considerable portion of them to pauperism, and a degree of wretchedness unknown to that district, and distressing to humanity; that much of the distress complained of arises from the introduction of fraudulent manufactured goods, which not only brings discredit on the trade in distant markets, but creates a competition amongst the petitioner's employers, ruinous to the workmen by the great reduction continually made in the price of their labour; the newly introduced goods are made without narrowings, and cut with scissors instead of being narrowed and made with selvages in the frame; another description of these goods are made without narrowings in the heel and feet, and fashioned with a needle instead of being finished with selvages in the frame in a workmanlike manner, a system not only highly injurious to the petitioners, but also much discountenanced and lamented by their employers: the great sufferings which the petitioners have endured, the enormous burthens thus thrown upon parishes, and the alarming evils thereby produced, have induced them to appeal to the house for such redress and assistance as their wisdom may suggest; and whilst the petitioners do not presume to dictate to the house, they humbly submit that, if the fraudulent articles above alluded to were prohibited, it would be a considerable relief to them, and maintain the trade of the district in its former credit and celebrity, and thus ultimately restore the petitioners to a state of comfort and happiness, of which they have been long deprived; they therefore

that honourable and benevolent legislator, who has constantly evinced the greatest anxiety for the happiness and safety of his fellow subjects. It is stated in all our books, that High Treason is the greatest crime that a man can commit. Why, then, if he is allowed counsel in that case, should he not have the same assistance in defending himself against a charge of murder or robbery, which are crimes of an inferior nature? Sir Robert Atkins, in his "Defence of the late lord Russel's innocency" powerfully illustrates the severity of the want of counsel. As to the saying, that "The court is of counsel for the prisoner," he observes, "For my part, I should never desire to depend upon that only: I know what this is by experience."—Now, it is worthy of attention, that the statute (7 W. III. c. 3.) which allows counsel in cases of treason, expressly declares, that "*nothing is more just and reasonable.*" The words of the preamble are these: "Whereas nothing is more just and reasonable, than that persons prosecuted for high treason and misprision of treason, whereby the liberties, lives, honour, estates, blood and posterity of the subjects, may be lost and destroyed, should be justly and *equally* tried, and that persons accused as offenders therein should not be debarred of all just and *equal* means for defence of their innocencies in such cases."—Here, then, it is admitted by the legislature, that persons who were before tried for high treason and were deprived of the assistance of counsel, were not *equally* tried: and the reason is obvious, namely, that the most learned and eloquent lawyers were employed to plead against them, and none were allowed to plead for them. And does not this *inequality* appear in all other cases? In treason, a prisoner is allowed to have counsel: in trespasses, and other offences, which are not capital, he is allowed to have counsel: so that, in a crime of the highest magnitude, and in the lowest species of offence, counsel may be employed; but there is an *intermediate state*, in which they are prohibited. The absurdity and injustice of this rule must be evident to every one who considers it.

pray the house to take their case into consideration, and to afford them such relief as they may deem expedient."

SPANISH SLAVE TRADE.] The Spanish slave trade treaty bill was read a second time.

HOUSE OF LORDS.

Tuesday, April 14.

MARRIAGES OF THE ROYAL DUKES.] The Earl of *Liverpool* rose to state, that he wished to postpone the consideration of the message from the Prince Regent on the subject of the marriages of the dukes of Clarence and Cambridge until to-morrow. He should then state to the house the nature of the measure which it might be thought advisable to recommend to the adoption of their lordships, and the grounds on which it would be proposed. In the mean time he moved, that the said order be discharged.

The Marquis of *Lansdowne* said, he felt it impossible not to state the singular situation in which the house were placed by the message which the noble earl had brought down, and the very extraordinary conduct which had now been adopted upon it. He had always understood that the respect which the house owed to the crown required that no delay should take place in replying to any communication which might be made from that quarter. The well-known practice of their lordships was, to return an address on the following day: and as this was the general principle in ordinary cases, how much more ought it to be observed in the case of so important a communication as a message relative to the marriage of members of the royal family. It appeared to him, that the house were now bound to take the message into consideration, and return an answer. What motive could there be for delay? It was impossible to believe that the advisers of the Prince Regent, when they recommended the message which had been brought down, were unprepared to state any measures which they could recommend to be adopted upon it. This much he had thought it his duty to state, in order that, whatever appeared to be disrespectful to the crown in the proceedings respecting this communication, might not be laid to the door of the house, but that the blame should fall on those who were the advisers of this extraordinary course, and who had brought down a message from the throne, without being prepared with any proposition upon it for the consideration of the house.

The Earl of *Liverpool* was ready to admit that the blame, if any could be attached to the course of proceeding which had been adopted, must fall on those by whom it was recommended, and that he, therefore, was willing to take that blame on himself. With regard to what had been said on the course of proceeding, he should only remark, that when the object of an intended address was merely to return thanks to the Prince Regent for a communication made to the house, the usual practice was, not to postpone it for a day, but to vote it immediately; but when ulterior measures were to be proposed, it was due to the house that they should not be taken by surprise. He, therefore, thought it improper to propose to move an address until their lordships were in possession of the measure which was to be recommended. He felt that he should not be doing his duty, if he called upon them to give an opinion, before they were made fully acquainted with the sentiments of the Prince Regent's government on the subject, and the requisite information was communicated. It was therefore from no disrespect to the crown that the delay was proposed, since the sole object of postponing the consideration of the message until to-morrow was, that their lordships might be better prepared to give their opinion upon the measures which his Majesty's ministers might consider it their duty to recommend.

Lord *Holland* thought it difficult to decide which was more extraordinary, the course which the noble earl proposed to the house to adopt, or the reasoning by which he attempted to support it. He had begun with admitting, that if the house agreed to postpone the consideration of the message, his Majesty's ministers, or rather the noble earl only, was to be charged with all the blame which might attach to such a proceeding. This was, indeed, very condescending in the noble earl; but he apprehended that, if the house discharged the order as recommended—and he defied the noble lord, versed in precedent as he was, to shew that ever such an order had been discharged—notwithstanding the generosity of the noble secretary of state, the impropriety of so acting would rest with the house. He knew that his Majesty's ministers were so much in the habit of identifying themselves with the government, that they spoke as if they and the crown were the same thing; but he trusted their lordships would not allow them also to assume the authority of that house, nor place confidence in the opinion of the noble secretary of state, that he could bear all the censure of an act, which, if adopted, must be theirs. If the noble earl could not now state the measure that was to be recommended, why did he not propose to move a simple address of thanks? This would be consistent with the usual practice, and he should give the noble earl the opportunity of agreeing to one before he sat down. The noble earl, it was evident, had thought proper to bring down a message, and was not prepared to make any proposition whatever upon it, because he now apprehended an opposition which he at first did not anticipate. It might be recollected, that the noble earl had often spoken as if he were independent of the Prince Regent; and now it appeared that he wished to be independent of par-

liament, by establishing a little parliament of his own. (*Hear, hear.*) Among the other extraordinary circumstances which the noble earl's conduct on this occasion disclosed, it was not the least that he recommended to the House of Lords to act in a disrespectful manner towards the crown, by neglecting to reply to the message: he was not able to form any opinion of his own, on the subject of that message, without consulting others. For these reasons, it appeared to him that the noble earl was bound to state more distinctly to the house, the grounds on which he expected that their lordships were to adopt his advice, and depart from all former precedents. He had no hesitation in declaring, that the course which the noble earl proposed appeared to him not only disrespectful towards the crown, but also unfair to the crown, the house and the people. It was unfair to the house, if their lordships were disposed to carry the message into effect, not to allow them an opportunity for going up immediately with the address. On the other hand, if they thought there was any thing in the circumstances of the country which required that they should not concur in the recommendation of the message, it was unfair both to the crown and the country not to say so. Why was the character of their lordships to suffer the imputation of disrespect to the throne by an unnecessary delay in performing their duty? The practice which the noble earl had adopted of consulting private committees must have a most inauspicious appearance in the eyes of the country. What was it but calling on the House of Lords to defer what they ought to do now until to-morrow, that ministers might have time to tamper with those who were to decide on the question? (*Hear.*) He should therefore move, by way of amendment, such an address as the character of their lordships required them to adopt. He would propose, that they should express their zeal and attachment to the house of Brunswick, and their wish to carry into effect the objects of the message, as far as that could be done in the distressed state of the country. His own opinion—and what his opinion was, he should never shrink from stating on any question—was, that if the marriages contemplated in the message were to take place, suitable provision ought to be made for the princes; but the country had already provided so well for the splendour and dignity of the crown, that the provision could be made without imposing any new burthen on the people, and in that way, he thought, that splendour and dignity would be best consulted. He concluded by moving, instead of the words "that this order be discharged," words to the following purport, to be substituted after the word "that" in the original motion: "an humble address be presented to his royal highness the Prince Regent, to return thanks to his royal highness for the information which he had been pleased to communicate respecting the intended marriage of his royal highness the Duke of Clarence with the Princess of Saxe-Meiningen, and of the Duke of Cambridge with the Princess of Hesse; to express the entire satisfaction of the house in that arrangement, and to assure his royal highness that their lordships would cheerfully concur in all measures necessary to make such suitable provision as the occasion required; and as the zeal, attachment, and loyalty, which their lordships feel towards his Majesty's family and government, and the lively sense they entertain of the advantages of preserving the succession to the throne in the family of Brunswick dictate, due regard being had to the present burthened state of the people of this country."

Lord *Sidmouth* said, he wished to recal to the recollection of their lordships the circumstances under which the present discussion had commenced. The noble marquis who spoke first had said, that if the consideration of the message were postponed, the discredit of that proceeding would belong to the noble earl who had moved the discharge of the order, and not to the house. His noble friend readily admitted the truth of that observation. He candidly acknowledged, that if any discredit belonged to the proceeding, it ought to fall on the advisers of the Prince Regent, and on himself in particular. It had been asserted, that no reasons were stated for the postponement; but he understood his noble friend to have intimated that he would explain the grounds of the postponement when the message should be taken into consideration to-morrow. The address to be moved was not an ordinary congratulation or vote of thanks, and his noble friend justly expected that the house would look to him for the explanation of some plan or measure as the consequence of the message, and also, that their lordships would not be disposed to come to a vote without due information on the subject. The noble baron, however, who would be the first to object to an address proposed without any information, now wished to vote one for which no ground whatever had been laid. Was it not proper that the measure which was to be proposed to-morrow should then be explained? Considering the necessity there would be for going into details, it was not candid to call on his noble friend for explanations now. Alterations might be made in the plan. Different impressions which had been produced might be removed. (*Hear, hear.*) He would repeat, that different impressions might be removed, and alterations suggested, which would require consideration. These were reasons for delay which ought to weigh with his Majesty's ministers on such an occasion. His noble friend would be prepared to-morrow to give their lordships the requisite information. As for the amendment proposed by the noble baron, it was of a nature totally unprecedented, and was one which he was confident their lordships would not adopt.

Lord *King* said, he believed this was the first time that a minister had given a decided nega-

tive to an address of thanks and congratulation proposed to the throne. It was the usual practice to move an address to the throne on the day after a message was received, and now the noble earl, without any reason, desired the house to abandon that practice. It appeared that the noble lords on the other side of the house could not make up their minds as to what ought to be done until they received hints from persons out of parliament; whereas on the side of the house on which he stood, they were ready to vote an address as usual, in return to the message, guarding their answer with the words which his noble friend had inserted at the close of his motion. He should, therefore, vote for the amendment.

The Earl of *Lauderdale* felt it to be a very extraordinary proposition to delay the address which ought to be returned to the Prince Regent's message. But their lordships had to consider whether it would be more proper to delay the address for a day, or to adopt that which his noble friend had proposed, which, in his opinion, would be more disrespectful to the crown than the postponement proposed by the noble earl. There was no precedent of any such address as that which his noble friend had moved having ever been voted by the house. The words with which he had terminated it would imply, that their lordships had upon former occasions been unmindful of the burthens imposed upon the people. To agree to it would be to acknowledge that their lordships had neglected their duty. He, therefore, could not vote for the amendment.

The Marquis of *Lansdowne* observed, that the house were placed in a novel situation. If the amendment moved by his noble friend was unprecedented, their lordships must perceive that, such as it was, it was forced upon him by the unprecedented conduct of his Majesty's ministers. Their lordships had no other alternative left but to agree to the amendment, or to adopt the extraordinary course proposed by ministers. The noble earl had assigned no reason to induce their lordships to depart from the usual course; all that they had heard was, that they would be informed to-morrow of the reasons why they were not to do their duty today. The noble viscount, however, had gone a little farther, and made an important revelation. He had said that, by the delay, certain impressions might, perhaps, be removed. *(No, no, from the ministerial benches.)* He had attended to the noble viscount's words, and was confident that impressions to be removed, and alterations to be made in the plan, constituted the reasons which he had assigned for delay. He would ask, how were the impressions spoken of, whatever might be their nature, to be removed? Certainly not by argument; for none had been employed. But it appeared that there was some mode by which impressions were to be removed, and alterations made, without the knowledge and concurrence of that house; and that, while that process was going on, their lordships must patiently await the result. As the mode by which this was to be accomplished was, it seemed, not fit to be stated, the house were required to adjourn until ministers came fully prepared with the result of their secret consultations. The house were therefore brought into this strange predicament—that whether they adopted the motion of the noble earl, or the amendment of his noble friend, their conduct would be liable to objection. The motion of the noble earl appeared on the face of it the most disrespectful to the crown, and the most improper for their lordships to adopt; and upon that ground, if his noble friend persisted in putting his amendment, he should vote for it. Ministers had by their conduct imposed upon the house the necessity of choosing between two difficulties.

Lord *Holland* said, he felt it necessary to offer a few words in reply. His noble friend (Lord Lauderdale) had regarded his amendment as more objectionable than the motion of the noble earl. Would his noble friend, then, suggest any other mode of getting rid of the difficulty in which the house were placed? His motion was a consequence of that of the noble earl; for the mode which he had adopted in moving the amendment was rendered necessary by a proposition to discharge the order of the day. His motion certainly would not be respectful, if carried after that order had been discharged. He could not help feeling that he came to this contest with the noble earl on very unequal terms. He came expecting to vote an address on the message of yesterday; but the noble earl entered the house, after having consulted with others, and these others again with others, and, perhaps, with individual members of parliament. His noble friend had said that the amendment was unprecedented. He certainly must acknowledge that it was in some measure unprecedented, because there never had before been such a motion to amend; but he would contend, that the form was not unprecedented, for there had been several instances of addresses to the crown being moved in the way he had proposed this, by adding words after the word "that" in the original motion, the remaining words of that motion being afterwards negatived. He could not comprehend the ground on which the noble earl persisted in postponing the business on which the house ought now to enter, unless it were supposed that the word "to-morrow" carried with it some extraordinary spell, some magic charm. Yesterday the address was to have been moved "to-morrow"—to-day it was "to-morrow" again. On Thursday it might still be "to-morrow," and on Friday it might be found that two days would fortunately intervene. Thus the measure might be postponed, until ministers were fully prepared to come to a vote. His noble friend had objected to certain words in the address which he had moved. The way to cure that was, to propose an amendment. He

might move that the words which he disliked should be omitted. It was, however, very extraordinary that his noble friend should suppose, that the bare act of professing any virtue was a proof of the want of it. But his noble friend had not taken his opposition to the amendment on a sufficiently large scale. He seemed to have forgotten that the address also spoke of the zeal, attachment, and loyalty of the house. Nay, his noble friend had but a few days ago agreed to an address to the crown on the marriage of the Princess Elizabeth, in which these sentiments were expressed, and never intimated that that address was so framed as to throw a suspicion of disloyalty on the majority of their lordships. Did his noble friend suppose that these were not the sentiments by which their lordships were usually governed? But where was the disrespect as he had framed his motion? It would appear on the journals, that, on a certain day, a single peer had proposed that a motion for an address should be discharged. On looking at the journals the crown would find, that the house had resisted this proposition, and had voted the address. The crown, he was convinced, would graciously overlook the disloyalty of that peer, and would never seek to know his name. (*A laugh.*) The generous disposition of the princes of the house of Brunswick would prevent them from asking who he was. They would say, they did not wish to be informed who the disaffected person was who had refused an address to the throne on such an occasion. The sovereign would doubtless cast a veil of oblivion over the transaction; and if information were offered to be given him on the subject, he would reject it, or act as Pompey did when he destroyed the papers found in the camp of Sartorius. If, however, the noble secretary of state would, after all, promise to agree to the amendment to-morrow, he would now agree to his motion for discharging the order.

The Address was negatived.

The question was then put from the woolsack, "That the said order be discharged;" upon which their lordships divided:

Contents, 51; Not contents, 12.

The Marquis of *Downshire* moved for a return of the incomes of the Dukes of Clarence, Kent, Cumberland, Sussex, and Cambridge, from military, naval, or civil appointments; also of all pensions or other allowances, as well as grants from the droits, or any other sources, since 1800.

The Earl of *Liverpool* objected to the terms of the motion, but had no hesitation in acceding to give the substance of the information required. He particularly objected to the term "sources."

After some discussion, a new motion was proposed, worded in a different manner, when the Bishop of *Peterborough* objected to it, as being altogether disrespectful and indelicate.

Lord *Kenyon* thought the naval and military emoluments ought to be omitted.

The Earl of *Liverpool* again expressed his readiness to give the information required; and the motion was left to stand over till to-morrow.

HOUSE OF COMMONS.

Tuesday, April 14.

WATER COMPANIES.] Mr. *M. A. Taylor* said, he held in his hand a petition from the vestry of the parish of St. Marylebone, praying that they might be allowed to introduce a petition for a bill to establish a new water company. He was induced to take up this matter, in consequence of the interest he took in a bill which was introduced into parliament in the last session, called the metropolis paving bill. Originally, there was but one or two water companies in the metropolis; but on account of the vast increase of population, a variety of companies applied to parliament to be incorporated. Those companies had endeavoured to undersell each other, some of them offering to supply their water at 10*s.* and others as low as 5*s.* per quarter. The consequence had been, that they had been so depressed in their finances, that some of them had been obliged to stop their works, and leave the public without any water. At length the companies had carved out distinct portions of the metropolis for themselves, and by that means many of the inhabitants were not supplied with water, while the rate was fixed as high as possible. Under these circumstances, he thought that a maximum ought to be fixed to the supply, and that a reserve should be made in case of fire. It was a lamentable circumstance, that, at a fire which took place six or seven weeks ago in the Strand, no fewer than seven lives were lost; and that for the space of a whole hour water could not be obtained. He was desirous, therefore, that this petition should be referred to a committee above stairs, when the proper arrangements might be made for introducing a bill to the effect he had stated. He was happy in representing to the house, that the water companies were so sensible of the impropriety of the present monopoly, that they had readily coincided with him in thinking that it would be for the benefit of all parties to refer the matter to the consideration of a parliamentary committee.

Mr. *Warre* said, he understood that the Grand Junction Company had no objection whatever to the principle of a maximum, since it was one on which they acted at present.

The petition was brought up, and referred to a committee.

WOOL TRADE.] Sir *C. Burrell* presented the following petition of the Wool growers, on the South Downs, in the county of Sussex. "That the petitioners, being flock masters, humbly beg leave to state to the house, that the South Downs, and most other thin poor soils of the united kingdom, are stocked with short wool sheep, which are alone adapted to such high situations, that the arable lands on these

soils are principally manured with the sheep, by raising a quantity of artificial feed for the support of their flocks, which enables them to manure their arable land in high situations, which could not be done in any other way that could possibly repay the expense if manure could be procured; the petitioners beg leave to state, that the wool produced from these flocks is the article to which the occupiers look for payment of a considerable portion of their rents, taxes, and other outgoings, and they humbly submit, that the effects of large importations of foreign wool, almost free of duty, press the more hardly, as from the laws prohibiting export, they cannot obtain the relief of any foreign market to take off the surplus, and are compelled to submit to any price the manufacturers may be disposed to offer, while the manufacturer is protected from foreign competition, not only in the home market, but in most of our foreign possessions, and who are not labouring under the pressure of heavy parochial taxes and tithes as the petitioners; that the petitioners are informed the wools imported are entirely short wools, which they humbly conceive have caused the low price of that article of the home growth the last seven or eight years, during which time the short or fine wools have been selling at nearly the same price as long wools, which the petitioners humbly submit to have been produced by the enormous importation of foreign wools, almost free of duty; they therefore pray, that the house will take their case under their immediate consideration, and either repeal the laws prohibiting the export of wool, or impose such duty on the import as will afford full protection to the home grower for so considerable an article of produce."

The petition was ordered to lie on the table.

Mr. *Walter Burrell* then rose, in pursuance of notice, to move "that a select committee be appointed to inquire into the state of the laws which restrain the trade in wool, the growth of Great Britain." He observed, that whatever objections might have been formerly urged against such a measure, the time was now come when the manufacturers ought to concede the boon which the agricultural body had long looked for, namely, the right of exporting their wool. When the manufacturers were in a state of rapid improvement, he conceived that he was entitled to ask this at their hands. The long wools of Lincolnshire and Leicestershire had sunk in price, in consequence of the quantity of foreign wool imported; and it was but just that the growers should be allowed every means for the fair disposal of their property. In 1814 and 1815 no less than 30,700,000 lbs. of wool were imported. Last year there was not so large an importation, but still it was very considerable. The foreign manufacturer had a very great advantage over the wool grower of this country. In consequence of not being burthened with poor rates, he could undersell the English grower, and this accounted for the market being overstocked with foreign wool. Every other species of produce, either of our colonies or of home growth, was allowed to be exported, and he could see no good reason why the same principle should not be extended to wool.

Lord *Lascelles* said, that the only reason assigned for this application was, that the wool trade of this country was in such a state of depression as to call for the interference of the house: but he was prepared to deny the fact. So far from that being the case, it was known to every gentleman conversant with this subject, that since the year 1816 the price of wool had risen very considerably, so much as from 14 to 15, 19 and 20 pence per lb. Even at the present time, the price of wool was rising, and, notwithstanding the home growth, and that procured from abroad, the market was inadequately supplied. It would be a satisfaction to the house to hear, after what had been said regarding the distress of the manufacturing districts of the country, that at no period since the commencement of the manufacture of wool, had there been so flourishing a year as the last, with the exception of the year 1813, especially with regard to the quantity of broad-cloth manufactured. It was indeed true, that the quantity of narrow cloths manufactured had been of a smaller amount than in former years. With the existing demand upon this species of our manufacture, he conceived it to be much more advantageous for this country to receive the raw material from foreign markets, and export it in a manufactured state, than to impose any new duty upon such imported article. There was, however, another objection which he had to the appointment of this committee. On a question of such great interest, he conceived it to be impossible to open a committee without going into a full detail of the subject, not only as to the price of the article itself, but into all the niceties and intricacies of the question; and, unless this were done, the publication of the report, he conceived, would be of great disadvantage to the interests of those concerned in the trade. In a former committee on this subject, held in 1816, his own conduct had been much reprobated, both within and without that house. On that occasion, he was so sensible that a report, such as could have been drawn up, would be highly prejudicial to the interests of the traders, that he moved a resolution which had been acceded to, and which confined the consideration of the subject to one particular point, namely, whether the price of wool at that time demanded the interference of the legislature. The hon. gentleman who had thought proper to make this motion, was aware that the application was founded upon petitions which had been dormant in the house for a considerable time, and that not one petition besides that which had been now presented, had been laid before them, praying for an examination

into the subject. It was also remarkable, that when the committee of 1816 was formed, at the time of the great distress among all classes of the community, although the whole of those interested in the question were acquainted with its appointment, yet not one single individual appeared before that committee on the part of the petitioners. Under all these considerations, therefore, at a time when the manufacturers were commencing their operations with renewed vigour, and when, in fact, with regard to the article in question, there was an insufficient supply of the raw material from abroad, he was decidedly of opinion that the interference of the house was not required.

Mr. *Curwen* perfectly agreed with the noble lord, that the appointment of this committee was wholly unnecessary. The wool-growers and farmers, it seemed, would never be contented: no seasons, no weather, no price could please them. Although, in 1816, a sheep of 60 lbs. produced only 34*s.* 6*d.* it was now selling for 56*s.* Wool itself had risen enormously in price, and he would ask any gentleman, conversant with the trade, whether it was not likely to bear a still higher price. With respect to the question of exportation, his opinion decidedly was, that although it might be generally true, that free exportation and importation were advantageous to trade, yet, with respect to the staple of wool, it was directly the reverse. Corn could be exported without any injury to the labouring classes, but wool could not be exported without taking the bread from thousands who were employed in the manufacture of it. He gave the hon. gentleman who moved for a committee, full credit for his intentions to promote the interests of agriculture, but it should be remembered, that its prosperity depended on the flourishing state of our trade and manufactures.

Mr. *D. Gilbert* said, he thought it would be a great hardship if the house refused to institute an inquiry into this subject: he should, therefore, vote for the motion, without pledging himself to support any future measure.

Mr. *Shiffner* also supported the motion for a committee.

Mr. *H. Davis* said, he saw no reason whatever for going into a committee. He had obtained, during the present year, as an agriculturalist, 30 per cent. more for his wool than what he had been accustomed to receive. He believed, that, at present, the market was inadequately supplied.

Mr. *Holme Sumner* observed, that in the committee of 1816, to which the noble lord had alluded, the proceedings were hurried forward in the most summary manner. A number of individuals had complained to him that in consequence of the hasty manner in which the business was conducted, they had not had an opportunity of expressing their sentiments. He trusted, therefore, that the subject would be fairly investigated.

Mr. Alderman *Atkins* was of opinion, that if an inquiry were instituted, it would check the importation of wool from abroad. This would narrow the amount of manufactures—a circumstance which he considered extremely dangerous at the present moment.

Sir *James Graham* said, that the price of wool had considerably increased since this time last year. Only one petition had been brought up on the subject, and he could not consent that a system which had existed for near 200 years, and which had been so advantageous to our manufactures, should be disturbed.

Mr. *F. Lewis* said, that having been placed in the chair of the committee of 1816, he felt it his duty to express his sentiments upon the present occasion. If there were no stronger argument in favour of the appointment of this committee, than that the committee which sat two years ago to investigate the same subject, which it was now proposed to consider, had made no inquiry into the question, he should vote for the present motion. It could not be denied, that the present period offered a very favourable opportunity for the investigation; and he conceived that the house was imperiously called upon to appoint the committee. He would venture to say, that there never was a question which had been attempted to be disposed of by arguments so irrelevant and futile. Was it to be maintained, that the appointment or non-appointment of the committee, was to depend upon the price of wool—whether it was higher or lower at the present time than in former years? The committee would have other objects for its consideration. It would have to ascertain what degree of increase of price the agricultural interest had been deprived of by the system which had been adopted. The policy of the mercantile system had been to have a free export and import of all commodities; and even a free export of corn, one of the first necessaries of life, had been allowed. Why, then, was the exportation of wool prohibited in all times, and under all circumstances? In some trades there was but a single monopoly against them, but in the wool trade there was a double monopoly. The wool-growers were compelled to sell to none but the home manufacturers of wool, and to buy of none but those same manufacturers. Instead, therefore, of having the privilege of selling to as wide a market as possible, they were confined within the narrowest limits. Was it fair, to put one class of individuals in so advantageous, and the other in so disadvantageous, a situation? If the house would allow the committee to be appointed, he would himself undertake to prove, that all the grounds upon which this policy of prohibition was founded in 1660, when the prohibition was complete, were wholly untenable. Not one of those arguments then brought forward in favour of the measure could now be maintained; for they amounted to nothing short of this—that Europe could not manufacture cloth without the

assistance of English wool. He would also prove to the committee, that a very large revenue would be raised upon the exportation of wool, and that was a point to which the house ought peculiarly to attend. As large a sum might be raised by this means as would enable ministers to repeal the additional duties on leather. This was one of the benefits which would arise, and he might enumerate others, but he would not now detain the house. He conceived that he had stated ample grounds for the appointment of the committee, and he should sit down, therefore, with declaring, that he should give his vote in favour of the motion.

The house then divided.

Ayes, 80; Noes, 85.

MARRIAGES OF THE ROYAL DUKES.] Mr. *Wilberforce* rose and asked, whether the noble lord intended to proceed immediately to move for a committee on the Prince Regent's message; as in that case he would postpone a notice of his, which stood for that evening.

Lord *Castlereagh* said, it was his intention to move the order of the day for a committee to consider the message, with a view of postponing it till to-morrow.

The order of the day was then read, and Lord Castlereagh moved, that the committee be deferred till to-morrow.

Mr. *Brougham* said, that he had last night taken the liberty of moving a temperate and moderate amendment, which was met by observations from gentlemen on the opposite side, and even from a learned friend on the bench below him, (Mr. Plunkett,) stating, that they were friends to economy, and anxious for it, but that the amendment was contrary to the usual practice of the house in considering messages from the crown. Precedents were cited as decisive against his amendment by those who really agreed with him in its spirit and substance. But now the noble lord opposite was endeavouring himself to deviate from all precedents, to which he was so much attached last night, and was going quite contrary even to the precedent of yesterday. The forms respecting the consideration of royal messages were adopted from a respect to the crown; but they frequently sacrificed the fit opportunities for discussion. From a feeling of loyalty and decorum to the crown, the house had been often called upon, in cases of much difficulty, to pledge themselves as to their conduct by voting addresses to the throne. The plain English of the matter was too obvious to be misunderstood. A noble lord, a member of the other house, had assembled a certain number of gentlemen, members of the house of commons, in a room in his own private house (*hear*), and had to them stated the intentions of government. The gentlemen assembled, he understood, were most of them respectable country members, many of whom, of course, entertained honest and liberal opinions. Perhaps, some of the assembly were not of the description of independent country members. He had understood, that some were of the learned profession to which he himself belonged. Many members, however, were excluded from this assembly. In fact, there was a body of members called together, who were feared by ministers, and to them the noble lord had made communications which were refused to the house of commons, assembled in its lawful and constitutional capacity. If the house of commons allowed such proceedings, a debate in parliament on the most important subjects would become a mere mockery. Questions might be put from the chair, and spoken and voted upon, and the result declared by the speaker: but there would be no real discussion. That would be previously settled elsewhere, the votes would be managed by private influence, and by practising upon the feelings and interests of members—a practice which he had a right, in such a case, constitutionally to suspect ministers of making use of. If by such means the sense of the house was to be made to coincide with these private deliberations, debating a question within those walls would be useless; except as in the case of yesterday, when, fortunately, as it turned out, some unhappy mistake was committed. He had not previously a fit opportunity to make his protest against such an unconstitutional practice, but he could not now let it pass without reprobation. *(Hear.)* It had turned out that Lord Liverpool, at whose house the gentlemen met, had mistaken their silence, on his making his statement, for their assent. But, as soon as they came from this private assembly to the open house of commons, in their proper characters as representatives, they declared, one after another, to the confusion of ministers, that the propositions submitted to them were too extravagant to obtain their concurrence. *(Hear, hear.)* He felt that he had a right to assume, that the object of postponement till to-morrow was to give time, not to feel more pulses, but to try new arts to influence the honesty and the votes of members. The noble lord asked for further time, on a question which he knew that he dared not then, though upon his own notice, bring before the house and the country. *(Hear, hear.)* If the virtue and honour of the house should negative the noble lord's proposition, as he hoped would be the case, he intended to submit a resolution, so constitutional in its spirit, yet so moderate and respectful, that he was inclined to believe that the house would agree to it.

Lord *Castlereagh* observed, that the meeting complained of was only a practice which often had been used before. He apprehended, that if members were prohibited from meeting together out of the doors of that house, under the pretence of their purity being corrupted by coming into contact with his majesty's ministers, no beneficial result would be found. He hoped, therefore, the house would allow him to make a counter protest against the new constitutional doctrine of the hon. and learned gentleman,

which was not practicable, and could produce no advantage whatever. If ministers had a particular measure to bring forward, they might fairly consult with others as to its expediency. He must say, that ministers had possessed the confidence of parliament and the country, which confidence, while they were in office, they would try to merit and retain. (*Hear.*) The observations of the learned gentleman were in fact only part of a system to vilify and run down the administration of the government. He should enter into no particulars at that time, but reserve himself as to statements and reasons till to-morrow; when he should endeavour to satisfy the house that ministers had done what they conceived to be their duty, not only to the crown, but to the country.

Mr. *Tierney* said, that if the object of his hon. and learned friend had been, to attack and run down the government of the country, the attempt was perfectly unnecessary, for surely no ministry had ever so much vilified themselves, (*Hear, hear,*) and that, too, in the course of forty-eight hours. No administration he had ever known, or heard of, had put themselves into a more contemptible situation. (*Hear.*) He used these words because he knew of none other in the English language by which to express his opinion fairly. As to the question of the meeting being constitutional, or unconstitutional, he could only say, that there might be cases in which such a practice would be very allowable. For instance, if there were a question coming on concerning any particular branch of trade, commerce, or manufactures, there could be no impropriety in calling together particular persons concerned in such branches, and consulting with them on account of their more extensive knowledge of the matter. But the present was quite a different case, and affected at once the monarch, the house, and the people. When this meeting was held yesterday, he must presume that all had been settled by ministers, as to their objects, and that they had deliberately advised their royal master about the proposal of the grants, as a thing fitting to be done. This, he supposed, must have been the case previous to the meeting at Lord Liverpool's. They got together what they thought a faithful few. But ministers had now found out, that what they had advised the prince regent to recommend, the house of commons were not very likely to sanction. (*Hear.*) They wanted, therefore, to consult a faithful few, for a reconsideration of the measure; or they might perhaps say they were only acting under his royal highness's orders. At this sort of parliament assembled at Lord Liverpool's, his lordship, he thought, should have had a gallery for the accommodation of those who were not members, so that this precious debate might be heard. (*Hear.*) But, in fact, he understood, there was no debate, and that it was like a sort of quakers' meeting. (*A laugh.*) No notice, he was told, was taken by the members, of Lord Liverpool's speech to them; but when the gentlemen came out of Fife House, they broke out into a mutiny, (*a laugh*) and objected to the propositions of his lordship. For his own part, whether gentlemen held whig or tory principles, he respected and esteemed them alike, when they acted on conscience, and said, they would not vote for a measure which they did not think was right, and, therefore, ought not to be sanctioned by parliament. What was stated to the meeting was refused to parliament, who were to wait twenty-four hours for it. Now, he had waited for it, like others, for twenty-four hours, and he was then told, he and they must wait forty-eight hours before the desired information would be given. (*Hear, hear.*) The noble lord declined to tell why he postponed his communication; for, perhaps, he wished to avoid the degradation of saying, that he must wait to take further orders. (*Hear, hear.*) From what he had heard, he believed he might affirm something as to what was proposed by lord Liverpool. First, he understood that the minister proposed to make the income of the Duke of Clarence 40,000*l.* a-year, with an out-fit of 20,000*l.*: also that 12,000*l.* a-year additional should be given to the Duke of Kent, to make up his income 30,000*l.* a-year, with an out-fit of 12,000*l.* Further, that the Duke of Cumberland was to have an increase of 12,000*l.* a-year, and an out-fit of 12,000*l.*, and so to make up his 30,000*l.* a-year (*hear, hear*); and the Duke of Cambridge was to have, in the same way, 12,000*l.* a-year, to make the 30,000*l.* a-year, with his 12,000*l.* out-fit. If this scheme were sanctioned, the expense of it for this year would amount in the whole to 116,000*l.* (*Hear.*) In common candour he must believe that the ministers had deliberately and fully considered the whole measure, and that they thought the royal personages could not enter upon the marriage state, without these great additions of income; and also that, according to their general professions, they considered this as the most economical arrangement they could form. (*Hear.*) But why now change the mode of their proceedings? Why delay the consideration? Why did the noble lord, after having given his advice on the subject to his royal master, and produced his royal master's message to the house, now desert his royal master, and look about him to his friends in that house? Gentlemen who desired every practicable retrenchment, were now called upon to support a set of ministers who studied economy in the public affairs! (*Hear.*) The conduct of ministers in this transaction involved them in degradation upon degradation. They advised their royal master—they consulted their friends—they gave notice to the house, and then they postponed it. The noble lord had talked of running down the system of administration. When system was talked of, let gentlemen look at the bench opposite, and see whether any thing like system could proceed from such a strange, heteroge-

neous, and discordant body as that bench presented. (*Hear, and a laugh.*) Their only system was this—"try one thing, and if that won't do, try another." He must say that he felt for the situation of the noble lord; he had much commiseration for one who, in the eyes of foreign ministers, had assumed a character of importance and responsibility, resembling that of a sovereign rather than a minister. What sort of a figure must he make in the eyes of the various foreign ministers now in this country, appearing not to know what to do? (*Hear, hear.*) He believed sincerely, that nothing less than the noble lord's total abandonment of the whole proposition would be satisfactory to the country at large. (*Hear, hear.*)

Lord *Folkestone* observed that a great deal had been said last night respecting the forms of proceeding in that house, but it now appeared, that all order and precedents were to be violated. There was no precedent to be found in which an order for taking into consideration a message from the crown was discharged, without any reason being alleged.

The message was ordered to be taken into consideration to-morrow.

PRIVATELY STEALING BILL.] Sir *Samuel Romilly* moved that this bill be read a third time.

The *Attorney-General* said, he did not intend to oppose the provisions of the bill, but he wished the terms of the preamble to be changed. The preamble set forth, that this bill was founded on the principle that extreme severity was calculated to obtain impunity for crimes. To this principle he did not object, but he objected to the consequences of such a declaration of it. It might mislead men into a supposition that punishment ought to be proportioned to the precise degree of moral turpitude. He contended, that severity ought to regard not only the moral turpitude of the offender, but the pernicious consequences of his offence. There were crimes which might be committed with a degree of moral depravity, far short of that which prompted offences of a venial character, but which, on account of the consequences, merited, next to murder, the greatest of all crimes, the severest punishment. The second proposition on which he founded his opposition to the preamble was, that by declaring the change in the value of money to be a reason for altering the law, it pledged the house to alter every other act that was connected with such a variable commodity. The amendment which he now proposed went, therefore, not to affect the bill itself, but to restore it to its original and limited intention. It was, that for the words which stated that the extreme severity of punishment, by increasing the difficulty of conviction, afforded impunity to crimes, and which made the change in the value of money a reason for altering the law, should be substituted, simply, an expression of the expediency of repealing the law as at present constituted. (*Hear, hear.*)

Sir *Samuel Romilly* thought the objections not worthy of much consideration, but that the approbation which some members on the other side had expressed, might render it proper to offer some reply. He could not accede to the amendment, because it would expunge the very principle which made the bill both necessary and proper. His hon. and learned friend had spoken of the preamble as containing abstract propositions. What he had objected to as abstract propositions were only the result of observations founded on long experience. There was an indolence of legislation in modern times which suffered acts to be passed founded on no distinct principle at all. It had not been so formerly, and he was anxious to follow the example of better times, and to conform to a more reasonable standard, by stating in his preamble, the precise character of the bill. The principle now objected to was the very foundation of the bill. "extreme severity"—he begged that the house would attend to the expression—"*extreme* severity, by rendering conviction more difficult, afforded impunity to crime." This was a truth of universal notoriety. It was well known, that the fear of the punishment of death following conviction, had often prevented prosecutions for privately stealing, and thus afforded entire impunity to the crime. Instances were so numerous, and had been so frequently stated, that it was unnecessary to trouble the house with any reference to them. But, in the courts of justice, cases had lately occurred, which he would mention, merely for the sake of exemplification. He trusted, of course, to the authority of the newspapers for those cases. At the last assizes in the county of Southampton, a man was convicted of a burglary. A servant had broken into his master's house, and taken property to a considerable amount. On account of the disproportionate severity of the punishment, applications were made to the secretary of state for a mitigation of the sentence. But all those applications were unsuccessful, and the criminal was executed. In the newspapers the reason assigned for the failure of these applications was, that the judges had come to a resolution, that all servants convicted of stealing from their masters should suffer death. Whether the judges had come to such a resolution he knew not, nor did he pretend to censure them if they had: but if it was their resolution, it ought to be declared by a legislative enactment, and not to rest on a private agreement; for then servants would clearly see their situation, and be perhaps deterred from the crime. (*Hear, hear.*) But his object was to point out the effect of such proceedings on the minds of juries. In the last Old Bailey sessions, a person of the name of Milwood was tried for having stolen property to the amount of several hundred pounds from his master. The evidence was conclusive, and the jury convicted him, but they found him guilty of stealing to the value of 39 shillings. Could any man doubt that the jury, in this case, returned such a verdict in con-

sequence of the statement in the newspapers, of the resolution of the judges that death should follow upon a verdict of guilty of stealing to the value of 40*s.*? He did not mean to blame the jury, although he could not adopt the language of judge Blackstone, who called such verdicts, "pious perjuries." The jury were driven to the dreadful alternative of acting in opposition to the awful oath they had taken, or of handing over a fellow-being to the last punishment, for a crime which had not been regularly connected with such punishment. With those facts in their faces, could they pretend to say, that the principle was not both manifest in itself, and an imperative reason for altering the law? As to the second ground of objection, could any one pretend that 5*s.* was now the same sum in value as in the reign of King William? Was it not now equal to 20*s.*, or, at least, to 10*s.*? If so, the punishment of death for 5*s.* now was necessarily more severe than the act contemplated, since it was applied to a sum not one-half the value of the sum to which the act had limited it. This was undeniably the standard assumed in the act: that standard being changed by the depreciation of money, a change in the act was necessary. His hon. and learned friend had said, that if the house acted on this principle now, it would pledge them to similar conduct on all similar occasions. He had never heard it urged as a reason why the house should agree to any measure, that they had sanctioned the principle on which it was founded in the preamble of another measure. But if they were so pledged, what was the injury? If there was any one other act on this principle; if in any one other case extreme severity arose from the same changes, why not make a similar alteration, and why should not the house be pledged to it? On these grounds he would press the preamble as it now stood. (*Hear, hear.*)

Mr. *Wilberforce* said, that if his hon. and learned friend who had just sat down was not of the highest service to his country, it was not for want of zeal and perseverance in endeavouring to render our laws less bloody. (*Hear, hear.*) Upon a revision of our penal laws, and of the history of their application, it was quite manifest that the great preventive of crime was due attention to the reformation of criminals in the early stages of vice. Upon general reasoning, upon the principles of human nature, from the illustrations of experience added to the dictates of reason, it was as clear as any experiment on human nature could be, that attention to the early stages of criminality was the only sure mode of preventing and diminishing crimes. When he considered, that so much zeal, industry, judgment, and perseverance were exerted with this view, even by female characters, he indulged sanguine hopes of the happiest effects. But, to attempt the reformation of persons who had acquired a daring spirit of speculation in crimes, was generally fruitless. If there was any one evil to be deprecated and guarded against more than another, it was the introduction of a gambling principle in penal legislation. It extinguished all sobriety of consideration and seriousness of mind, and nursed that hardness and daring which qualified for any crime. It was on this account that he thought the connexion between crime and punishment ought to be obvious, and the principle on which punishment was inflicted to be plainly and unequivocally stated, although he was sorry on this point to differ from his learned friend on the other side (the Attorney-general). Indolence in legislation had been imputed by his learned friend near him. The charge was not without foundation; and indolence in penal legislation ought particularly to be avoided. Criminals did not sit down and accurately calculate the consequence of crime, yet the inseparable association of punishment with crime might often deter them from acts which they would otherwise attempt. But, for the sake of juries, who had the painful duty to perform of deciding the fate of a fellow-being, the law ought to be precise and invariable. If one principle was more sacred than another on this subject, it ought to be the certainty of punishment according to the nature of the crime. (*Hear*).

The amendment was then put and negatived; after which the bill was passed.

HOUSE OF LORDS.

Wednesday, April 15.

MARRIAGES OF THE ROYAL DUKES.] The Earl of *Liverpool* having moved the order of the day, the prince regent's message was read by the clerk. The noble earl then rose to propose an answer to the communication which their lordships had just heard. The noble lord who yesterday moved an amendment on the motion, that the order be discharged, in stating his objections to that motion, intimated, that if the address to be moved were such a one as he proposed, namely, containing merely an assurance that their lordships would concur in making a suitable arrangement for the intended marriages, it would meet with no objection from him. (*Hear, hear.*) He had so understood the noble baron. The address which he intended to move would, therefore, be one on which no difference of opinion could be expected. It would not pledge their lordships to any opinion, either as to the whole, or as to any part of the arrangement. Its purport would be merely to thank his royal highness the prince regent for the communication he had been pleased to make, and to express the disposition of this house to concur in making a suitable provision for the events contemplated in the message. Though this was a motion which he might be warranted in making, without any prefatory explanation whatever, yet he was confident that there were no recent instances of such an address being proposed in which it had not been expected of ministers to state what were the views they entertained on the subject. Some questions would likely be

asked, and it was to be expected that ministers would be called upon to state what they intended ultimately to propose. Their lordships were aware, however, that, according to the practice of the constitution, no arrangement which might be made on the present occasion could be proposed for the immediate consideration of that house. It must originate elsewhere, and it was impossible for the executive government to see what might be the fate of any proposition which might be made in that place. It might undergo modifications, or it might be rejected entirely. But their lordships' security was, that it must come before them in the shape of a bill, on which they would have the opportunity of finally giving their decision. He might, therefore, fairly consider himself precluded from the necessity of any explanation; but the usual practice proved, that their lordships did consider that the ministers of the crown ought to state the nature of the measure which it was intended to submit in the other house. Such had been the course he had followed some years ago, and in the year 1815, when he thought it necessary to give a full explanation of the intended measure. If, however, there were any occasion in which he could be more anxious than another to give an explanation to their lordships of the views entertained by his majesty's ministers on a measure to be submitted to them, the present was that occasion. Whatever difference of opinion might arise—whatever might be the result of the proposition, he should feel that he was not acting a candid and manly part, if he did not come forward and state, not only the arrangement his majesty's ministers thought it their duty to advise, but the whole of the grounds on which it had been resolved to propose that arrangement. In considering the question which would hereafter arise, their lordships would have to look at the nature of the case to be provided for. They all recollected the great and deep calamity which occurred in November last, in the death of her Royal Highness the Princess Charlotte. After the first ebullition of feeling, occasioned by that calamity—which could never be mentioned without sensations of pain and regret—had subsided, the great and general question which every one asked himself, and asked his neighbour, was, how will this event operate on the succession to the crown? This was a question which naturally arose from the state of the royal family. His majesty, they all knew, had been blessed with a numerous issue; but it was singular that, of the twelve living descendants of his majesty, seven princes and five princesses, the youngest prince was now 44 years of age, and there was not one of the princesses under 41. When he stated this circumstance, and that there was at present no descendant from any of the married branches of the family, he thought their lordships would not think it unadviseable to take measures to guard against any unfortunate contingency which might arise with regard to the succession. The situation in which the royal family stood with respect to issue, must surely be regarded as an object to which it was the duty of the executive government to pay attention. Their lordships might recollect that, in the speech from the throne, at the commencement of the session, a direct reference had been made to this subject. Parliament was then informed, that the subject was under the consideration of the executive government; and in the addresses of both houses, thanks were expressed for the communication, and satisfaction expressed that attention was to be paid to so important an object. Under these circumstances the present measure must be considered as of no common stamp, but as one of great political expediency and urgency. Their lordships had heard from the message, the state in which the business now remained. It announced that two marriages were in the course of negotiation; at the same time it was to be understood, that other cases might arise to which it would appear fair that the same principle which governed the arrangement for these two marriages ought to be applied. He thought it much better to look at the case in a general point of view, and to consider what ought to be done on the whole, than to discuss each separate case. *(Hear, hear.)* He did not mean to say that parliament were not to consider the cases separately, as they arose; but certainly each separate case would come more conveniently under the view of the house, after some general principle applicable to the whole had been adopted. It was possible that, for the convenience of the executive government, another course might have been preferable; but this, to which he had recommended the laying down a general principle, was certainly the most candid both towards parliament and the country. Having troubled their lordships with this general view of the subject, he should now state the particular measures which it had been thought right to advise. It had been proposed to grant to the first of the princes named in the message, his royal highness the duke of Clarence, the annual sum of 19,500*l.*, which would make up his present income 40,000*l.* a year. To the duke of Cambridge it was proposed to grant 12,000*l.* which would raise his income to 30,000*l.* The grant proposed to be made to the duke of Kent, under the like contingency, was similar. In making this proposition, and bringing the subject before their lordships, he felt it would be his duty to recommend that a corresponding provision should be made for the duke of Cumberland. What he had stated would put their lordships in possession of the whole of the measure which he had thought it his duty to recommend, and he had now to state the grounds upon which it had been thought proper to propose a difference in the sums to be granted. It appeared to him, and he doubted not would so appear to their lordships, that the case of the duke of Clarence would come before them under circumstances which must materially distinguish it from the cases of his royal

brothers. He did not indeed stand in the situation of heir-apparent to the throne; but he was the next heir after the Prince Regent and the Duke of York; and looking at the contingencies which might arise, the executive government did not think that it could be regarded as unreasonable to follow the precedent of 1792, when the Duke of York was married. At that period the Duke of York was not nearer to the crown than the Duke of Clarence is now. The proposition, however, which was then submitted to parliament by Mr. Pitt, was, that the income of the Duke of York, including what he derived from his regiment of guards, should be raised to 40,000*l.* At the distance of 25 years, with the difference which has since arisen in the value of money, he never could think that a proposition to grant the same income, under similar circumstances, to the Duke of Clarence, was unreasonable. It appeared to him, that ministers were fully justified in making that precedent the foundation of the measure they intended to propose to parliament. He was old enough to remember the proceeding which took place in parliament on the marriage of the Duke of York. The proposition then made by government did not, it was true, pass altogether without objection, but it experienced no material opposition. It was supported not only by the great minister whose name he had mentioned, but by another great statesman, the individual who was then at the head of the opposition—he meant the late Mr. Fox. The only question that produced any discussion in the house of commons was, how far it was proper that information should be given respecting the revenues which his royal highness derived from the bishoprick of Osnaburgh. The call for that information was most powerfully opposed by Mr. Pitt, and still more strongly combated by Mr. Fox, who stated broadly that the house had no right to inquire into what income the Duke of York derived from foreign sources. All that they had to consider was, what was fit to be given by a British parliament to a British prince, under the circumstances of the case. The measure then passed with the general concurrence of all parties. On that occasion he recollected a remarkable proposition was stated by Mr. Fox relative to the outfit, and which had been acted upon in a measure adopted a few years ago. Mr. Fox urged the necessity of granting a sum by way of outfit; and observed, that if it was not given, it would be impossible for the illustrious prince, considering the extraordinary expenses he must incur, to avoid embarrassments. This proposition was approved 25 years ago; and if it was reasonable that the Duke of York should be then allowed a sum for outfit, he could not think it unreasonable to apply the same principle to the case of the Duke of Clarence. Their lordships recollected the joy which had been manifested on the marriage of the Princess Charlotte. The sum then proposed was 60,000*l.*, and no proposition ever experienced greater approbation. He did not mean to say that the circumstances were precisely the same. There certainly was a very evident distinction; but was not the difference sufficiently allowed for in the difference of the sum which had been proposed? There had been another case of royal marriage, which could not be cited as a precedent, as no application had been made to parliament in consequence of it—he meant the marriage of the Duke of Glocester and the Princess Mary. No one could feel more respect than he did for the motives which induced those illustrious persons to abstain from making any application to parliament on their union. But in recollecting that no augmentation was proposed to be made to the income of the Duke of Glocester on that occasion, it was to be considered that the government, in acceding to the views of that illustrious individual, would naturally consider the state of the income which he would enjoy by a grant of parliament, though not made on the occasion of the marriage. Had it not been for that consideration, he should not have thought that he had performed his duty if he had failed to advise the illustrious Duke to consent to an application to parliament for an increase of income. If personal feelings were to influence his conduct, there certainly was no member of the royal family whose interests he would have been more desirous of promoting; but it was his wish to do justice to all by acting on a general principle, and that, he apprehended, was the course which their lordships would be inclined to approve. It was known to their lordships that 8,000*l.* a year was received by the illustrious persons out of the consolidated fund; so that, including the income of the Princess and his own, the Duke of Glocester had 28,000*l.* a year. This certainly was not more than was requisite to support the rank and dignity of the illustrious Duke and his royal consort. The income of the Duke of Glocester, with his emoluments, approximated to that which had been proposed for the junior dukes of the royal family; and he did not think that the proposition to give the Duke of Clarence 40,000*l.*, and the others 30,000*l.*, could be regarded as an unreasonable proportion. There was another case to which he had to call the attention of their lordships—he meant that of the Duke of Cumberland. When that case was under consideration, some years ago, their lordships had agreed to an address, approving the measure recommended in the message. After the other house had concurred in voting a similar address, a bill was introduced, which was, however, lost in its progress, and had never come before their lordships. Since that period it had not been thought expedient or proper to bring this case again under the consideration of parliament. But when the cases of the other princes were brought under view, there could be no ground for withholding that of the Duke of Cumberland. What reason could be assigned

for casting so marked a stigma on that illustrious person? There had been nothing in his conduct which could justify such a neglect; and certainly nothing had appeared in the conduct of the illustrious princess his consort, since she had been in this country, which could influence such a proceeding, or account for the decision which had been come to by the other house of parliament. It was therefore considered that a proposition for increasing his, the Duke of Cumberland's, income, in the same proportion as that of the other princes, should be submitted to parliament. But it was worthy of their lordships' consideration, that the sum proposed to be voted would not long continue a burden. Their lordships were aware that a sum had been voted for the payment of the debts of the Prince Regent, and which had been regularly applied to that purpose. The whole of these debts would be liquidated in the course of a year and a half, or two years at most. In consequence of the liquidation, 50,000*l.* a year would be saved, which, with the 10,000*l.* that had already fallen in by the death of the Princess Charlotte, would more than cover the whole of the additional allowances which it had been proposed to grant. This statement, he hoped, would prove satisfactory to those who had intimated an opinion that the money required should be derived from funds now appropriated to the use of the royal family. Various circumstances had induced him to explain thus far what had been the intention of his Majesty's government; but he was aware that impressions and feelings had been entertained on the subject which he had not expected, and which he thought ought not to have been entertained. He did not mean, however, to shrink from the avowal of the part he had taken in the question. He had done what he considered his duty as a member of the Prince Regent's government. Whatever responsibility might be attached to the measure, he was ready to acknowledge that all the *onus* of that responsibility ought to fall upon him. He had, however, now stated what were the feelings of the illustrious persons who were the objects of the measure. It was not their wish, in the present situation of the country, that any proposition should be urged beyond what might be considered fair and just, both in and out of parliament. He knew not in what state the measure might come from the other house; but if the whole proposition should not be approved of—if any modifications did take place, he hoped the measure would not be reduced to such a state as to induce the illustrious personages to relinquish their intended union, or to encounter considerable difficulty or embarrassment, if they persisted in carrying it into effect. After having given the most anxious consideration to the subject, he was authorized to state, that the illustrious person first named in the message would be satisfied with about one half of the sum which had originally been proposed to be given him by the executive government. The sums proposed for the other princes would, in the case of an arrangement founded on this principle being adopted, be reduced in the same proportion. But the measure would come before their lordships in the shape of bills, when the details could be more conveniently discussed. The noble earl concluded with moving an address in the terms stated in the commencement of his speech.

Lord *King* was persuaded that the whole nation would concur in that part of the address which expressed the good wishes of the house for the royal family: the unanimity with which the throne had been approached on the marriage of the Princess Elizabeth was sufficient evidence of the satisfaction parliament felt at the establishment of any of the members of the illustrious house of Brunswick. His lordship's approbation extended to all parts of the address, but that in which reference was made to the sums to be supplied; and here, he thought, there was a material omission, which he should endeavour to supply. If there was one sentiment more general than another at the present moment, it was a reluctance to add to the already enormous burdens of the people; and on this account it had been regretted by the great majority of the community, that this proposition had ever been brought forward. Distressed as were now nearly all classes, he thought that the house would compromise its duty, if it consented to add any weight to the load already sustained. The noble earl had referred to the case of the marriage of the Duke of York in 1792, and had cited it as a precedent in favour of what was now suggested; but surely he had forgotten what fell from Mr. Pitt upon that occasion, when he said that it was not intended that that proceeding should be considered a warrant for a similar step at any future time: he had distinctly guarded it from being drawn into a precedent; and he added, that that union was attended with a peculiar circumstance not existing in other cases, namely, the importance of an alliance with Prussia which would thereby be effected, and he had actually moved that the treaty with that monarchy should be referred to the committee. (*Hear, hear.*) The noble earl had also said, that the original intention was to have proposed to parliament a provision in amount double what had been now suggested; but that, even reduced as it had been, the royal personages whose interests were especially concerned did not wish for more than parliament held it consistent with its duty to give. Surely this was not the rule by which the amount ought to be measured—the proper criterion was not the amount the royal dukes were willing to receive, but the sum the people could afford, or were willing to give. (*Cheers.*) In a question of this kind it was the duty of ministers to consult the wishes of the people, and nothing should be done that did not meet with the general consent of the nation at large. If the object were

to augment the love and reverence with which these illustrious individuals should be regarded, would not that love and that respect be diminished by a disregard of the distresses of the people, while attention was only paid to the demands of the princes? (*Hear, hear.*) The delay which had taken place had certainly been productive of an advantageous alteration of the proposition: still, however, it was open to objection, and the impression produced abroad by the inconsiderate statement in the first instance, would not be removed by the change that had been made. His lordship therefore proposed, that, at the end of the address as moved, the following sentence should be inserted: "But this house must at the same time express its confident hope that such provisions as are necessary may be made without creating the necessity of any additional burdens upon the people."

The Marquis of *Buckingham* said, he could not come to the consideration of this question without considerable pain, not arising from the duty which he had to perform, but from the manner in which the house had been called upon to take this subject under its view. The difficulty arose from the mode in which the matter had been brought forward. He should, perhaps, have felt no objection to the terms of the address, but for circumstances which had now become perfectly notorious: he might otherwise have felt that degree of confidence in ministers as to believe that they would not add, without imperious necessity, to the burdens of the people. The facts, however, to which he referred, and which had been referred to by the noble earl at the head of the treasury, rendered it impossible that the house should shut its eyes to the real object of this proposition. It had now become matter of public notoriety and discussion what the original suggestion was intended to have been, and the noble earl had stated the reasons why the sum intended to have been required had been diminished. If no new burdens were to be laid upon the people under this re-considered arrangement, those burdens would have been necessary had the proposal been made in its original form, and it was the duty of the house to take care that even the more moderate demand was not enforced from those who were unable to comply. If, therefore, so large, so unreasonable a sum was to have been claimed in the first instance, until it was thought adviseable, from the general repugnance to the proposition, to reduce it, it unavoidably induced some jealousy lest even the smaller amount should not really be necessary for the purposes for which it was required. His lordship was as ready as any man to allow that the splendour of the crown ought to be maintained; it ought to be supported by every means compatible with the resources of the country; and all he hoped was (expressing that hope by his vote in favour of the amendment) that that splendour would not require that any new weight should be added to that which the nation already endured. The splendour of the crown was intimately connected with the welfare of its subjects; and for this very reason, if for no other, the feelings of the crown ought to be in unison with the feelings of those over whom it presided: the moment they ceased to be so, nothing could remain to the people but submission to power and despair of redress. At the present moment, when the load of taxes was so onerous, it surely was not too much for parliament to express its hope, that the splendour of the crown would be maintained without a further diminution of the few remaining comforts of the people. In voting for the amendment, therefore, his lordship felt that he was acting in a manner consonant with the duty he owed to the crown, and the duty he owed to its subjects. The most glorious splendour of the crown was derived from the love and approbation of the people. Regretting, therefore, that ministers had not been more advised in their original and extravagant suggestion, and convinced that it was unnecessary to resort to the nation at large for any new supplies to make good these demands for the younger branches of the royal family, he should vote for the amendment.

The Marquis of *Lansdowne* said, he could not allow the question to go to a vote without offering a few remarks upon the address itself, and upon the particular moment at which parliament was called upon to vote in its favour. To the address, in its present amended shape—amended, as the noble earl confessed, in consequence of the imperious call of public opinion that the demand should at least be reduced—he did not feel prepared to object. He admitted that the alliances of the various branches of the royal family were essentially connected with the prosperity of the country; and he was willing, therefore, to acquiesce in a provision to a reasonable extent; for it was the duty of parliament to provide the means for carrying those alliances into effect. In doing so, however, it was idle to say that reference should only be had to the splendour of the crown, without regard to the feelings or to the opinions of the people, because, upon those feelings and opinions, the royal family were more dependent than upon any revenues it might at present enjoy: a disregard of those feelings and opinions had, in former times, put to hazard the stability of the throne itself, and an attention to them had hitherto cemented the union between the house of Brunswick and those over whom it was appointed to govern; the attachment of the people was at once the highest splendour and the greatest security of the crown, and there was no man who would not devoutly join in the prayer that that attachment might long continue by being long deserved. (*Hear, hear.*) His lordship did not now wish to trouble the house at any length after what he had said upon a former night; but he could not help

lamenting the hasty and unadvised course which ministers had pursued on a question of such importance. Many objections that might have been urged had been obviated by the mode of statement adopted by the noble earl (Liverpool); but it was still remarkable, that now, for the first time in our history, two royal marriages were announced in the same message. It would certainly have been more regular and more convenient if they had been separately communicated to parliament, that the advantages or disadvantages of each might be distinctly weighed before the house arrived at any conclusion. The noble earl had however intimated, that each case would stand on its own merits, and that they could be separately discussed in separate bills, and it was therefore unnecessary now to enter into minute particulars. He was prepared however to say, that provision to the extent now required, ought to be made; but at the time he made this declaration, it was fit that the people, who had cheerfully endured so many distresses, should be assured that it would not be necessary for them to sustain any new privations, and that means existed of supplying the needful sums without resorting to new and oppressive taxes. When noble lords recollected the enormous amount of the civil-list, and the number of existing offices; above all, when they recollected the unfortunate calamity which some years ago had led to the establishment of the regency, with all its expenses, (to which he had at that time offered no opposition), they would be extremely unwilling to grant more than was necessary, or to create new funds out of the pockets of the people. When the Prince of Wales was appointed Regent, two courts were necessarily established; and what passed upon that event was now matter of historical record. The distinguished individual at that time at the head of the government, Mr. Perceval, in proposing a committee to inquire into the charges to be incurred, had stated the necessity of maintaining a court not only in London, but at Windsor—the latter in the hope which all indulged, and which at that period it would have been unnatural and unfeeling to have abandoned, that the King's recovery might be speedy and complete—that when his Majesty returned to the enjoyment of his faculties, he should be surrounded with those comforts, and a considerable portion of that state and splendour, to which he had been so long accustomed. This event the prime minister of that day stated as probable; or, supposing the health of his Majesty not to be so completely restored as to enable him to return to the functions of his high office, still it was fit that he should not be stripped of all the consolations and all the comforts of which he was susceptible. All men concurred in this proposition in the expectation of a speedy recovery; and if any such hope could now be indulged, he would be the last to suggest a diminution of the vain splendour (for it was now vain) by which the exalted personage to whom he referred was environed: all expectation of the re-establishment of the King's health must, however, now be at an end, and there was, consequently, nothing to justify the continuance of an expense which added greatly to the burthens of the people. With perfect respect, therefore, to the occupant of the throne, and with every regard to its dignity and splendour in this monarchical government, he hoped and believed that at least something might be obtained from this source to meet the new charges of which the house had recently obtained intelligence. If adequate provision could not thence be procured, some useful retrenchments might, no doubt, be made in other departments; and if at the present moment, in consideration of the privations of the nation at large, a bill was in progress (as he understood the fact to be) to deprive the widows of officers even of their pensions, if elsewhere they could obtain a pittance for their support, it was not too much to expect that every means would be resorted to, to raise the money now required, before any resort were had to new and oppressive taxation. He did not refer to this measure for the purpose of invidious distinction or comparison, but merely to shew the measures of extreme severity to which ministers, in this instance, had had recourse. He was persuaded that such an arrangement could be made as, while it gave satisfaction to the illustrious persons to be benefited by it, would rejoice the people, who would not be injured by it. The marriage of any member of the royal family ought always to be a subject of joy and congratulation with the whole nation; but it would cease to be so, if upon all occasions such an event was to be attended with new and grievous impositions. On these grounds he should vote for the amendment, though generally concurring in the terms of the address, and more especially in those parts which expressed the satisfaction of the house at these alliances, and the attachment it should ever maintain towards the royal family.

Lord *Erskine* said, that although he concurred in much that had fallen from the noble marquis who had just taken his seat, he did not think that the present, if at all, was the proper time for making the proposed amendment. The noble marquis had admitted the fitness of supporting the dignity and splendour of the throne, and yet, with some degree of inconsistency, had recommended that its illustrious and venerable occupant should be stripped of the last relics of royalty, and of the last comforts of age and infirmity. While the house was employed in voting sums for the support of the younger branches of the family, the noble marquis proposed that the aged stock, the reverend parent, and the illustrious head of a royal house, should be abandoned under his numerous afflictions, and deprived of the few attendants which his calamity rendered even more necessary. (*Hear, hear.*) He regretted that he was under the necessity of differing from the friends

with whom he usually acted, but his own sense of duty was too strong to allow him to vote in favour of the amendment. The terms of the address did not import that new burthens would be imposed upon the people, and probably, arrangements might be made, not inconsistent either with the dignity and splendour of the crown, or with the happiness and comfort of the subject. At all events, in the present stage it was unnecessary to point out any particular fund from which the needful supplies should be drawn.—His lordship voted for the address, because it pledged the house to no particular measures; and against the amendment, because he thought it was wholly uncalled for by the terms of the address.

The Duke of *Atholl* maintained, that to vote for the amendment would be to imply that the address was an imposition upon the house; his principal objection to it, however, was, that it was premature, the mode in which the money was to be raised being more properly to be considered in a future stage of the proceeding. One point of great importance had not been adverted to, namely, the resource to be afforded on the payment of the debts of the Prince Regent; and if the inhabitants of the island were polled from one end to the other, he was convinced they would be much more willing to sustain new privations than to allow that the comforts and conveniences of their decayed and beloved monarch should be diminished.

Lord *Rolle* hoped that the provision for the royal dukes could be made without any addition to the taxes, and he saw every prospect of doing so, recollecting that a considerable sum had become disposable by the lamented death of the Princess Charlotte. The noble marquis had recommended the reduction of the establishment of the King at Windsor: to this he could not assent, for, as his Majesty had been ever gracious to him in prosperity, he would never desert him in adversity.

Lord *De Dunstanville* felt called upon to vote for the amendment; but in doing so, he begged to be understood as by no means objecting to any reasonable allowance to the members of the royal family.

Lord *Holland*, after observing that his noble friend (Lord Erskine) objected only to the time at which the amendment was introduced, contended, that his objection to it was the same as that of the noble lords at the head of the treasury. They said, there was nothing in the address that any reasonable man could object to: the noble lords, on the opposite side, contended, that there was nothing in the amendment that could be objected to, or which was in any way inconsistent with the address proposed. The noble earl who spoke at the beginning of the debate had taunted him, that he would have had no objection to the address if the intention with which it was brought forward had not been expressed. It was true he should not have objected to the address if no intentions had been stated; but after those intentions had been expressed, he thought they ought to be coupled with an exposition of the principles on which the house meant to act. To such an address as that proposed no one could agree, unless it had been accompanied by the statement of the noble earl; but even when accompanied with that statement, no person could properly assent to it without explaining at the same time the principle on which he modified his assent. It was not to the address that he objected, or the principle on which it was proposed, but he thought it necessary to state in what manner that assent was to be taken; and he put it to their lordships, whether it would not be a more fair and candid way of proceeding, at once to define and limit the mode in which they granted their assent, than to agree generally to the address when it was first proposed, and then, when any specific plan was brought forward, to say that they could not accede to it, as they never intended, by giving their assent, to add to the burdens of the country. The noble lord who commenced the debate had divided the subject brought forward into three heads:—In the first, he stated the usual course of proceeding on these occasions; in the second, he told their lordships what his own intentions had originally been; and in the third, what he now meant to propose to their lordships, without any alteration of opinion as to the propriety of his first intention. The second of these statements ought to weigh much with their lordships, because it appeared that the ghost of the noble lord's original intention was still hovering over the whole of this transaction, and that his whole speech was nothing more than a defence of that intention. (*Hear, hear.*) If, then, any noble lord should yet induce their lordships to recur to the original intention of ministers, which, for aught that appeared, was not yet totally abandoned, would it not be much more open and manly to express the ground on which that address was voted, namely, that if even the sum of 40,000*l.* per annum was to be voted, it could only be in some mode that would not add to the burdens of the people? When, therefore, he concurred with the address that had been proposed, it was not on the ground relied on by the noble earl. He concurred with the address only as it was limited and explained by the amendment; he concurred in all the sentiments expressed in the original address; but he wished to shew, at the same time, on what reasons his concurrence was grounded. It was unnecessary to say, that, in attachment to the throne, in attachment to the house of Brunswick, which was endeared to the country by public and private virtues—endeared, above all, by the title it had to the affections of the people, the title of their own choice, and not by any exploded notions that seemed to be again springing up in neighbouring countries, under the name of "legitimate right," it was unnecessary for him to state that he most

fully concurred in every attachment that could be felt for that illustrious house. To the people of this country, who had so long enjoyed prosperity under that family, any alliances that it thought proper to make, ought to afford matter of congratulation. But were those alliances to be made, not with foreign princesses, but with honourable ladies, natives of this land, he should consider the alliance equally a subject of congratulation: and he spoke this with reference to an act of parliament, commonly called the Royal Marriage Act; an act which he considered an extraordinary and unwarrantable innovation on the constitution of the country, and which he heartily wished to see repealed*. The noble earl himself, in speaking of the late lamented Princess Charlotte, had pointed out one of the evil effects of that act. To return, however, to the question before the house. He acknowledged, that the marriages of any branch of the royal family afforded a proper ground of congratulation both to the throne and the people, and it was undoubtedly proper that an adequate provision should be made for the royal progeny that might arise. He was therefore happy to hear, that the noble earl was guided by general principles on this subject, and not by applications made to any particular instance; that upon such an occasion he was actuated by no party-feeling whatever, and he hoped, that the noble

* The Royal Marriage Act was occasioned by the displeasure which the king felt at the marriage of his brothers, the dukes of Cumberland and Gloucester. In 1771, the duke of Cumberland privately married Mrs. Horton, widow of Christopher Horton, esq. of Catton Hall, in the county of Derby, and daughter of lord Irnham. When the marriage was publicly announced, his majesty forbade them the court. In the ensuing spring, however, the duke of Gloucester avowed as his consort, the countess dowager of Waldegrave, whom he had espoused in 1766. On the 20th Feb. 1772, the king sent down the following message to both houses. "His Majesty being desirous, from paternal affection to his own family, and anxious concern for the future welfare of his people, and the honour and dignity of his crown, that the right of approving all marriages in the royal family (which ever has belonged to the kings of this realm as a matter of public concern) may be made effectual, recommends to both houses of parliament to take into their serious consideration, whether it may not be wise and expedient to supply the defect of the laws now in being; and, by some new provision, more effectually to guard the descendants of his late majesty king George II. (other than the issue of princesses who have married, or may hereafter marry into foreign families) from marrying without the approbation of his majesty, his heirs or successors, first had and obtained." In consequence of this message, a bill was brought in and passed, "for the better regulating the future marriages of the royal family." The act contains three clauses. I. That no descendant of his late majesty King George II. (other than the issue of princesses married into foreign families) shall be capable of contracting matrimony, without the previous consent of his Majesty, his heirs or successors, signified under the great seal. II. That in case any such descendant, being above the age of 25 years, shall persist in his or her resolution to contract a marriage, disapproved of, or dissented from, by the king, his heirs or successors, then such descendant, upon giving notice to the privy council, may at any time, from the expiration of twelve months after, contract such marriage; and his or her marriage, with the person before proposed and rejected, may be duly solemnized, and shall be good, unless both Houses of Parliament shall, before the expiration of twelve months, expressly declare their disapprobation of it. III. That every person, who shall knowingly, or wilfully, presume to solemnize, or to assist, or be present at, the celebration of any marriage with any such descendant, without such consent as aforesaid, except in the cases above-mentioned, shall incur the penalties of a *præmunire*. (The penalties of a *præmunire* consist in a total forfeiture of all goods and estates, imprisonment at the will of the king, and not to be relieved, even if starving.) When the Commons went into a committee, on the 20th of March, the Speaker (Sir F. Norton) said, that so severe a law, which was originally framed for depressing the civil power of the pope in this country, should not be extended to crimes of a very small nature, as in this bill. The ministers replied, that the penalty of *præmunire* had at different periods been applied to less crimes, as to an Act against Usury, &c. and lately to the Regency bill; that it was only *in terrorem*, and if it prevented the marriage complained of, it did not signify how severe it was, as it probably would not be put in execution.) The bill was opposed with extraordinary vigour in both houses, and particularly in the commons. Mr. Burke spoke for it, and Mr. Fox against it. On the 23d of March, Mr. Rose Fuller moved to insert a clause, that it should continue in force during the reign of his present majesty, and for three years after his demise, and no longer. After a short debate, the question was put that this clause be made a part of the bill, when the house dividing, there appeared Ayes 132, Noes 150; so that the clause was rejected by only a majority of 18. As soon as the division was over, several of the minority came in, being locked out at the time of the division, which was the means of losing the clause.—The numbers in the lords, on the question that the bill do pass, were, Contents 69, Proxies 21—90. Not Contents 25, Proxy 1—26. The numbers in the commons, on the same question, were, Ayes 168, Noes 115. A protest of great length was signed by fourteen peers, and a shorter protest by six peers. In the latter it was stated, among other objections, "And because the bill is essentially wanting to its avowed purpose, in having provided no guard against the greater evil, the improper marriages of the princes on the throne."

Previously to the second reading in the commons, Mr. *Dowdeswell* moved the following resolution:—"That it does not appear that the proposition affirmed in his Majesty's message to this house, viz. 'That the right of approving all marriages in the royal family has ever belonged to the kings of this realm as a matter of public concern,' is founded in law, or warranted by the opinions of the judges of England." This motion was disposed of, after a violent and long debate, by reading the other orders of the day. In the course of his speech, Mr. Dowdeswell observed, that, "One and twenty was the legal age of marriage for ordinary mortals. Why, then, should a different rule hold with respect to the royal family? Did their understandings ripen more slowly, or were they men later? In the succession to the crown we had adopted a different rule. We supposed them at eighteen equal to the arduous task of swaying the

earl thought that that side of the house would be guided by the same general principle, and would equally abstain from the indulgence of any party-feeling. He was satisfied that the subject ought to be considered only with a view to general principles, and with no distinction of any particular individual. No branch of the royal family had ever been disaffected towards the country; and all were in their respective degrees equally entitled to the regard of the people. It was on that ground, he thought, that if any of the burdens of the people were extended for the marriage of any of the royal family, the provision made should include all the branches, and each to the same amount. As to the allusion that had been made by the noble earl to the marriage provision made for the Duke of York, independently of any income he derived from a bishopric in Germany, on that head he entirely agreed with the noble earl, and thought that any income or advantage which the royal family possessed from sources not in Great Britain, ought not to be considered in grants or settlements which this country thought proper to make on any foreign alliance. It was not for Great Britain to portion its princes according to any scale of advantage they might derive from a petty principality in Germany. But here he had done with his admissions, and could concede no farther to the noble earl. Indeed, he had afterwards considered, that through the whole of the noble earl's speech it appeared, that when the question was not concerning debts to be paid, but allowances to be granted, two things were always to be considered—what it was fit the party accepting should take, and what the party offering was able to give. In the allowance made on the marriage of the Duke of York, the nation was guided both by the comparative prosperity of the country at that time, and the greatness and importance of the alliance that was about to be entered into. The alliance was great, and the country was flourishing, with all the blessings of peace. Let us look at the present alliances contemplated, and we should find them of much less importance than that of 1792. Let us look also at the situation of the country, and see what that situation is after all our glorious wars! See the people tied up in their means by exorbitant taxation, and trampled on by arbitrary and oppressive statutes, suspending their rights and silencing their complaints. Even in the third year of the peace, see the checks on industry and prosperity, and the distress occasioned by an extravagant system of government; and then grant on the same principle and to the same amount as in 1792, if you can. (*Hear.*) A noble lord near him had said, that it was useless to argue on the principle of the amendment; for whether it were adopted or not, the effect of the address would be the same: but the general objection to the address without the amendment was, that it did not express that their lordships all concurred in wishing to add nothing to the burdens of the country. His noble friend would therefore observe, that the amendment did not necessarily pledge the house to take any thing from the Windsor establishment, but to prevent the additional burthen in any manner they could. Now, though he was as inclined to be liberal to the royal family as any noble lord on the opposite side could be, yet, when reference was had, not only to the general situation of the country, but to the general sacrifices made by the people to their government, it would be found that, after dismissing from our consideration all that was paid on account of the public debt, all the expenses of our naval and military establishments, all the expenses of embassies, and matters connected with them, there remained for the support of the splendour of the crown, the enormous sum of one million of money. (*Hear, hear.*) Their lordships would recollect, that when the French assembly voted a sum of one million for the expenses of the sovereign, they had done it under a mistaken idea of our civil list, which, at that time, did not amount to such a sum: various items were then liable to be deducted from it, but it did now amount to the enormous sum of one million! As to the expenses of the Windsor establishment, a noble lord on the cross-bench (lord Rolle) had said, that he should be shocked to assent to any thing that would in the slightest degree take away from the comforts of our

sceptre, and at one and twenty they might be regents. Why, then, establish such opposite and contradictory maxims? Men, who were, by law, allowed at one and twenty to be fit for governing the realm, might well be supposed capable of chusing and governing a wife."—Upon this part of the hon. member's speech, the following lines appeared in a daily paper:

> Quoth Dick to Tom,—This Act appears
> Absurd as I'm alive;
> To take the Crown at eighteen years,
> The Wife at twenty-five.
> The myst'ry how shall we explain?
> For, sure, as Dowdeswell said,
> Thus early if they're fit to *reign*,
> They must be fit to *wed!*
> Quoth Tom to Dick,—Thou art a fool,
> And little know'st of life;
> Alas! 'tis easier far to rule
> A kingdom than a wife.

It is before observed, that this act does not restrain the marriage of the princes on the throne. The first king of England, since the conquest, who married a subject, was Edward IV. He espoused Elizabeth Widville, daughter of Sir Richard Widville, and widow of Sir John Grey, of Groby. The princess Elizabeth was the fruit of this marriage, who married Henry VII. and thus united the houses of York and Lancaster.—Henry VIII. married Anna Boleyn, daughter of Sir Thomas Boleyn, and afterwards married Jane Seymour. By the latter, he had Edward VI. and by the former, Elizabeth.—James II. while duke of York, married Anne Hyde, daughter of the earl of Clarendon, by whom he had two daughters, Mary and Anne, who were successively queens of England.—George I. was the son of Ernest Augustus, elector of Hanover, by Sophia, daughter of Frederic, elector Palatine, and the grand-daughter of James I. of England.

afflicted monarch: that he had participated in his prosperity, and would not desert him in his adversity. Let it not be thought that noble lords on his side of the house had any wish to diminish his comforts in the slightest particular, or that they felt any hesitation to accede to any thing which could in reality contribute to those comforts. But his comforts could not consist in expense, or be added to by extravagance; indeed, such a course was, in their opinion, an addition of mockery to affliction. They might be wrong, but let it not be imputed to them that they recommended any measure that had a tendency to diminish the comforts of the royal sufferer. But it might be said, that the fund he alluded to would not suffice for the purposes in view. It should be recollected, however, that, at the time of the regency, 60,000*l.* a year constituted the privy purse: this was left untouched, and parliament granted an additional 60,000*l.* to the Prince Regent. Now, there had been no demand on the original 60,000*l.* for the last five years, except for the charges of physicians, and, therefore, it was probably free. With respect to the saving that the country would soon have, in the cessation of the 50,000*l.* a-year that was now allowed for the payment of the Prince Regent's debts, of all the arguments that had been advanced, none was more extraordinary or untenable, than that because such an expenditure had been so long borne, it would be no additional burden to support it for a perpetuity, when it was originally granted to serve a purpose that would be accomplished in a limited number of years. If 200,000*l.* a-year were granted for the building of churches during a limited period, it would, on this principle, be no burden or hardship on the people to continue the grant for ever, though the churches were all finished within the specified time. (*Hear, hear.*) He was persuaded that the royal family itself would never have proposed that such request should be made on the liquidation of the debts in question. It was rather surprising, that the noble earl had spent so little time in detailing or explaining the motives of his newly-adopted measure. Their lordships had, no doubt, heard that it had formerly been said, that there was something behind the throne greater than the throne itself. So it had been said there was something behind the Speaker's chair greater than the Speaker himself; and thus it appeared that there was some authority on which the noble earl acted, that weighed with him more than the authority of parliament; for the noble earl maintained, that his original opinion was proper, and yet he abandoned it on some authority that he did not think proper to name. If the house meant to act with any sincerity, it was necessary for them to adopt the amendment that had been proposed, and the noble earl at the head of the treasury must himself agree to it. But the noble earl, it seemed, had not played his part on this occasion with his usual ability: he had once already been taken by surprise, and was now risking another surprise in another quarter; for surprise there must be, if after an address containing general and unqualified assurances, objections should hereafter be taken, as it seemed they would be, to proposals that fell within the general language of the address. With regard, indeed, to the propriety of making some provision in the event of a royal marriage, he entirely concurred; but as to the amount of that provision, he was not disposed to come to any hasty decision. If their lordships took into consideration the state of the country, after a long and expensive war, the exhausted state of our finances, the sacrifices of the people, and the difficulty of making up the yearly supplies, they would see that the ministers of the crown, while advising the house to add to the comforts of the royal family, were bound to accompany that advice with the expression of their desire and intention, that those comforts should be provided for without adding to the burdens of the people. When they talked of the splendour of the crown, there was no doubt that it would be an addition to that splendour to see the various branches of the family happily settled and advantageously married. But he had notions concerning the splendour of the crown which, he feared, were a little uncommon in that house; he conceived, that that splendour was not increased by pageantry and expense, and that it would appear to much greater advantage, if many of its showy appendages were entirely struck off. The Lord Chamberlain's office, and all the expense arising from it, he thought highly unsuitable to the times; and that it might be in great part done away, without any diminution of the real dignity or honour of the reigning family. But those who thought in that manner, who thought that if the house ought to add to the splendour of the crown in one way, they might do so without taking from it in any other; such persons could not vote for the address, unexplained by any qualifying proposition. On this ground he voted for the amendment proposed by his noble friend. Their lordships well knew, that if any bill came from the commons on this subject, the slightest alteration in that house would be fatal to it. In fairness, then, to the house, in fairness to the country, in fairness to themselves, they were bound to lay down the principles on which they intended to act. Those principles were partly contained in the amendment that had now been proposed, and it only remained for their lordships to say whether or no they would express the principles on which they intended to act. This was the question before the house; it was a question of high importance, and he thought it impossible for any reasonable man to doubt as to the course it was proper to pursue.

The Earl of *Lauderdale* was sorry he could not support the amendment, and wished to state the reasons why he found it his duty not to vote in its favour. It had been given as a ground for

supporting it, that the house could not answer that the noble lord opposite would not revert to those propositions, the intention of laying which before parliament he had at present abandoned. If there was any man who fancied that the noble lord would revert to those propositions, he would say that he did perfectly right in voting for the amendment; but, for his part, he could not understand how a revenue was to be voted without adding to the burdens of the people. The noble lord near him stated, that the sum of money at present voted for the sovereign might be applied to the purposes for which money was required; but it was true, that if that sum was applied to such a service, after that application, it would surely be added to the burdens of the people. If there was any expense laid on the country, it was certainly the duty of his noble friends so to exert themselves, that the country might be lightened of their burdens; but why was that so urged at this precise period? Why had he not heard of motions for the discontinuance of such expenses? If it was necessary that they should be discontinued, they should have heard of some proposition to that effect before that time. There would of necessity be burdens upon the people. It was impossible that parliament could vote a revenue without additional burdens on the country. It was the wish of some noble lords, that part of the money that was voted for the sovereign should be applied to the purposes of the grant to the princes; but he desired his noble friend, who had particularly mentioned that, to answer him one question,—would that appropriation be preserving the people from burdens? If the plan of those noble lords were to be pursued, the people would be as much taxed to pay allowances to the princes, as they would if taxes were laid on. Till he could understand that that was not the case, he could not vote for the amendment. Without that were so, it would be impossible for the amendment to meet his concurrence. It was impossible to vote a sum of money, without laying a burden on the people to that extent. It was the duty of every member of parliament to do every thing in his power to save the people unnecessary expense. In laying on further charges, it might be said, that it was necessary to rouse parliament to peculiar attention on the subject that had been introduced. He did not think there was any need at all for their being so roused. If a new charge was submitted, they would be equally raising money from the people to bear that charge. For the reasons he had stated, he could not vote with the amendment.

Earl *Grosvenor* was rather surprised at the manner in which the noble earl had stated his reasons for not voting with the amendment. He had heard it remarked, that there were persons who found a difficulty in perceiving that two and two made four. He could not help supposing that the noble lord had been labouring under some such difficulty, in stating that, when it was proposed to add a considerable sum to the burdens of the country, that would not be an additional burden. The noble earl might see, that in the reduction of the civil list by 50,000*l.* or 60,000*l.*, the country would be relieved to the amount of that sum. He had risen to make one remark on the amendment proposed by the noble lord. He was of opinion, that the rejection of that amendment might produce a bad impression on the minds of the people. It pledged them to attend to the distresses of the people. If, then, they should reject it, they who were anxious that the house should conciliate the affections of the country, and were also anxious that the crown should preserve the regard and good opinion of the people, were they not afraid it would be looked on in no favourable light? While it was their duty to maintain the proper splendour of the crown, they ought to be anxious to relieve the distresses of the country. Under all circumstances, he should give his hearty assent to the amendment.

The amendment was then negatived without a division, and the original motion for the address agreed to.

HOUSE OF COMMONS.

Wednesday, April 15.

COPYRIGHT BILL.] The *Lord Advocate of Scotland* presented a petition from the Curators of the Library of the Faculty of Advocates at Edinburgh, setting forth, "That a bill is at present depending in the house, to amend an act passed in the 54th year of his present Majesty, intituled 'An Act to amend the several Acts for the Encouragement of Learning, by securing the Copies and Copyright of printed Books to the Authors of such Books, or their Assigns;' that the said bill, if passed into a law, will materially injure the rights which the Faculty of Advocates have, through the wisdom of parliament, and to the great benefit of the public, enjoyed for above a century; that the use of the Library of the Faculty, has never been confined exclusively to the members of the Faculty, but all their books and manuscripts have been at all times accessible to every person engaged in literary or scientific pursuits; it would have been wholly impossible for the Faculty with their limited funds to have acquired a collection of books which would have been publicly useful, without the aid which the Copyright Acts have afforded, and their acquisitions would have been consequently confined in a greater degree to the books required for themselves professionally; that the petitioners humbly submit that the object of the Copyright Acts, the encouragement of learning, has been essentially promoted by the establishment under the care of the petitioners, and the public are certainly indebted to it for many important works, whose authors could not have elsewhere procured the requisite materials and information; the petitioners cannot imagine that the house will over-

look the fallacy of ascribing as a loss to the publisher the value of the copies of works deliverable to the public libraries; the petitioners hold it to be clear that the publisher always computes that loss in calculating the propriety of publishing, and that unless he can impose such a price upon the work as will not only indemnify him amply, but benefit him, he will never publish; the petitioners need hardly remind the house of the difference between the sale price of a book and its cost to the publisher, a difference which makes the burthen of copies to the public libraries imposed upon the latter in general a mere trifle; the petitioners, therefore, humbly pray, that the said bill may not pass into a law, and that they may be heard, by themselves, their counsel, or agents, against the same."

Ordered to lie on the table, and to be printed.

MARRIAGE OF THE PRINCESS ELIZABETH.] Lord *George Beresford* appeared at the bar, and informed the house, that he was commanded by his Royal Highness the Prince Regent to acquaint the house, that his Royal Highness had received the address of congratulation upon the marriage of her Royal Highness the Princess Elizabeth with the Prince of Hesse Hombourg, to which address his Royal Highness had been graciously pleased to return the following answer:—

"I thank you for this dutiful and loyal address. Your congratulations on the nuptials of the Princess Elizabeth my sister with the hereditary Prince of Hesse Hombourg, have afforded me the highest satisfaction, and I receive them as a fresh proof of your attachment to his Majesty's person and family."

ST. PANCRAS POOR BILL.] Mr. *Mellish* moved the second reading of the St. Pancras poor bill. He observed, that the principle of the bill by no means met his approbation; but, circumstanced as he was, he felt it his duty to make the motion.

The *Solicitor-General* opposed the bill. Its object was to introduce annual elections of officers serving in the parish, and to give the parishioners a power of electing their own beadles. He considered the interference of parliament upon this occasion to be wholly unnecessary; and if the bill were allowed to pass into a law, the result would be nothing but tumultuous meetings throughout the whole parish. He therefore moved as an amendment, that it be read a second time this day six months.

Sir *Egerton Brydges* denied that the effect of the bill would be to give countenance to tumultuous meetings. It was absolutely necessary, he conceived, that this bill should pass, because it was not to be endured that the accounts should be subject to no control by the parish. The bill of 1805 had appointed two agents, over whom the magistrates had no power. The opposers of this measure had endeavoured to stigmatize it with the appellation of a democratic bill, introduced solely for the purpose of establishing universal suffrage; but this was not the fact; its only object was, to give the parishioners greater power over their officers, and to prevent irregularity in the accounts. In the last year, such was the distress existing, that no less than 900 summonses were issued in the parish against those who were not able to pay the assessments. He therefore hoped that the house would permit the bill to be read a second time.

Mr. *Peter Moore* supported the amendment. After many struggles, the parish had been restored to tranquillity by a bill passed in 1805. The effect of the present bill was to set aside that beneficial measure. The concerns of the parish could not be in the hands of more upright and honourable persons than those now in office.

Mr. *Byng* supported the amendment. The bill, he observed, would revive those disorders which were constantly taking place before the passing of the act which now regulated the parish.

Sir *James Graham* said, he would also vote for the amendment. The provisions of the St. Pancras poor act were the same as those by which the parish of St. Marylebone had been governed for a great number of years, and it was impossible for any parish to be managed in a better manner than the latter. If the present bill were suffered to pass, the parish would be in as bad a state as it was in before the act of 1805, when, during the annual and other elections for parish officers, no respectable person could venture to pass along the road. He hoped the gentlemen of the parish, so far from lessening the powers of the present directors, would put all the parochial concerns in the same hands that had already saved them several thousand pounds.

The amendment was carried without a division, by which the bill was thrown out.

MARRIAGES OF THE ROYAL DUKES.] Lord *Castlereagh* moved the order of the day for the house going into a committee of the whole house on the Prince Regent's message.

Mr. Speaker having left the chair, the house formed itself into a committee, and the message was read.

Lord *Castlereagh* then rose and said, that he felt it his duty to call the attention of the house to this subject, which was of the greatest importance to the country. He was sure they would feel, after what had already been shewn on a former debate, that it was a painful duty to the servants of the crown, to call on the house to make arrangements for a special provision for the different branches of the royal family: because, whatever might be the attachment of the house to the family on the throne, and however much they might feel their own honour and security connected with the honour and security of that family, yet there was, he admitted, a principle at work in all free constitutions, and particularly in a constitution such as our own, of jealousy with respect to any thing that appeared to have a tendency to in-

crease the power and influence of the crown, whether that jealousy might be well or ill-founded. This imposed on those who had to propose additional burdens on the public an arduous duty, though the proposition might be in favour of the most valuable interests of the nation. This duty had become more necessary from the great change which had been effected in the constitution of the country, by which all the independent sources of revenue which the crown possessed, had been surrendered into the hands of that house, to be administered for the public benefit,—a change which obliged the crown to come to parliament for any provisions that were wanted. On that ground, he thought, gentlemen would see, that parliament should discharge its duty faithfully towards the crown, on a subject of such great importance as the present. He trusted that the house would agree with his opinion, that, in voting on such a measure, they were not, while they considered the public interests, to be deterred by any sort of public clamour from doing justice to the dignity and splendour of the crown. In other views of the subject, he hoped to be excused for taking up the time of the house a little longer. He could not consider, that any thing that had already occurred had yet so far foreclosed the subject with any member, as to make him feel himself pledged against the consideration of the proposal which he had to offer on a matter so important. *(Hear.)* When the present posture of the country was considered, the jealousy already shewn must lead the committee to feel, that ministers would have to state various reasons for their propositions, and to point the attention of the house to different considerations more minutely than in other circumstances they would have felt it necessary to have done. Though in many particulars he differed politically with gentlemen opposite, yet he readily admitted, that economy should be regarded as a sacred principle in the public affairs. But, while the interests of the public were always to be consulted, the situations of the illustrious persons who were members of the royal family were also to be considered, as they were combined with the state of the country under all its circumstances. It was for the interests of the public to see that the state of the monarchy was well provided for, as it at present existed; but it was also necessary to see that a proper provision was made for a line of princes in succession, and who were born and lived in the country. He believed that the committee would feel, that, at the meeting of parliament, after the calamity that befel us by the lamented death of the Princess Charlotte, no feeling was more strongly engraven on the minds of the house and the public, or more combined with that melancholy event, than the wish for a continuance of the line of the illustrious family who had long worn the crown. Of the loyalty and attachment of the people to the house of Brunswick there could be no doubt. At the present time there were many illustrious individuals living, who were in due line of succession; but with their decease the scene would close. Out of twelve sons and daughters of the King, being seven princes and five princesses, not one had a child to present a hope of direct succession to the throne. He might observe, that the ages of all the children of his Majesty were so far advanced as to render it fitting not to occasion any unnecessary delay in the case of their desiring to marry. It could not be maintained, under all the circumstances, that it was not right to excite the members of the royal family to a disposition to marriage, if it was not contrary to their own views of comfort and happiness; but then it was necessary that the state of marriage should be rendered comfortable to them. A single marriage might not afford satisfactory expectations. His royal highness the Prince Regent had shewn no preference to any of his royal brothers, but had affectionately expressed his wish that they should feel what was due to the interest of the crown and of the country. It was hoped that this might be done consistently with a due regard to the object of public economy, and he would now state what had been the intentions of ministers, after due consideration, as to the means of carrying the proposed royal marriages into effect. They had looked back to what had been done on the occasion of royal marriages for a number of years. But that which might have been a suitable provision twenty years ago, would be found so inadequate to the expenses of a royal establishment now, that such a comparison was likely rather to mislead than properly to guide the judgment of the house. Gentlemen might look at the provision made for the Princess Charlotte on her marriage with Prince Leopold, though perhaps that might not be taken as a standard. Her royal highness was considered by the house and the country as the natural successor to the crown, and there was an universal feeling to recognize her rank and prospects, and to do what would promote her regard for the country in which she was born, and over which she most probably would reign. A large settlement was accordingly agreed to. There was the case of the marriage of the Duke of York with the Princess of Prussia, in 1792; but he scarcely felt it necessary to observe, that the provision made at that time was not a standard for a provision now. The Duke of York was at that time highly distinguished by his propinquity to the crown; but his royal highness did not then stand so near to the throne as an illustrious individual who had entered into a marriage contract did at present. At the time of the Duke of York's marriage, the Prince of Wales was unmarried, but he was under thirty years of age. Yet, the provision for the Duke of York, including 3000*l.* arising from military emoluments, was 40,000*l.* a year. Now, the Duke of York having no descendants, and the Prince Regent having lost the only child with

which Providence had blessed him, the Duke of Clarence, according to all the calculations of probabilities, was at present nearer to the succession to the throne, than the Duke of York was in 1792. He trusted that the house, taking this into consideration, would see that ministers, in proposing that the Duke of Clarence should receive what parliament had given to the Duke of York twenty-six years ago, when the value of money was much greater than at present, had treated the question as one purely British, and had been actuated by no motive that they need hesitate to avow. With respect to the junior branches of the royal family, a greater difficulty existed, for ministers had no precise guide to go by, as they had in the case of the Duke of Clarence. They had, however, thought it would be right to add 12,000*l.* to the existing income of such of their royal highnesses as should marry with the royal consent, by which their income would be raised from 18,000*l.* to 30,000*l.* per annum. Out of the 12,000*l.* it was intended that, as in the case of the Duchess of York, 4000*l.* should be settled as pin money on the royal brides. He would then appeal to the house, whether an addition of 8000*l.* or 9000*l.* to the incomes of the royal dukes were not necessary, on their marriage, to enable them to live in a manner corresponding with that exalted rank to which it had been the will of Providence that they should be born. He would fairly put the point to all, in and out of the house, notwithstanding the prejudices that he knew were excited against this measure. (*Hear.*) Every one seemed disposed to look at the case of the Duke and Duchess of Gloucester, as furnishing a certain criterion, by which the judgment of the house might be guided; but no question had been decided in the abstract by that house which came exactly home to the case of these illustrious individuals. The Duke of Glocester being nephew of the King was not in the same situation as the King's sons, and the Princess Mary had an income of her own. On the Princess Charlotte parliament settled 60,000*l.* a-year. The Duke of York had 37,000*l.* a-year, besides his military employments. The Duke and Duchess of Glocester had together 28,000*l.* a-year, besides the Duke's emoluments. It did not therefore appear to ministers consistent with their duty to the crown, to put the King's own sons in a situation subordinate to his highness the Duke of Glocester. Prince Leopold, after the lamented decease of the Princess Charlotte, had 50,000*l.* a-year. Ought the junior princes to be placed in a situation of inferiority? The house, he trusted, would feel the grounds upon which this measure had hitherto proceeded. They would feel, that if it was thought desirable for the sons of the King to marry, they should be placed in a becoming situation—not exactly like the Duke of York—but with incomes of 30,000*l.* a-year, to preserve their rank above the King's nephew. Ministers had flattered themselves that this proposition would be adopted by the house, as it would have been provided for without throwing new burthens on the country. And, in providing for all the married sons of his Majesty, they had thought it would not be just or proper to make an exception in the case of the Duke of Cumberland. On the marriage of his royal highness, a proposal for a grant had been submitted to parliament, and had been at first carried, but when embodied in a bill it was negatived. Ministers did not, however, think that the opinion of parliament, on that occasion, was so recorded as to form an obstacle to placing his royal highness on the same footing as his brothers. There were feelings on the proposition at that time which presented serious obstacles to the grant. At that time, the marriage was considered more of a private than of a public nature; but, from events which had since taken place, it had assumed a public character; and ministers would have failed in their duty, had they not resolved to bring the subject again before the house. It appeared but just that the same provision should be made for his royal highness, (who had received the full consent of the crown to his nuptials,) as for the junior branches of the royal family. The whole expense of the proposed arrangement, supposing the Duke of Kent should marry, would amount to 55,000*l.* per annum. It was proposed to grant out of this, 19,500*l.* for the Duke of Clarence, on account of his relative situation to the crown, to make up his income 40,000*l.*, and to give to the Dukes of Cumberland, Kent, and Cambridge an additional 12,000*l.* per annum, to make their incomes 30,000*l.* An outfit to a corresponding amount was also to be proposed. No part of the arrangement of 1792 had been more disapproved, and no part of that of 1815 more approved, than that which related to the outfit; as it was only by means of a liberal outfit, that any chance was afforded to the royal pair, of being enabled to avoid getting in debt. In consequence of the outfit and the allowance, the charge created in the present year would have been 110,000*l.* The permanent annual charge would have been 55,500*l.* It appeared to his Majesty's ministers, that these allowances would not require the imposition of any new burdens upon the country, but would be covered by resources which had either lately fallen into the consolidated fund, or would shortly fall into it. The first resource to which he alluded was 10,000*l.* of the balance that remained of the 60,000*l.* allowed for the expenditure of the late Princess Charlotte on her marriage, after deducting the 50,000*l.* still continued to the Prince of Cobourg. The second was, the annual sum of 50,000*l.* allowed to his royal highness the Prince Regent for paying off his debts. This fund would be relieved in the course of two years, and could be made applicable for the purpose of the proposed establishments, or for the general service of the country. Looking at these grounds, considering the necessity of supporting the branches of the royal family in proper splendour in the

event of their marriages, and having a view to the possibility of granting them suitable allowances, without imposing new burdens upon the country, he remained deliberately convinced that ministers had acted rightly in advising his royal highness as they had done. But although he was convinced of the propriety of what they had proposed, he would not pertinaciously adhere to it; and as parliament had manifested an indisposition to concur in the amount, he would not press his intended proposal upon them. (*Hear.*) He did not surrender, however, the opinion on which he acted, nor did he think there was any thing in the extent of the proposed provision which compromised the public principle on which the administration rested the justification of their conduct. (*Hear.*) He hoped before he sat down to be able to bring the feelings of the house, their regard to the state of the country, and their attachment to the interests of the crown, to concur in a common purpose. Before he proceeded farther he wished to protect himself from the influence of some views of the question of additional provisions for the branches of the royal family, which arose out of the peculiar situation in which some of those illustrious persons were placed. They had all of them some other sources of income, beside the provision made by parliamentary grants; and it might be thought that these additional revenues should be taken into consideration, and deducted from the sum to be supplied by the liberality of parliament. This appeared to him to be both an illiberal and unwise view of the subject. He submitted that, in making arrangements for the marriages of the royal dukes, and for their support in this new situation, their income, arising from civil or military employments, conferred upon them by the crown, should not be brought in diminution of the provision to be made for them by parliament, independent of their own exertions. There should be a distinction between the members of the royal family in the married and unmarried state, in consideration of the additional expenses which they would find it necessary to incur in the former; and if they were precluded from enjoying any additional advantage, from engaging in active duties, by seeing that income deducted from their parliamentary allowance, they would be deprived of all motives for the exertion of their talents, or for their zeal in promoting the public service. Parliament therefore should not sanction a principle which would have the tendency to produce an aversion to the active duties of life, or the useful direction of their abilities. These distinguished persons, though placed by their birth in an elevated rank of society, and precluded from some employments which to others are the road to fame and fortune, should still be allowed to better their condition by their own exertions. Though placed at once beyond the necessity of active efforts, and debarred by reasons of state from many employments to which others could resort, there were still duties which they might perform to the public, without any danger of their influence, and to these they ought to be encouraged by the common hopes of reaping the rewards of their activity. They were a privileged class, but their very privileged situation exposed them to many restraints in the exertion of their talents and the application of their industry, from which others were exempted, and barred to them that line of activity which to others was the road to fortune; others could increase their livings by many ways on which they could not enter; and, therefore, though they could accept of many lucrative employments, they should not be precluded altogether from the hopes of bettering their incomes by engaging in the performance of such public services as they could execute consistently with their title and elevated rank. Parliament could not with propriety graduate the scale of provision from any considerations of a personal nature, because it might be invidious to examine minutely into personal qualities, but merit should not be repressed by being deprived of the hopes of reaping its reward in emoluments independent of parliamentary liberality. If any of the royal family therefore exercised employments at home or abroad, from which they derived an income which might be properly considered as the fruits of their activity, or the rewards of their talent, they should not be treated less liberally by the house. He stated these considerations, because he saw a disposition in some members to consider the emoluments derived from office as a deduction of parliamentary provision. The case of the Duke of Cambridge had been particularly alluded to, and an hon. member had wished for an account of his income from foreign employments. The house could not properly inquire into this subject, or demand the production of the accounts; but as much misrepresentation had gone abroad, he did not regret that an opportunity was given him of making an explanation which would shew the unfounded nature of those rumours, and demonstrate, that neither the tenure on which the royal duke held his situation, nor the magnitude of the emoluments which he derived from it, laid him open to the least imputation, or tended to disturb the scale of provision which ministers proposed to parliament for the royal family. In the first place, the situation of civil and military governor of Hanover was of a temporary nature; and, without pledging the royal duke as to any plans that he might have in view for the future course of his life, he might say, that he seemed to have no intention of making it permanent. His royal highness undertook the office at the request of his brother, the Prince Regent, and he might return to this country in a short time. With a view to his return he had refrained from altering any of his domestic arrangements in England, and still retained his house in this country ready for his reception. In the second place, the situation was not only temporary, but its emoluments were very inconsiderable when

compared with the misrepresentations of it which had gone abroad. His income, as civil and military governor, did not exceed five thousand pounds a-year; and the whole extent of his emoluments, from all contingencies, amounted only to about six thousand pounds. An employment of this kind, temporary in its nature, and not extravagant in its gains, he submitted to the house, should not deprive his royal highness, either in his married or unmarried state, from being placed on that scale of provision which the other members of the royal family were to enjoy. His royal highness the Duke of Clarence was still less provided for by his employments. He had only 1,100*l.* a-year arising from half-pay. The Duke of Kent enjoyed the emoluments of governor of Gibraltar, and had likewise a regiment; but his revenue from these sources did not exceed 6,000*l.* a-year. He submitted, therefore, that these sources of income should not be taken into consideration, as a deduction from the intended provision. If the house did so, they took away all motives to exertion. The Duke of Kent received his provision later in life by three years than some of his brothers, and six years later than others. The house should not say to him, or the rest of the royal family, we will grant you no provision, because, by the bounty of the crown, you are already provided for, and whatever you earn by the exertion of your own talents shall be deducted from the liberality of parliament. So far from adopting that principle, the reverse of it ought to be acted upon. The natural motives to exertion which animated men in the other walks of society, should be held out to the members of the royal family, and their merits, which rendered them fit for employment, should not render them unworthy of liberal treatment. He would leave out of view, then, the independent incomes of the Dukes of Cambridge and Kent, and would proceed to the detail of the proposed provision. By the feelings manifested in the house when the Prince Regent's message was submitted to it, ministers had been induced to examine the matter more minutely, to see if any deduction could be made. (*Hear.*) They had gone into the minutest calculations and the strictest inquiries. They had not depended on themselves, but entered into a painful investigation of the details with those from whom they could expect the best information, and the most important opinion. The scale of a private family was not one that could apply to that of the illustrious persons. With respect to the provision necessary for the Duke of Clarence in particular, they went into the most strict and deliberate inquiry, with a feeling that nothing ought to stand in the way of an examination; that nothing ought to be withheld that was becoming, and nothing given that was extravagant. The result of this examination was, that unless 10,000*l.* a-year of additional allowance was granted, the proposed establishment could not be conducted. Any grant to a less amount would render it impossible to support his rank in the married state. Allowing this sum for his royal highness the Duke of Clarence, from a regard to the closer proximity of his issue to the succession, it was proposed that the provision for the junior branches of the family should be less. He would propose a resolution for 6000*l.* to the Duke of Kent, 6000*l.* to the Duke of Cumberland, and 6000*l.* to the Duke of Cambridge. (*Hear.*) With respect to pin-money to the royal duchesses, with whom these royal persons had or might contract marriage alliances, that was a consideration to be settled between husband and wife. The Duchess of York, on her marriage, had received 4000*l.* a-year as an allowance for pin-money. Allowing that the other royal duchesses were to receive an allowance of 3000*l.*; for this purpose, then, the additional income of the Duke of Clarence, for his family establishment, would amount only to 7000*l.*, that of the Duke of Kent to 3000*l.*, that of the Duke of Cumberland to 3000*l.* and that of the Duke of Cambridge to 3000*l.* annually. He had gone into the examination of what should be settled as the *minimum* with painful feelings; and, he thought, if any thing less than what he had mentioned were to be granted, it would not answer the purpose. If any addition at all were to be allowed, less could not be stated. If the house wished the marriages to take place, they should not expose the branches of the royal family to the necessity of contracting debts, or the royal succession to discredit among foreign nations. He had now opened every thing that he had in view; he had explained and attempted to justify the first intentions of ministers, and submitted to parliament the lowest scale on which they could, in the execution of their duty to the crown and the country, rest the proposed establishments. He had disguised no fact, and he shrunk from no responsibility. Ministers had been anxious to place the direct branches of the royal family in no worse situation than the king's nephew, while they had equally consulted the state of the country. They only proposed to do what parliament had done in 1767, when the Duke of Gloucester, the king's brother, received an allowance of 24,000*l.* If the Duke of Gloucester, then, had 24,000*l.* and the present duke 28,000*l.*, it was not too much to ask 24,000*l.* for the junior branches of the royal family, and 28,000*l.* for the Duke of Clarence. He had proposed this low estimate with painful feelings, because he knew that he was running a risk of proposing a provision that might be found inadequate to the object, and which might not exempt their royal highnesses from the necessity of involving themselves in debt. He would now leave the question to the judgment of the committee, without trespassing further upon its patience. The jointure proposed for the Duchess of Clarence, in the event of the death of the duke, was 7000*l.* a-year, and that of the other royal duchesses, 6000*l.* He hoped the propo-

sitions which he had submitted to the house, combining as they did, in his opinion, the honour of the crown with the most scrupulous regard to public economy, would meet its approbation. The sums that had fallen in, or that would soon fall in, to the consolidated fund, amounted to 60,000*l*.

The additional allowance for the Duke of Clarence being	10,000
That for the Duke of Kent . . .	6,000
For the Duke of Cumberland . .	6,000
For the Duke of Cambridge . .	6,000
Would make in all . .	28,000.
In the event of the Duke of Kent's not marrying, the sum would be only	22,000.

The noble lord concluded by moving the following resolution: "That his Majesty be enabled to grant an additional yearly sum of money out of the consolidated fund of the united kingdom of Great Britain and Ireland, not exceeding the sum of 10,000*l*. to make a suitable provision for his royal highness the Duke of Clarence, upon his marriage."

Mr. *Barclay* said, that before the committee proceeded to make the proposed grants, the state of the country ought to be taken into consideration. This was not a time to propose any new expenditure, when it was stated that, in a year of peace, a loan of eleven millions must be raised for the public service. Let the committee consider the burthened state of the country; let them consider that the distress was last year so great as to induce his royal highness the Prince Regent to sacrifice 50,000*l*. of his income for its relief; and then say, whether this was a proper time to bring forward such a motion as that which was now before them. When the allowance was made to the Duke of York, our finances were in a flourishing condition: now they were in a state of the greatest pressure. With regard to the Duke of Cumberland, he saw no reason for granting him now what was refused him in 1815. The Duke of Clarence did not, in his opinion, stand in a situation that entitled him to a greater allowance than the junior branches of the royal family. Supposing that, after receiving this provision, and entering into the marriage state, he had no issue, there would be the same reasons for augmenting the revenue of his next junior brother. Was not his present income sufficient, if freed from incumbrances; and, with those incumbrances, would it not be swallowed up or diverted from its purpose? If there was one of the junior branches of the royal family to whom he would more willingly than another grant an additional allowance, it would be to the Duke of Kent; but if they all took the same method as he had adopted for bringing their expenditure within their income, no additional provision would be necessary. He would have no objection to grant provision to the widows of the royal dukes. But, before any additional allowance could, with propriety, be voted, the state of our finances and the resources of the country ought to be clearly ascertained. The noble lord had not put the question, as to the sources from which these additional grants were to come, in its proper light. It was true, that no additional burthen might be placed on the country in consequence of the grants; but it was also true, that the money proposed to be so applied, would be a saving to the country of so much. He did not mean to propose any direct negative upon the motion before the committee, but he felt it his duty to call upon gentlemen to pause before they agreed to that motion, and, with this view, he moved, that the farther consideration of the motion should be postponed till that day week.

Mr. *Brogden* (the chairman) suggested, that if the hon. member intended to move an amendment, the regular mode was, to move, that he leave the chair.

Mr. *Barclay* said, he should then move that he leave the chair.

It was remarked by another member, that the regular amendment should be, that the chairman report progress and ask leave to sit again, and the question was so put accordingly.

Mr. *Parnell* said, he was altogether averse to profusion at this crisis, yet, in justice to these royal personages, and the scale of expenditure consequent to their exalted situation, under the circumstances of a marriage, he felt it his duty to support the resolution.

Mr. *Protheroe* congratulated the house on the effect of the virtuous opposition which had been made to this measure, in reducing the original sum proposed to be called for. To the just causes of grief for the death of the Princess Charlotte of Cobourg, many persons had added apprehensions of the failure of the royal line of Brunswick. But a cause of grief was now forced upon the public mind which had not been anticipated. Pensions and grants to foreigners were called for, in consequence of that unfortunate event. To foreign alliances he had no objection, but he hoped they were entered into without mercenary views, and that they would be productive of happiness without burthening the nation. In loyalty he would yield to no man; but he held it to be not only consistent with loyalty, but essential to its stability, to speak the language of truth. Did ministers speak the language of truth to their royal master when this measure was first thought of? Did they tell him, that this was not the time to increase the burthens of the people? He had presented many petitions for a radical reform of that house. He had told the petitioners, that the consequence of granting their prayer would be a revolution: but, the consequence of increasing our burthens beyond the possibility of supporting them, would be equally revolutionary. The faithlessness of its supporters was not less fatal to the crown than the madness of the people. He congratulated the house on the opportunity they

now had of giving the lie to the charge so often brought against them, that the interests of the people had less weight with them than the influence of the crown. We had been for three years in peace with all the world, yet our expenses were beyond our resources; and, in the face of this, we still went on increasing our burthens. Some of the burthens now proposed were, besides, such as would not at any time be borne with satisfaction. If ever there was a vote of that house in perfect unison with public feeling, it was the vote which had rejected the application for an additional allowance to the Duke of Cumberland. (*Hear hear.*) He should therefore vote against the proposed resolution.

Mr. *Gurney* said, that the present application must be ascribed to the effects of the royal marriage act. By it all the descendants of George II. other than the issue of princesses married into foreign families, were precluded from intermarriage with the great families of England. The only reason for such an enactment was, the prevention of disputed claims to the succession, and of consequent civil wars. It was true, that this country had long been afflicted with the worst calamities, by the civil wars of York and Lancaster. But such wars could not be apprehended in the present state of society. The civil wars of York and Lancaster were the wars of a barbarous age, when the nobility possessed whole provinces, and the commons were almost powerless*. From this marriage act proceeded all the evils which now excited animadversion and opposition. The illustrious branches of the royal family, precluded from any alliance with the great dukes, earls, and barons of England, were forced into alliances with weak and poor German families. The consequence of such alliances was, a constant application to parliament for provision to support a family in the highest rank, without any independent resources. On the whole, he approved of the motion of the hon. member for Southwark, as it at least gave time for the receipt of those accounts which would be necessary to guide the house in any decision they might ultimately come to.

Mr. *Holme Sumner* said, he should first advert to what had been said of the previous meeting on this subject. It was a meeting of gentlemen who, from their character and station in the country, from their personal observation, and from the information derived from their constituents, were best acquainted with the sense of the nation, and who, therefore, were the fittest to be consulted on any subject to be proposed to parliament. An hon. and learned gentleman had characterised such meetings as *clicks*. To that set of men he had the honour to belong. They were calculated to form the basis of responsibility for the public; and although they were not equal to the hon. and learned gentleman in ingenuity, in dexterity, and in a certain parliamentary accomplishment, which, to use a word found in the same respectable volume from which the learned gentleman had taken the word *click*, he meant the Slang Dictionary, he would call the "gift of the gab;" (*much laughter and confusion*); they were as just in their principles, and as independent in their conduct, as any set of men that ever graced this country. He did but justice to the general sense of the people when he said so. The object of such meetings was to obtain their sentiments previously to the proposal of a measure, as they were the men most conversant with the country at large. As to the resolution moved by his noble friend, he could not agree to bring the duke of Clarence into a situation which did not belong to him, that of presumptive heir to the crown. (*Hear.*) The duke of York, it was true, had been married for a considerable time; but a certain calamity might befall him, and then he might marry again, when it would be proposed to make the same provision for him as had lately been made for the prince of Saxe-Cobourg. It was impossible to concur in the advance of allowance to such an amount to the duke of Clarence. He would not object to an advance of 6000*l.* a year upon his marriage, if information were previously given to prove that this sum could be applied to the object of supporting the splendour of the crown. He must acquit his noble friend of blinking or misrepresenting the subject, when he had said, that his royal highness had 18,000*l.* a year as a parliamentary grant, 2500*l.* from treasury warrants, and 1100*l.* as admiral of the fleet. In addition to these items, he was ranger of Bushy-park, and had a charming residence, equal to not less than 3000*l.* per annum. As the object of the resolution was to bestow upon a younger brother a greater degree of splendour than was necessary, he would oppose it, till it should be proved that the proposed addition would be available to any such object. (*Hear.*) He understood that 4000*l.* would not pay the interest of the debts of the duke of Clarence, and that demands existed against him for 50,000*l.* or 60,000*l.*: so far, at least, public report went. Of what use, then, could the proposed grant be to the splendour of the crown? (*Hear.*) Instead of elevating it would only degrade. It would be actually throwing away the public money. A royal duke (Kent) had, much to his honour, divested himself of his splendour for the purpose of paying his debts. If in this purpose he were successful, he should have no objection to a grant of 6000*l.* to him upon his marriage. Proper emoluments ought not to be withheld from any branch of the royal family, and 30,000*l.* was not more than ought, in different circumstances, to be allowed; but while the oppression of the country by taxes deprived other

* As an historical fact, it may just be added, that the disputes of the houses of York and Lancaster did not exist till the regular succession was by force interrupted, and, in consequence, fictitious titles to the crown set up.

gentlemen of enjoyments, which belonged to their station, why should not the princes of the royal family also bear some diminution of what might otherwise be properly claimed for them? He, therefore, objected to the granting of 30,000*l.* but he would agree to 24,000*l.* The duke of Cambridge had acquitted himself well from the earliest period of his life; he had, greatly to his credit, avoided all debts; he had continued to sustain the character given of him in his younger years by his illustrious father. The king, using the language of Eton school, had said, "Cambridge has not made his first fault yet." When the grant to the duke of Cumberland was formerly stated to a meeting assembled for the purpose, the numbers decreased rapidly from 37 to 30, 20, 18, &c. At last, gentlemen came up from all parts of the country to oppose the grant. In that case the marriage had indeed been accomplished, but there had been no message from the crown. The house had not been fairly treated then, when in those circumstances the subject was brought before them; and the house was not fairly treated now, in hooking him in among the other princes. (*Loud and long continued cheering*). He could not at present make any motion on the subject; but, if the amendment of the hon. member for Southwark should be negatived, he should feel it his duty to call for an account of the income and debts of the duke of Clarence.

Lord *Castlereagh* explained. As to Bushy-park, it was rather a burden than otherwise. Another topic alluded to he could not enter upon; the house would perceive the delicate situation in which he was placed. But he could assure the house that the representation given of the duke of Clarence's debts was by no means his true situation. If the resolution were agreed to, the duke of Clarence, after relieving himself from pressing demands, and making a provision for the ultimate extinction of his debts, would have 25,000*l.* a-year unincumbered.

Mr. *Coke* declared, that under the present distresses and burdens of the country, he could not reconcile it to his sense of duty, to consent to the arrangements proposed by the noble lord. If at any future period, a stronger case should present itself, or the circumstances of the country wear a more favourable aspect, his objections might be removed. With regard to the offence taken at the application of the word "click," by his hon. and learned friend (Mr. Brougham), he entertained a very sincere respect for many hon. members on the other side of the house; but he must at the same time observe, that he considered the general principles and conduct of his hon. and learned friend fully entitled to his support. He said this with a wish to act and speak in consistency with those Whig sentiments which he had supported for the last forty years of his life.

Sir *W. Curtis* said, that some additional provision was necessary when any of the royal family married. In this view, he thought that the modified arrangement submitted by the minister ought to be adopted.

Mr. *R. Ellison* observed, that he had always thought very favourably of the measures of the present government, and he regretted that, on this occasion, there should be an exception to that general opinion. He could not help thinking, however, that, with regard to the merits of the question now under consideration, they were entirely in the wrong. He had supported the present ministers, and the system of policy they pursued, ever since he had known how to think or to act. (*A laugh.*) He had never had any communication with the opposition, nor did he mean ever to hold any. (*A laugh.*) He feared not what others might think or say of him; he had an opinion of his own, and that opinion he was resolved to express. He loved liberty as much as any hon. member opposite; but he knew his duty too well to convert that zeal into a pretext or a means for *humbugging* the people. (*A laugh.*) Humble as he was, he had a duty to perform, and must be allowed to follow his own opinion. No man honoured the king, or loved the constitution, better than himself. It appeared to him that ministers had carried the country safe through its greatest dangers, and brought it into quiet seas. That tranquillity, he thought, would remain undisturbed under the care and wisdom of administration; but he must frankly declare, that the demand of such sums, in the present condition of the country, was itself a measure calculated to prove injurious to royalty. It seemed to him one of the most injudicious propositions that ever was submitted to parliament. He was perfectly disposed to vote some provision to the duke of Clarence, on the ground of his intended marriage, but to the rest of the proposed plan he must give his decided negative.

Sir *T. Acland* said, there were so many points involved in this question, from which different views might be taken, that he was desirous of stating very shortly the principles by which his vote on the subject would be governed. He thought it the duty of the house, in the first place, to lay altogether out of consideration every question, except that of the allowance which it was fitting for parliament to grant to the royal personages, with a view to the marriages in contemplation. With the subject of individual character, he conceived, the house had nothing to do; nor ought they, in his opinion, to direct their proceedings by any reference to emoluments which might be derived from private sources, or might be the reward of public and honourable service. (*Hear, hear, hear.*) The only question which they had to entertain was, what was the proper provision to be made, in the circumstances of the country, for such members of the royal family as were about to enter on the married state. Looking at this simple question in all the views in which it could be regarded, he was sorry that he could not concur in the proposed resolution. He trusted that

he was acting in the strict discharge of his duty, and wholly uninfluenced by what might pass out of doors, in this declaration of his sentiments. It was certainly difficult, in discussing a question of amount in a case of this nature, to determine on the precise number of thousands which it might be advisable to grant. He could not, however, agree with the hon. member for Southwark in the expediency of adjourning the consideration of this question in its details. Such discussions were necessarily painful, and it was of importance to bring them to a speedy termination. (*Hear, hear.*) If it were not unparliamentary, he should be disposed to say, that there was an impropriety in prying too closely into the private affairs of the royal family. But, as respected the amount, he could not dismiss from his recollection, that it was only four years ago, when, whether wisely or unwisely it was not for him to inquire, ministers themselves had laid down the measure of establishment requisite on the marriage of a member of the royal family. He alluded to the sum proposed, in consequence of the royal message, announcing the marriage of the duke of Cumberland. It did not appear to him that the situation of the duke of Clarence, with reference to the succession to the throne, ought to constitute any exception to the rule, or distinguish him from the rest of the younger brothers. He certainly thought that an immediate heir to the throne was in a situation which required the means of supporting a greater degree of dignity and splendour, but he could not extend this principle to the case of the duke of Clarence. With respect to the duke of Cambridge, he should feel no aversion to vote an additional allowance to him, in consideration of his approaching marriage. It was necessary, however, that their feelings should not carry them too far; and, in adverting to the case of the duke of Cumberland, he conceived that the house of commons had long since come to a deliberate resolution. It was not for them to interfere with the exercise of the royal prerogative, or to attempt any direct control over the marriages of the royal family; but they had one means of expressing their sense with respect to their propriety. This, he believed, had been accurately done on a former occasion; and he called on the house not to throw away their only resource on such occasions, by retracting their declared opinion. It must necessarily derogate from their authority, if they should now entirely forget what had been their former proceeding upon this painful subject. (*Hear, hear.*)

Lord *John Russell* opposed the resolution. He was desirous that every grant which was necessary to the dignity of the royal family should be agreed to; but he thought, that some attention should be paid to the means which the country had of making good those grants.

Lord *Lascelles* wished to say a very few words on the motion immediately before the house. With regard to the amendment, he did not perceive the expediency of any delay in coming to a decision. On the contrary, he thought it just and fair to the royal family, that the house should come to a vote that night. It was not necessary to go minutely into circumstances; the only question was, whether, as certain members of the royal family were about to marry, parliament would sanction the necessary arrangements. He troubled the house with his opinion in consequence of what had fallen from him on a former night, and because he thought the question involved the credit of the house, as well as of the royal family. It had never been in his contemplation to refuse an adequate provision, although, in the actual state of the country, it had appeared to him, that a smaller sum would answer the purpose. To the reduced allowances now proposed he felt no sort of objection.

Mr. *Forbes* disapproved of the distinction made in favour of the duke of Clarence, and could not consent to grant him more than the sum voted to the other younger brothers of the royal family, in the event of their marriage. He believed that the allowance of 6000*l.* a-year to the duke of Cumberland would have been carried, if the same activity had been employed to support, which had been exercised to defeat it.

Lord *Compton* said, he had been averse to the original proposition, not because he thought it disproportionate to the situation of the illustrious persons for whom it provided, but to the present circumstances of the country. He could not allow, however, that there was no ground for the distinction taken between the duke of Clarence and the other younger members of the royal family. The duke had, indeed, two elder brothers, but they were both married and without offspring. He wished the house to recollect, that an excess of parsimony might have the effect of defeating the proposed marriages altogether. He saw no reason for revoking the opinion already expressed by the house in the case of the duke of Cumberland, and would remind them, that there was another branch of the royal family not now before them, who would in that case be equally entitled to some provision in the event of his forming an alliance of this nature.

Mr. *S. Thornton* said, that he came down yesterday to oppose the grants that were then the subject of general conversation, but the reduced scale appeared to him unobjectionable. He entreated his friend, the hon. member for Southwark, to withdraw his amendment, as it was extremely undesirable to keep a question of so delicate a nature hanging over the house: and as an explanation of the circumstances of the individual illustrious branches of the royal family had been given, there could be no occasion for delay.—The hon. member called the grateful attention of the house to the highly respectable conduct of the duke and duchess of Glocester, who in their domestic establishment were not less the subjects of general admiration in their neighbourhood, than the lamented family at Claremont. This branch of the royal family, it should ever be remembered, had forborne to

call on parliament for any augmentation of income, arising from their sense of the pressure of the times on the people of England.

Earl *Gower* observed, that it was undeniable that the married state required some additional provision. He rose, however, chiefly for the purpose of calling the recollection of the house to the fact, that the duchess of Cumberland had now resided three years in this country, during which time she had acquired the esteem and affection of all who knew her, and he felt confident that this esteem would continue to increase. For the whole of the period that she had become a British princess, she had been indebted for her support to the generosity of the King of Prussia, and he put it to the house, whether this was worthy of the pride of England.

Mr. *Barclay* signified his readiness to withdraw his amendment; but there being some cries in the negative, the chairman decided that a division must take place.

The question was then loudly called for, and strangers were ordered to withdraw. The house, however, did not divide. During our absence,

Mr. *Sumner* moved, that the grant be reduced from 10,000*l.* to 6000*l.*

Mr. *Lambton* complained of the dilemma in which he was placed. He observed, that he was against any grant; and that, if he voted against the 6000*l.*, he might occasion a majority in favour of the 10,000*l.*, to which he was still more averse.

Sir *Gilbert Heathcote* thought that the present incomes of the junior branches of the royal family were ample. He, as an individual, was obliged to attend to his domestic concerns, and he thought they ought to do the same.

Mr. *Calvert* observed, that the difficulty arose from the embarrassed circumstances of the country. He thought that the utmost economy ought to be observed in the intended grants.

Mr. *Brougham* adverted to the difficulty complained of by Mr. Lambton, and recommended him to vote in the first instance for the smaller sum, which merely pledged the committee to a grant not exceeding 6000*l.*, after which he might, in a subsequent stage, vote for reducing that sum to an amount merely nominal.

Mr. *Tierney* understood that the noble lord meant to propose something by way of dower, to which he had no objection, and therefore would not concur in any vote that might break up the committee.

Mr. *Canning* commented on the point of order, and stated, that if the house were against voting any grant at all, they might stop the proceedings of the committee altogether, or vote a nominal sum, which would answer the same purpose. But he rose for the purpose of expressing his approbation of the larger sum proposed. When he compared the proceedings of this night with the feeling that prevailed on the opening of the session, he was at a loss to conceive by what process the whole feeling then expressed had been so completely evaporated. If proper reasons were assigned why the junior branches of the royal family should contract alliances, it was in the power of the house of commons to give or withhold their support, and he trusted that necessity would be considered under present circumstances. (Here we were re-admitted.) If it were expedient to provide for the succession to the throne, it was an unfair and an imperfect view of the question then before them, to consider the circumstances of each specific marriage. With respect to his royal highness the Duke of Clarence, he could assure the house, that his royal highness would not have thought of contracting this marriage, it never would have entered into his contemplation to engage in this alliance, if it had not been pressed upon him as an act of public duty. (*Loud laughter.*) His wishes were limited to such means as might enable him to support his situation in the country with becoming dignity. As a contractor of debt he did not stand before the house: his noble friend had told them that his royal highness had voluntarily, and by arrangements of his own, set apart a portion of his income for the payment of interest, and he believed, also for the insurance of his life, and the gradual liquidation of the principal. Without this alliance he wanted not the aid of parliament, and he contracted this alliance, not for his own private gratification, (*loud laughter,*) but because he had been advised to do so for the politic purpose of providing for the succession to the throne. (*A laugh.*) If there were any thing ridiculous in this proposition, it was brought about by their own laws. The laws of the country prevented the royal family from entering into engagements of marriage at home: they insisted that the branches of their royal family should look abroad for wives; and when they came to do this, as in the present case, not from liking or affection, for that could not be supposed possible when the persons had not even seen each other; if there were any absurdity in such an arrangement, it was referable to the laws themselves, and not to the individuals who were bound by those laws. He thought the house could not refuse this grant of 10,000*l.* to the person who might produce the heir to the crown, without exposing him to embarrassment, and bringing exorbitant expense on his establishment. Ministers were convinced that no less a sum would be sufficient; for if it did not render the marriage impracticable, it would at least endanger its peace and happiness. In voting that sum, the house would only grant one half of what was originally proposed, and for less than that ministers would not be responsible.

Mr. *Wodehouse* supported the amendment of the hon. member for Surrey.

Mr. *W. Smith* thought that a sufficient sum might be taken from the Windsor establishment to answer all the purposes wanted.

Sir *W. Guise* spoke to the same effect.

Lord *Castlereagh* said, that no establishment could be conducted with so much economy as the Windsor establishment: there could be no reduction, except, perhaps, in the department of the great officers of state. The whole of the salaries, from those officers down to the meanest servant, amounted to 33,000*l.* Of this sum 10,000*l.* only was applicable to offices of that description, that could admit of being reduced. If they took away from this sum the allowance to those officers who were indispensably necessary, the whole sum, with respect to which there could be any question as to reduction, came within 6000*l.* The Windsor arrangements had been adopted by parliament after the fullest discussion, and he trusted, that before they proceeded to reduce any part of the establishment, the subject would be discussed in a manner not less satisfactory.

Mr. *Tierney* insisted that the Windsor establishment was far greater than was necessary for the purposes of use or splendour to the venerable monarch, or the branch of the family resident with him. There was 60,000*l.* for the privy purse, out of which no expense was paid except of the medical attendants: he would estimate that, at the utmost, at 50*l.* a day. This would amount to no more than 18,250*l.* out of the 60,000*l.*: but then, in addition to this sum, there was 10,000*l.* a-year from the duchy of Lancaster.—Her Majesty's establishment amounted to 100,000*l.* a-year; but, besides this, her Majesty was allowed for the Windsor establishment 58,000*l.* and an additional sum of 1900*l.* for what was called travelling expenses; and the income of the two resident princesses was 26,000*l.* more, making the total of the Windsor establishment amount to no less a sum than 264,000*l.* per annum. (*Hear, hear, hear.*) Now, what was done with all this money? Was it spent, or nearly spent? And if not, for what purpose was it accumulated; and why might it not be applied to such uses as outfitting the different branches of the family on the occasion of their marriages? A reduction should be made of all superfluous expenses.

Lord *Castlereagh* replied, that the estimate of the right hon. gentleman was not fairly taken. The medical attendance last year came to 38,000*l.*: and it was well known, that great part of the privy purse was devoted to benevolent purposes. It was not fair to reckon in the income of the princesses; and still less was it fair to count the income of the Queen, who, by act of parliament, was entitled to the full sum of 100,000*l.* as her jointure. To this sum she would be entitled wherever she lived, and it could not therefore be said to form any part of the Windsor establishment. If the right hon. gentleman deducted these sums, there remained, for all the expenses of the Windsor establishment, only 58,000*l.* and he would recollect, that, whether the Queen lived at Windsor or not, the Windsor establishment must be kept up. The 100,000*l.* was applicable to the Queen's own establishment. It was a great error to suppose that the Windsor establishment furnished any part of the Queen's household.

Mr. *Sumner* said, he had stated, on rumour, that the debts of the Duke of Clarence amounted to 50,000 or 60,000*l.* It was now said, that the whole claims might be liquidated for 5000*l.* a-year. The question was not whether they would grant such a sum as might be necessary to the duke of Clarence, but whether, having granted him such a sum, they would grant him another 5000*l.* a year for that part of it, the fee of which he had already consumed.

Mr. *Lambton* said, that his objection to any grant had not been obviated by any thing that had fallen from the other side, and he therefore felt himself called on to record that objection, by moving that the chairman do now leave the chair. No man could entertain a higher respect than himself for the illustrious House of Brunswick: bred up as he had been in the principles which placed that family on the throne, he must be anxious for its happiness and honour; but, in the present burthened state of the country, when he saw the poor languishing in want, when he recollected that this evil had increased to a degree no longer to be borne, when he saw distress in every part of the country, he could not consent to burthen the people with one shilling more. If circumstances had occurred to render a great part of the Windsor establishment useless or unnecessary, let it be done away. But that had nothing to do with the present question. The question was, should they burthen the country with 6000*l.* a-year because the duke of Clarence wished to marry? Because he had extravagantly thrown away that which parliament had already granted him, were they to make good the effects of that extravagance? The house would ill discharge their duty to their constituents, whom they must shortly meet again, if they did not resist so unconstitutional a measure in the beginning. They would forfeit every claim to the respect of the country. (*Hear, hear.*)

Mr. *Wynn* said, that if the original proposition had been adopted, it would have gone farther to shake the attachment of the country to the royal family, and the confidence of the people in parliament, than any proposition ever submitted to that house. He would shortly state the reasons why he was still disposed to agree with the amendment of the hon. member for Surrey. He could not accede to the opinion that the junior members of the royal family, having already received a settlement in their unmarried state, were entitled to call upon the public for an additional grant on their marriage. He thought that the argument on which the larger grant to the duke of Clarence was founded, namely, his relative situation in the royal family, was, in fact, destructive of the proposition that the younger branches should also be amply provided for with additional funds. For what was the analogy of private life? Was

it usual, when the eldest son was settled in marriage with a large fortune, and a corresponding establishment, to increase also the incomes and establishments of the younger branches in the same proportion? Was not the very contrary the customary mode of proceeding? He should give his vote in favour of the 6000*l.* which, in a former instance, was considered a sufficient income. In the event of an increase of family, it would be for parliament to consider the circumstances of the case, and to grant an increase if they thought proper. On the occasion of the marriage of the duke of York, 40,000*l.* had been voted; but then it was to be considered that the marriage was peculiarly desirable, on account of the alliance with Prussia, (the treaty of which was referred to the committee): and, besides, the duchess of York brought with her a large dowry, he believed 160,000 crowns. With respect to the Windsor establishment, it appeared to be a question amply worthy of the consideration of parliament, but not that night. Whatever reduction could be made in that establishment, the house were equally bound to make, although the present question had never come before them. Upon the whole, he was decidedly of opinion, that the minor sum was for the present sufficient.

The question was then put on Mr. Lambton's amendment, which went to refuse any grant to the duke of Clarence, and decided in the negative, without a division.

The committee then divided on the amendment of Mr. Sumner, for reducing the grant from 10,000*l.* to 6000*l.*

Ayes	193
Noes	184
Majority . . .	—9

This result was received with loud shouts of approbation; amidst which, Lord Castlereagh rose, and observed, that since the house had thought proper to refuse the larger sum to the duke of Clarence, he believed he might say, that the negotiation for the marriage might be considered at an end.

The house then resumed; the resolution was ordered to be reported, and the committee to sit again to-morrow.

LIST OF THE MAJORITY.

Abercromby, Hon. J.
Abercromby, Robert
Althorp, Viscount
Aubrey, Sir John
Abdy, Sir William
Acland, Sir Thomas
Atkins, John
Archdall, Gen.
Astell, William
Ashurst, William
Blair, J. H.
Baker, John
Bolland, John
Broadhurst, John
Barclay, C.
Bankes, Henry
Bankes, George
Bastard, John
Babington, T.
Butterworth, J.
Burrel, Walter
Bentinck, Lord W.
Boughey, Sir J. F.
Broderick, Hon. W.
Baillie, J. E.
Baring, Sir T.
Barnett, J.
Barnard, Visc.
Bennet, Hon. H. G.
Birch, J.
Brand, Hon. T.
Brougham, H.
Burroughs, Sir Wm.
Byng, George
Cawthorne, J. F.
Carhampton, Earl of
Cockerell, Sir C.
Cooper, Edward S.
Calcraft, J.
Calvert, N.
Calvert, C.
Campbell, Hon. J.
Carew, R. S.
Carter, J.
Caulfield, Hon. H.
Cochrane, Lord
Coke, T.
Curwen, J. C.
Cocks, Hon. J.
Cocks, J. S.
Davenport, David
Drake, T. T.
Drake, W. T.
Drummond, G. H.
Dowdeswell, J. E.
Dunlop, Gen.
Dickinson, W.
Duncannon, Visct.
Douglas, Hon. F. S.
Douglas, W. R. K.
Egerton, Wilbraham
Ellison, Cuthbert
Ellison, R.
Elliot, Rt. Hon. W.
Findlay, K.
Forbes, C.
Fane, J.
Fellowes, W. R.
Fazakerley, N.
Fergusson, Sir R. C.
Fitzgerald, Lord W.
Folkestone, Visct.
Folkes, Sir M. B.
Frankland, Robert
Fremantle, Will.
Gaskell, B.
Gurney, H.
Gilbert, D. Giddy
Gascoyne, Gen.
Grant, J. P.
Grenfell, P.
Guise, Sir W.
Gordon, Sir W. D.
Grattan, Rt. Hon. H.
Hammersley, Hugh
Holdsworth, A.
Horne, W.
Hamilton, Lord A.
Heathcote, Sir G.
Howard, Hon. W.
Hornby, Ed.
Hurst, Robert
Hill, Lord A.
Jolliffe, Hilton
Keck, G. A. L.
Knatchbull, Sir E.
King, Sir J. D.
Lockhart, J. F.
Leader, William
Latouche, John
Lambton, J. G.
Lefevre, C. S.
Lemon, Sir W.
Lewis, T. Franklin
Lloyd, J. M.
Lyttelton, Hon. W. H.
Lester, Benj.
Lubbock, Sir J.
Lowndes, William
Maitland, E. F.
Mills, C.
Marryat, Joseph
Manning, William
Mordaunt, Sir C.
Morritt, J. B. S.
Macdonald, J.
Madocks, W. A.
Markham, Admiral
Martin, John
Martin, Henry
Methuen, Paul
Morpeth, Viscount
Moore, Peter
Newport, Rt. Hon. Sir J.
North, Dudley
Nugent, Lord
Newman, R. W.
Ord, William
Ossulston, Lord
Ogle, H. M.
Onslow, Arthur
Protheroe, Ed.
Portman, F. P.
Plunkett, Rt. Hon. W.
Peirse, Henry
Pelham, Hon. C. A.
Philips, George
Piggott, Sir A.
Ponsonby, Hon. F. C.
Powlett, Hon. W.
Proby, Hon. Capt.
Phillimore, Joseph
Pym, Francis
Robinson, G. A.
Rashleigh, W.
Robarts, W. T.
Rowley, Sir W.
Russel, R. G.
Simeon, Sir J.
Shaw, Sir J.
Shaw, Benj.
Staniforth, John
Swann, Henry
Sturt, Henry
Sebright, Sir J.
Spencer, Lord R.
Scudamore, R.
Sharp, R.
Sefton, Earl of
Smith, John
Smith George
Smith, Sam.
Smith, Abel
Smith, Robt.
Smith, Wm.
Smythe, J. H.
Symonds, J. P.
Stanley, Lord
Thompson, T.
Taylor, M. A.
Tremayne, J. H.
Talbot, R. W.

Tavistock, Marquis of
Tierney, Rt. Hon. G.
Vaughan, Sir R.
Vyse, R. W. H.
Vernon, Granville
Wodehouse, Edward
Wilder, General
Wilberforce, W.
Wright, J. A.
Walpole, Hon. G.
Waldegrave, Hon. W.
Waire, J. A.
Webb, Ed.
Wharton, John
Wilkins, Walter
Wynn, Sir W. W.
Wynn, C. W.
Williams, R.
Williams, Owen
Wood, Alderman

TELLER.—Sumner, G. H.

PAIRED OFF.—Burrell, Hon. P. D. Macintosh, Sir J. Plumer, William

MINORITY.

Abercromby, Hon. A.
Allan, George
Arbuthnot, Rt. Hon. C.
Apsley, Lord
Barry, Rt. Hon. J.
Bathurst, Rt. Hon. C.
Benson, R.
Buxton, J. Jacob
Beresford, Lord G.
Beresford, Sir John
Barnard, Viscount
Binning, Lord
Blackburne, John
Blackburne, J. J.
Boswell, Alexander
Bridport, Lord
Butler, Hon. H. C.
Bourne, Rt. Hon. W. S.
Brooke, C.
Brydges, Sir S. E.
Calvert, John
Copley, J. S.
Congreve, Sir W.
Compton, Earl of
Cole, Sir Charles
Colthurst, Sir N. C.
Canning, Rt. Hon. G.
Canning, G.
Cartwright, N. R.
Castlereagh, Viscount
Chute, W.
Clerk, Sir G.
Clive, Henry
Collett, E. John
Courtenay, T. P.
Cranborne, Vis.
Crickitt, R. A.
Croker, J. W.
Curtis, Sir W.
Cust, Hon. W.
Curzon Hon. R.
Chichester, Arthur
Dering, C.
Dalrymple, A. J.
Disbrowe, Col.
Dundas, Rt. Hon. W.
Dufferin, Lord
Dawkins, James
Duncombe, C.
Doveton, Gabriel
Elliot, Hon. Wm.
Estcourt, T G.
Evelyn, Lyndon
Fane, J. Thomas
Farmer, S.
Farquhar, J.
Fergusson, J.
Finch, Hon. Ed.
Fitzharris, Visc.
Fitzhugh, Wm.
Flood, Sir F.
Forbes, Visc.
Forester, Cecil
Foster, Leslie
Franco, Ralph
Frank, Adm.
Fraser, C,
Fynes, H.
Gifford, Sir Rt.
Gipps, G.
Golding, Ed.
Gooch, J. S.
Goulburn, H.
Gower, Earl
Grant, C., jun.
Greville, Hon. Sir C.
Gunning, Sir G.
Grant, Colonel
Hill, Sir G. F.
Hope, General A.
Holmes, Wm.
Howard, Lord H. M.
Hume, Sir A.
Huskisson, Rt. Hon. W.
Holford, G. P.
Hulse, Sir C.
Jackson, Sir John
Jenkinson, Hon. C.
Innes, Hugh
Keane, Sir John
Kerrison, Sir Edward
Kirkwall, Viscount
Lascelles, Lord
Lacon, E. K.
Legh, T.
Littleton, Edward
Long, Rt. Hon. C.
Longfield, Colonel
Lopez, Sir M.
Lovaine, Lord
Lushington, S. R.
Luttrell, H. F.
Lygon, Hon. H. B.
Maitland, John
Maberly, John
Macdonald, Ronald
Marjoribanks, Sir J.
Manners, Lord R.
Manners, Robert
March, Earl of
Marsh, C.
Mellish, Wm.
Michel, Gen.
Monck, Sir C.
Moore, Lord H.
Moorsom, Sir Robt.
Morland, S. B.
Maconochie, A.
Money, W. T.
Neville, Rd.
Nicholl, Rt. Hon. Sir J.
Osborn, J. R.
Owen, Sir John
Paget, Hon. B.
Paget, Hon. C.
Palmer, Col.
Peel, Sir Robert
Peel, Right Hon. R.
Peel, W. Y.
Percy, Hon. J.
Pennant, G. H. D.
Phipps, Hon. General
Pole, Sir C.
Porter, General
Powell, W. E.
Pringle, Sir W.
Quin, Hon. W.
Rocksavage, Lord
Round, J.
Ryder, Right Hon. R.
Robinson, Rt. Hon. F.
St. Paul, Sir H.
Scott, Sir W.
Scott, S.
Shaw, Robert
Shepherd, Sir S.
Singleton, Mark
Smith, T. Ashton
Somerset, Lord G.
Spencer, Sir B.
Stanhope, Hon. J.
Stirling, Sir W.
Stopford, Hon. Sir E.
Strutt, J. H.
Sullivan Rt. Hon. J.
Strahan, Andrew
Sykes, Sir M.
Thornton, Gen.
Thynne, Lord John
Townsend, Hon. H. G. P.
Trefusis, Hon. C.
Ure, Masterton
Valletort, Visct.
Vansittart, Rt. Hon. N.
Vernon, George
Walpole, Lord
Wallace, Rt. Hon. T.
Ward, Robert
Warrender, Sir G.
Wetherell, C.
White, M.
Wigram, Robert
Wilson, C. E.
Wildman ——
Williams, Robert
Wise, A.
Wood, Sir M.
Wood, Mark
Wood, Col.
Worcester, Marquis of
Wrottesley, H.
Wyatt, C.
Yorke, Rt. Hon. C.

PAIRED OFF.—Murray, Gen. Sir J.; Yarmouth, Earl of.

HOUSE OF LORDS.

Thursday, April 16.

MARRIAGES OF THE ROYAL DUKES.] The Duke of *Montrose* reported, that his royal highness the Prince Regent had been waited on with the address voted in reply to the message respecting the royal marriages, and had graciously received the same.

The Marquis of *Cholmondeley* reported, in answer to the address on the income of the princes, that his royal highness the Prince Regent would order an account to be laid before the house.

HOUSE OF COMMONS.

Thursday, April 16.

WINDOW TAX (IRELAND).] Mr. *Grattan* presented a petition of Householders of St. Peter, Dublin; also, of the Corporation of Carpenters, Millers, and others of Dublin, against the Window Tax.—Ordered to lie on the table.

COTTON FACTORIES BILL.] Mr. *W. Peel* presented the followed petition of Parents and Relatives of Children employed in the cotton factories of Manchester. "That the petitioners are the parents and relatives of children employed in cotton factories, and are not engaged in that employment themselves;

that, although precluded by this circumstance from subscribing the petitions of the working spinners to the house, they have felt the most lively interest in those petitions, are deeply affected by their contents, and anxious to support the prayer of them by an humble and respectful address to the house; that the petitioners, not presuming to trouble the house with a recapitulation of what has been so fully submitted to it, as to the extremities of labour and heat endured by their children and relatives in the occupation above-mentioned, as to polluted air, the hurried repast, and unseasonable hours, and brief repose, which form the sad distinctions of the factory system; they would, more especially, and with all humanity, represent the habitual sorrows which are hence derived to themselves through the medium of their tender and afflicted charge; that it is on such grounds, and with such feelings, that the petitioners supplicate the mercy of the house in behalf of themselves as the parents and relatives of children employed in the cotton factories; and they beg leave, in their own vindication, to allege, that in subjecting their children to an employment so manifestly ruinous to their health and comfort, they are impelled by that necessity which hath no law, and by a poverty which leaves them no election; in the midst, therefore, of this great and painful extremity, so trying to their parental feelings, so peculiar to their lot, the petitioners look up for commiseration and relief to the known humanity of the house, and to the measures now under its consideration for restricting the time of actual labour in cotton factories, which they earnestly pray may be reduced to ten hours and a half each day, and that it may seem good to the house to pass a law for that purpose, and for such other relief to their children and relatives in the situation beforementioned, as to the house may seem most expedient."

Mr. *Hornby* said, that if a bill on this subject should pass into a law, the difficulties of the labouring people would be greatly augmented. They all knew how difficult it was for the lower orders of the people to subsist at present, particularly in the manufacturing districts; and this bill would go to diminish still more their means of subsistence. This was the opinion which he had come to, after an impartial examination of the condition of the manufactories in that town (Preston), which he had the honour to represent.

The petition was then ordered to lie on the table, and to be printed.

MARRIAGE OF THE PRINCESS ELIZABETH.] Lord *John Thynne*, at the bar, reported the answer of her Majesty, to the message of congratulation on the marriage of the Princess Elizabeth, as follows:

"Gentlemen—I receive with satisfaction the congratulations of the House of Commons on the marriage of my daughter with the hereditary Prince of Hesse Hombourg. This fresh proof of their attachment is highly grateful to my feelings."

The answer of the Princess Elizabeth and the Hereditary Prince of Hesse Hombourg was reported as follows:

"Gentlemen—We are much gratified by this proof of the attention and regard of the House of Commons; and we return them many thanks for their congratulations."

MARRIAGES OF THE ROYAL DUKES.] Lord *Castlereagh* rose to move the order of the day for a committee of the whole house on the farther consideration of the Prince Regent's message. He said, that, before the house went into a committee, it might perhaps be convenient to state the course which was meant to be adopted. In consequence of the opinions expressed by the committee last night, he felt that he should not have performed his duty, if he had not informed his royal highness the duke of Clarence of what had passed. (*Hear.*) His royal highness in receiving the communication, and in the observations which he made upon the subject, seemed to be impressed with sentiments of the highest respect for the decision of the house. But, as his acceptance of any provision which might be voted for him would necessarily imply an obligation to maintain an establishment such as would be required by his situation in this country after his marriage, and as his royal highness was thoroughly convinced that he could not undertake to maintain such an establishment with the sum proposed, without the certainty of incurring embarrassments from which he would have no means of extricating himself, his royal highness deemed it incumbent upon him, in this stage of the proceedings, to authorize him (Lord Castlereagh) to declare, with the utmost deference to the opinion of the committee of the whole house, that he felt himself compelled to decline availing himself of the provision intended for him. (*Hear.*) His Majesty's ministers felt warranted in saying, that the sum which they had proposed was the least which, under the circumstances, could be offered; and they, therefore, after due consideration, thought that the reason for the non-acceptance of the grant on the part of his royal highness was well founded.—The noble lord concluded by moving the order of the day for the house resolving itself into a committee.

The house went into the committee, and Mr. *Brogden*, the chairman, read the Royal Message.

Lord *Castlereagh* said, that the part of the message to which he wished to call the attention of the committee, was that which related to the marriage of his royal highness the duke of Cambridge. After the discussion of the former evening, he did not think it necessary for him to open the view which he took of a provision for this illustrious member of the royal family, and therefore he should merely reserve to himself the right of giving any explanation or statement in reply. He now moved, "that it is the opinion of this committee, that his

majesty be enabled to grant an additional yearly sum of money out of the consolidated fund of the united kingdom of Great Britain and Ireland, not exceeding the sum of 6000*l.* to make a suitable provision for his royal highness the duke of Cambridge upon his marriage."

Mr. *Brougham* rose, and observed, that the subject in the last debate had been almost entirely confined to the consideration of the proposed grant to the duke of Clarence. It would now appear, from the conduct of the noble lord, that, because the house had thought fit to reduce the proposed grant to that royal personage to 6000*l.* a-year, therefore, the 6000*l.* a-year to the other members of the royal family was to pass as a matter of course. But for his own part he would say, that, even if he stood alone, he should feel it to be his bounden duty, both as a representative of the people and a guardian of the public interests, to make his protest against this principle. It was to be remarked, that these proposed grants were not brought forward, one by one, on the particular merits of each case; but in a mass, in a kind of lumping way, as if all the princes of the royal house were, of course, to have, on entering into the matrimonial state, splendid additions to their revenues. No person in or out of that house could lament more than he did the afflicting calamity of the death of the princess Charlotte, an interruption in the line of the direct succession, which, he might say, was an irreparable loss to the country. Her death was a public calamity which, the longer it was thought of, would sink deeper and deeper into the public mind. If any thing were wanting to shew what a great loss had been sustained by the public, it would be found in these wholesale proposals of provisions for other branches of the royal family. It would certainly be a most irksome and disagreeable task to make any observations on the character or conduct of particular members of the royal house, whose situation and character were so eminently connected with the security and the happiness of the monarchy. He should, therefore, pass over that subject swiftly; but he could not avoid to add, that the propositions of the grants to their royal highnesses the dukes of Clarence and Cumberland, must tend to impress more on their minds the lamented decease of the princess Charlotte, and to strengthen their feelings and recollections of the evils of her loss. He was ready to admit, that a facility should be afforded to the royal family, if it were shewn to be necessary, in order to their contracting marriages, and for the object of continuing the succession to the throne. If it could be proved to him, that none of the princes could enter into marriage by reason of the want of income, and that it was absolutely necessary to add to their revenue, he would agree to a proposition for increase, yet keeping in view that the addition should be the smallest sum possible, under the present circumstances of the country. If it was expedient, which he believed it was, that a succession to the throne should be found from some of those branches of the royal family who had been born and educated in England; and if the noble lord could shew, that the income of the duke of Cambridge was so circumstanced, as to render it indispensably necessary to vote his royal highness an annual addition, then he should withdraw his objections. But, if the principle was applicable to all the princes, why pass on to the youngest, and leave out one royal duke, whose character stood so eminent, whose public conduct was so excellent, and who had so particularly distinguished himself by the measures he had taken for relieving himself from those incumbrances, which, he believed, could not be considered as imputable to himself? (*hear*). The duke of Kent had already been mentioned. His private character was unimpeached, and his public conduct had entitled him to the just esteem of all who knew him. The recent measures which that royal duke had adopted, and to which he should not have alluded, but that they had been already mentioned, and which promised to liberate his income in a short time from the difficulties in which by accidental circumstances it had been involved, rendered him still more worthy of regard. The duke of Clarence had informed the house, in terms of great respect, that he could not accept the proffered allowance. A right hon. gentleman (Mr. Canning) had told them, that in the proposed marriage, his Royal Highness would have made great sacrifices of private feeling—that he only felt what was required from him by his duty to the monarchy, of which he formed so distinguished a part, and that he had overcome all objections of a private nature. That repugnance was now no longer to be got over; the insufficiency, in his Royal Highness's opinion, of the parliamentary allowance, added to his former objections, left no hope of his marriage. But why, all at once, did the noble lord proceed to the youngest of the sons of the royal family, except for the purpose of establishing the principle, that an addition of 6000*l.* a-year should be granted to each of those who chose to enter into the married state? In behalf of the duke of Cumberland, it would, of course, be contended, that it would be unjust to make an exception, and to refuse to the elder what was granted to the younger brother. If the principle was to apply generally, why make any exceptions? The duke of Sussex's character was unimpeachable, and in his meritorious conduct he had gone farther than the duke of Kent, having given up nearly all his income to liquidate embarrassments, while he had not the advantages possessed by the other royal dukes. The duke of Kent was governor of Gibraltar, and had a regiment worth 1500*l.* a-year. The duke of Clarence, he believed, had 2500*l.* a-year, under a warrant of the privy seal. The duke of Sussex had no allowance from any of these sources-

—he had only his parliamentary income, at one time of 12,000, and afterwards of 18,000*l.* a-year, and this allowance he had a year later than the duke of Cambridge, though he was a year older. The duke of Cambridge, in addition to this, previously to his marriage, had a table kept for him in the palace, and was thus prevented from coming to his allowance with a heavy arrear of debt, as his royal brother was obliged to do. Much had been said of the private affairs of the duke of Cambridge, and viewing, as he did, economy, not only as meritorious, but as a virtue (and if not a virtue, the most rigid moralist would allow it to be the parent of many virtues) he should offer to his Royal Highness the tribute of his admiration. But his Royal Highness the Duke of Cambridge had practised it in circumstances which made that virtue comparatively easy. He had his allowance earlier than his royal brother (the duke of Sussex), and had not come to it with that unavoidable arrear of debt. He had a large military income, and in Hanover he had an income which had been stated at 6000*l.* a-year, besides a town and country-house, a shooting seat, with the use of the king's stables and servants. Whether or no he had a table kept up besides his income of 6000*l.* a-year, or whether that expense was included in it, he was uncertain. Thus, over and above his personal and household expenses, and his military income, he had 18,000*l.* a-year from this country, which might be allowed to accumulate, and he believed that, in fact, it did so accumulate, and that large sums were vested by his Royal Highness in the funds of the country. He, therefore, was justified in saying, that while the house would not hesitate to vote some allowance to those members of the royal family whom it was desirable to see married, and who would not be enabled otherwise to contract marriages, so they were bound by their duty to their constituents to refuse grants to those to whom they were unnecessary. They were bound in consistency to refuse them. In consistency, he said, because, having refused to give 10,000*l.* to the duke of Clarence, on the ground that it was not absolutely necessary, why should they grant 6000*l.* a-year to the duke of Cambridge, which was admitted not to be necessary? In voting, therefore, a sum to that illustrious person, they were only squandering the money of the public to pay an idle, but not on that account a less expensive compliment. If the noble lord, therefore, could not assert, that without this allowance, his royal highness's private and public income would not enable him to marry, he should give the motion his negative altogether. Funds had been adverted to (the Windsor establishment), from which these allowances might with propriety be supplied. But there were other funds; he meant the private funds of the heads of that illustrious house. On the malady of the king, commissioners were appointed to manage the private fortune of his Majesty, and it was once proposed, that salaries of 1000*l.* a-year should be paid to them from that source. This assumed that those funds were ample. Her Majesty, too, it was reported, had very considerable property; and he hoped it would not be deemed indelicate, or betray a desire to pry into private affairs, if he suggested that means might be found to furnish a part of this expense from those sources. He was sure he only spoke the sense of the house and the country when he suggested, that the course of proceeding which he recommended would shew, that the highest individuals in the country had that fellow-feeling in the public distress, in which they could only partake by sympathy. They were wisely exempted from all share in the public burdens, and as that storm was blown over, which they, as well as the people, were interested in escaping, they might now take an opportunity to relieve the burdens of the nation, by dispensing to the less fortunate branches of their family that abundance which was enjoyed by those who were more favoured, or even more provident. *(hear!)* He confessed, it was not the amount which chiefly arrested his attention. He considered the principle more important still. It was not so much whether 6000*l.* more should be voted, as whether any thing should be voted which was not necessary. Then respect and delicacy would be misplaced, and he would say childish, not only if 6000*l.* but if sixpence more than was necessary should be voted. It was highly deserving of reprobation that the people should be incumbered with the payment of any thing not indispensably required—that people so well known for their patience, for all their burdens cheerfully borne, and for an indisposition to grumble at those burdens as long as they were not to be avoided. Let not that people be told that they were clamorous, if they objected to pay what was then demanded, after they had paid millions without a murmur, when they felt it to be necessary. There was no greater enemy to the people, no falser friend to the royal family, than he who, abandoning his duty to his constituents, would persuade parliament to put a negative upon, or not voluntarily to comply with, the express sense of the people. The cry of economy had gone forth from one end of the kingdom to the other; and if one kind was more loudly called for than another, it was that connected with the princes of the royal house. He spoke not invidiously with regard to the character of any man; he made no comparisons as to personal considerations; where the subject before the house was a grant of money, he made comparisons as to the amount of means, but none as to persons. And if the house should unnecessarily make the grant that had been moved, he did not see how it could refuse to afford a similar provision to the duke of Cumberland. Why were they to make such a difference between the two? The duke of Cumberland was in want, the duke of Cambridge was in affluent circumstances; thus

far the distinction was in his favour. And what was there in public conduct, or in private character, that was to make any difference between those princes in securing the succession of the house of Brunswick upon the throne? He knew nothing of the duke of Cumberland, but he saw no reason why he should not have a grant similar to that of the duke of Cambridge. That was his opinion, and, unpopular as it might be, he took that opportunity of stating it. He knew nothing of the duke of Cumberland, except in public life; and, as far as his public conduct went, he differed with him; for he was connected with a party which had been upheld by gross and unconstitutional political intrigue, that met with his reprobation as a political individual; but when called on to say, whether a prince of the house of Brunswick should have a certain sum for an important purpose, could he upon constitutional principles oppose that? Could he take that line of public conduct upon grounds of which he knew nothing? Let no man imagine that he was voting for the consolidation of the monarchy, in supporting a proposal for a sum of the necessity for which he was not absolutely convinced. Let no man be supposed, if he voted against that grant, to be doing any thing detrimental to the interests of the family. In the present state of the country, and in the universal temper of men's minds, that grant ought to be well considered. That temper was not one suddenly produced, not a thought taken up yesterday, but a disposition which had been gaining ground more and more every day, which had been growing in the hearts of the people the more their burdens were pressed upon them. There was a deep-struck, immovable, determination taken by the country, that they would have economy in the public purse, and if there was one part in which extravagance or carelessness in the administration of that purse was more offensive than in another, in which it was more felt by any man as a personal affront, it was an improvident and useless grant to one of the princes of the royal family. He was willing that the succession should be preserved by all necessary means. He did not oppose their having that which the splendour of their high station demanded. But let the house remember the saying of an illustrious man, whom they were apt to look on rather as a great poet than as a famous political writer, that he "preferred a republic to a monarchy, because the trappings of a monarchy would suffice to set up a republic." That was one of the views in which that great man was mistaken; there he took too narrow a ground for a right decision of the question. He would say for himself, that he preferred a monarchy to a republic, with all its trappings and all its expenses, be they what they might, provided that those trappings and those expenses were cut down to the lowest necessary farthing. He who voted for keeping monarchy higher than it ought to be, supported the delusion under which the people laboured, and compelled them to throw away their veneration for the fabric of monarchy, merely because other forms of government were cheaper. That member would do his duty best, first to the people, because they were materially concerned, and next to the family on the throne, who voted all that was absolutely necessary to preserve the succession, but not one farthing more.

Lord *Castlereagh* said, that he felt himself called upon to make one or two observations on the speech of the hon. and learned gentleman. The hon. and learned gentleman had set out by remarking, that the subject was one of great delicacy; but he had hardly proceeded a sentence in his argument, before he broadly insinuated that one of his objections to the proposal was, that it obliged him to pronounce on the character of two members of the royal family, whom he named. When the hon. and learned gentleman stated, that he was a friend to the royal family, he was bound to believe him; but if he had intended to excite disgust in the minds of the people towards the royal family, he could not have taken a better course. Such reflections operated in concert with the poison so industriously disseminated out of doors. There was no proceeding better adapted to such purposes than throwing out reflections, without assigning any ground, public or private, on which they were founded; than casting insinuations on persons who were known not to be within the walls of that house, and who consequently were unable to defend themselves. The hon. and learned gentleman had said, that the house were required to give a lumping or general vote on this subject. Now, the fact was, that the grants had been proposed upon their individual merits. Every question was a subject of special motion, and every single proposition was open to the decision of the house, like other motions. With respect to another part of the hon. and learned gentleman's speech, he trusted that the house would never sanction that principle—that noble personages should be called on, whenever they wanted an addition to their establishment for such a purpose, to come forward with a statement of their affairs, and plead *in formâ pauperis*. He could not conceive any thing so painful to the house as that they should be compelled to make solicitations for provisions upon those grounds. The proceeding that seemed to be thought best by the hon. and learned gentleman was, that the house should cast their eyes over the royal family, and see which prince could be induced to marry on the lowest terms—which prince should bring the least burden on the country, which alliance would bring upon the people the smallest portion of charge. According to this principle, any member of the family, however low or remote, provided he were lineally or collaterally in the line of descent, if willing to marry with a less provision than another member of the family nearer in point of succession, ought to be preferred. The

people no doubt were desirous of economy, but he acquitted them of harbouring any principle so mercenary and contracted as that which the hon. and learned gentleman had attributed to them. The hon. and learned gentleman by attributing that principle, had passed a libel upon the people of England—a favour which he might have spared. He had then implied that some injury had been done to the duke of Kent, by giving precedence to the grant to the duke of Cambridge. Nothing could be more unfounded than this: there was no indisposition whatever on the part of the Prince Regent to the marriage of the duke of Kent, but the marriage was not at present intended.—With respect to the revenue derived by the duke of Cambridge from his appointment in Hanover, he expressed his hope and confidence that the house would take a very different view of it from that which the hon. and learned gentleman was so anxious to recommend. To argue, indeed, that any such revenue, or any casual revenue, should form a ground for diminishing the allowance proper to be granted to a member of our royal family, would be quite inconsiderate and unjust. Would the house countenance the idea that no member of the royal family should have his due reward for any appointment which he accepted at home or abroad? Would it be argued, for instance, that if any son of the King were appointed commander in chief of an army upon the continent, his royal highness should be precluded from the usual emoluments of the station, or that his acceptance of such emoluments should deprive him of any part of his proper revenue in this country? Surely, parliament would never allow such homage to the talent or character of one of our princes, as so high an appointment would imply, to be used as an argument to abridge his proper allowance as a member of our royal family. This, indeed, he could not think possible, for it never could be the inclination of a British parliament to extinguish all exertion and emulation among those very persons whose merits it was the peculiar interest of the country to encourage and illustrate. The situation of chief governor or viceroy of Hanover, he could assert, was reluctantly accepted by the duke of Cambridge, and was only to be deemed a temporary appointment.—On these grounds he felt himself bound to press the present motion, taking as a rule the sum which the house had thought proper to vote for the duke of Clarence, and he must express his hope, that the house would not allow its decision to be influenced by the hon. and learned gentleman's partial views of economy.

Mr. *Brougham* observed, that nothing but the situation in which the noble lord's mind was placed by what had passed yesterday and the day before, could account for the remarks which he had thought proper to make with regard to what had fallen from him. A very ill-natured thing might be said in the coolest manner, but the noble lord was in rather an unusual and unpleasant condition, and the temper to which it gave birth could alone extenuate, for nothing could justify, such observations as he had applied to his sentiments. The noble lord had directly imputed to him an endeavour to run down and vilify the royal family. That the noble lord thought so, he was bound to believe, or he would not have said so. But he would appeal to the house, or to any one who had heard him in a proper temper, whether his language could be so characterised with any degree of justice? He thought it would be admitted that his language had no such tendency, and sure he was that he entertained no such intention as was imputed to him by the noble lord. No man could have expressed himself more temperately or guardedly than he had done. He had been surprised and astonished as to what part of his speech bore the construction given to it by the noble lord; but, after consulting with several of his friends, he concluded that that part of his speech to which the noble lord referred was, where he noticed the melancholy death of the Princess Charlotte; but he did not upon that occasion enter into any invidious comparison with any other member of the royal family, and for this he appealed to the recollection of the house. He had, indeed, no disposition whatever to speak disrespectfully of the royal family. On the contrary, he did not enter into the consideration of the private character of any of the princes alluded to in the opinions which he had expressed on the vote which he meant to deliver upon this subject. The only question which, in his view, the house had to decide was, whether it was necessary and proper to grant the sums required, and upon this question his decision was in the negative. Nothing but what had passed on Monday and last night could have prevented any man of ordinary capacity from conceiving what was his meaning.

Lord *Castlereagh* observed, that the hon. and learned gentleman was quite mistaken in attributing any disturbed temper to him, as he was in perfect good humour when he heard and remarked upon the speech of the hon. and learned gentleman. His interpretation of the hon. and learned gentleman's language was not at all attributable to temper, for that interpretation was the same as many others around him had made. Therefore, he must conclude, that if the hon. and learned gentleman meant to speak respectfully of the royal family, he had very unhappily executed his purpose; and he hoped the hon. and learned gentleman would be rather more explicit in that strain in future. He could not help repeating his conception, that the hon. and learned gentleman had spoken disrespectfully of two of the royal dukes.

Mr. *Brougham* denied that he had so spoken, and observed, that the noble lord must have been dreaming when he formed the conception which he had mentioned.

Mr. *F. Douglas*, in allusion to the charges

against those who opposed the grants demanded, of having shewn disrespect to the royal family, contended, that more indignity was thrown upon the royal family by the pernicious advice of the noble lord, than they had suffered for centuries before. (*Hear, hear.*) It was easy to discriminate who were the real friends of the royal family—those who would not allow the character of royalty itself to suffer in the country by flattering individuals, or those who would diminish the public affection for royalty, by pressing for an unnecessary augmentation of the public burdens, under the specious pretence of maintaining the splendour of the royal family. Those who opposed the noble lord's propositions were accused of being lukewarm to the succession to the throne, because they endeavoured to diminish and pare down extravagant sums required from resources already exhausted. The best mode, however, of perpetuating the succession to the throne was by preserving the affections of the people, and by anxiously endeavouring to abstain from imposing unnecessary burdens and unnecessary duties. It was the promise of such a disposition that had created so strong an affection for the late Princess Charlotte, an affection which manifested itself unequivocally in the universal lamentation for her death. (*Hear, hear, hear.*) But the language of ministers with respect to the proposed marriages of the royal dukes, was as unbecoming as their conduct in pressing for an unnecessary increase of the public expenditure. The noble lord and his colleague (Mr. Canning) had, indeed, talked of those marriages as if they were mere Dutch contracts. (*Hear, hear, hear.*) What had occurred upon this occasion through the independence of several of the respectable members of that house, had, he was glad to see, operated very much to attach the people to their representatives; but ministers deserved universal execration (he could use no other word) for making the succession to the crown a grievance to the people.

Mr. *Curwen* said, that the burdens of the country were so great, that nothing short of the utmost necessity could justify any addition to them. It was painful to find it necessary to exercise economy at the expense of the royal family, but such was the state of the country, that a single shilling could not be spared. This was humiliating and distressing; but the displeasure of the house, of the country, and of the royal family, ought to fall upon the authors of this evil,—upon those who, by their wars, their waste, and their extravagance, had ruined the resources of the nation. After full experience of the embarrassments of the country, economy was not practised. Up to this moment economy had never been acted upon. The house had in one instance shewn itself alive to the situation of the country, and he hoped they would continue to shew that they were in earnest. He could not see any necessity for giving a sum of 6000*l.* to the duke of Cambridge, while he remained in possession of so large an income from Hanover. But although he felt it his duty to oppose the present motion, he should still, in the event of the marriage, vote for a grant to the royal consort of a dower of 6000*l.* a-year.

Mr. *Wilberforce* said, that if it were admitted, and it could scarcely be denied, that some additional expense must be incurred in the establishment of any individual upon his marriage, he could not but think the present as moderate a sum as could be required on the marriage of the illustrious person alluded to. As to the revenue of the duke of Cambridge in Hanover, he knew nothing of that revenue, and he thought that the house had nothing to do with Hanover. It was never, indeed, the habit of parliament to meddle in the concerns of Hanover, and he believed that we should rather lose than gain by any connection with the affairs of that country. He did not wish to enter further into this question, and, therefore, excluding it from his consideration, he thought that an addition of 6000*l.* ought to be given to the royal duke upon his marriage. With regard to the comments which had been made upon the terms in which the proposed marriages had been spoken of by his noble friend and others, those terms were the natural effect of the act of George III., which restricted the marriages of the royal family. That act he did not think wise or salutary. He could not conceive why a British prince could be rendered more politically efficient by being less morally free, or that compelling him to marry a foreign princess, whom perhaps he never saw, was more wise than leaving him to select a wife in his native country according to his own inclinations. He should rejoice to see our princes married to English women, because he wished to have the successor to the throne always resident, and educated in England, according to English principles and manners. As to the allusion made to the character of the princes, he agreed that we had no right to enter into the discussion of any man's private character. But yet it was impossible to suppress what we saw, and felt, and thought, and we had had a signal cause of contrast between the marriage of the heart, and an union according to the marriage act, he meant in the union of the Princess Charlotte and Prince Leopold. (*Hear, hear, hear.*) There was another case with respect to the duke and duchess of Glocester. (*Hear, hear.*) The merits of the dukes of Kent and Sussex were also universally felt. In adverting to the character of those illustrious persons, he did not mean to make invidious allusions to others, of whose merit, indeed, he could not speak, as he did not know them. But the conduct of the dukes of Kent and Sussex in devoting their time, in rendering their rank and influence subservient to purposes of charity and instruction, was such as to conciliate universal praise. It were to be wished that other princes, especially on the continent, would imitate such illustrious examples. For

such imitations would serve to diminish the glare generally attending royalty, and render it a genial light, cheering to all. Princes would thus contribute to their own best interests, by promoting the happiness, and, consequently, securing the gratitude and esteem of the people. On the whole, he thought that ministers had upon this occasion brought forward a very moderate demand, which the finances of the country could easily afford to meet, and he could never deem it fair or politic to act parsimoniously towards members of the royal family, although he was not one of those who thought that, in this country, the dignity and character of royalty were best supported by splendid retinues, or expensive establishments. Still he was of opinion, that the country would rather gain than lose by a liberal allowance, at the outset, to each of the princes.

Mr. *Brand* thought the house was bound to ascertain the state of our finances, before it assented to the present proposition. He agreed with the noble lord, that it was not becoming on our part to inquire into the external revenue of any of our princes, but he could not think the noble lord had made out a case to shew that the royal duke, to whom the motion referred, had not sufficient means from his revenues in this country to maintain the proper splendour of his station, without any addition to the burdens of the people, and therefore he felt himself bound to vote for the amendment. He would, however, support a proposition for granting a jointure of 6000*l.* a-year to the duchess of Cambridge.

Mr. *Tierney* declared, that if he were to indulge his private feelings, he should promptly vote in favour of the present proposition, for he had the honour of knowing, and he most cordially regarded, the duke of Cambridge. But he apprehended, that if he deserted his duty in one case, the house would not trust him in others. He had pledged himself on the side of economy, and he must follow up that course. In his opinion, the noble lord had failed to make out the necessity of such a vote as that he proposed, and the whole question depended upon the necessity of the case. The noble lord and others professed to think that 6000*l.* a-year was a very moderate sum, if not insignificant, according to the state of our finances. Certainly this sum was insignificant according to the rate of our expenditure, but how it was to be regarded with relation to our finances, we were yet to learn. What was the state of our finances we could not as yet precisely tell. But appearances were by no means encouraging, and it was for the house to decide this question, not according to the alleged wants of the royal duke alluded to, but according to those of the country. In speaking thus of a prince, compared to the people, he hoped the noble lord would not play off the same game with regard to him, that he had done against his hon. and learned friend. He could not agree to the doctrine, that the revenue of the duke of Cambridge in Hanover should be excluded from consideration in this case; for, if the royal duke had an establishment in that country, fully sufficient to maintain the splendour of royalty, that, in his conception, formed a strong argument against the proposed grant; and he happened to know, from as good an authority as the noble lord himself, that such was the fact. It happened indeed, to come to his knowledge, about two years ago, from the most authentic source, that the viceroy or chief governor had all the means under his own control that could be required to supply his wants, or to maintain his dignity. There was, in fact, no civil list in Hanover to limit the wishes of the duke of Cambridge. His royal highness could, therefore, command whatever he desired. It followed, then, that any pecuniary grant which that house might vote, would only afford his royal highness additional means of accumulating a private fortune. (*Hear, hear.*) The noble lord had said, that the proposed marriage of the duke of Cambridge had no view whatever to any grant of money; and he felt himself warranted to add, that his royal highness did not press for that grant. The noble lord was, in fact, much more anxious to establish the principle of making a certain grant to each of the royal dukes, upon their marriage, than the duke of Cambridge was for the adoption of the present motion. If the duke of Cambridge were to return from Hanover, to reside in this country with his duchess, and to require this grant, he with others, would be ready to vote for it. But his royal highness, who was the youngest branch of the royal family, was very likely to reside many years in Hanover; and he would ask the house, whether, under such circumstances, combined with the state of the country, it was willing to vote a sum of money not for the support of the splendour of royalty in England, but to enable an individual to accumulate a private fortune in another country? (*Hear, hear.*) It was, besides, to be recollected, that the present allowance to the duke of Cambridge—namely, 18,000*l.* a-year was, in Hanover, fully equivalent to 30,000*l.* a-year in this country. Upon what ground, then, could it be argued that the house should not go into a consideration of those things, before it consented to saddle any additional burden upon the country? But, notwithstanding all that he had urged, if the noble lord would say that the proposed marriage would not take place unless this grant were acceded to, he would immediately vote for it—if not, he felt that he must vote against it. He repeated his disposition to vote, if required, for a grant to the amount proposed, upon the return of his royal highness to England, and concluded with expressing his intention, as the prince had but a life interest in his revenue from the country, to support the grant of an adequate jointure to his duchess.

Mr. *Sharp* animadverted upon the improper

advice which ministers had given to the princes on this occasion, namely, to apply to the people in their present distressed situation for a grant of money, and to keep the necessity, which could alone justify that application, entirely and studiously out of view.

The *Chancellor of the Exchequer* felt it unnecessary to occupy the time of the house after the statements made by his noble friend. The income derived by the royal duke from Hanover ought to be entirely kept out of view, if it were known; but it was not known, and he had no means of giving information on the subject. He was, however, desirous of assuring the house, that the appointment of the duke of Cambridge abroad was any thing but a sinecure. The duties annexed to it were of a very laborious nature, and entitled the individual who discharged them to the full compensation that was provided. The royal duke was now about to contract a matrimonial alliance, not only with the approbation of the crown, but with that of the house and of the country. He could not therefore imagine any occasion upon which the liberality of parliament could more properly be exercised; and he was sure that it could not be the wish of any hon. member, that, in order to justify the proposed grant, a previous message should be sent from the crown, announcing that his royal highness had resigned the government of Hanover.

Mr. *Methuen* could not help thinking that the present case was brought forward, in the first instance, with the view of paving the way to another, upon the merits of which the house had long since decided. He charged the noble lord who threw upon others the reproach of indelicacy, with being the first on the preceding night to introduce invidious comparisons. It was, however, he readily admitted, only paying a tribute of justice to remind the house of the dignified conduct, the private integrity, and the public worth of the duke of Gloucester and his illustrious consort.

Mr. *Plunket* observed, that in the vote he should give, he could not be supposed to treat with disrespect the royal message that had been communicated to the house. It was quite unnecessary to enter into any protestations of attachment to the house of Brunswick, connected as that family were with the principles of the constitution, and the security of the protestant succession. But he could not, in his conscience, see on what grounds the proposition of this grant could be supported. The country had already conferred on the princes of the blood a very liberal provision. He was not prepared to say, that the mere circumstance of an alliance by marriage being in contemplation constituted a ground for altering the amount. Such a principle did not rest on any precedents in our history, and he felt confident it had no support either in justice or reason. He did not mean to say, that if the case of necessity was subsequently made out, such provision might not be increased. The only way of measuring grants of such a description was, by a reference to the necessity of those who sought the increase, and to the ability of those who were called upon to defray the expense. It was impossible for him, therefore, to agree with those who thought, that, in considering the present proposition, the house should throw out of its consideration what the present situation and emoluments of the illustrious personage were. If these grants were proposed more fully to enable the royal dukes to sustain the splendour of their station, in order to decide on the increase necessary for that object, it was essential to know what their present situation was. He had felt it his duty to make those few observations in support of the vote he should give conscientiously, feeling that, in the present exhausted state of the country, he ought not by agreeing to the proposition, to add to its burdens.

Mr. *Protheroe* thought, that the chancellor of the exchequer had not, in his recommendation of this vote, sufficiently adverted to those difficulties of the country with which he must necessarily be well acquainted. He was far from being convinced by any thing that had fallen from him, that it deserved the approbation of the house.

Sir *W. Burroughs* called upon the noble lord to state whether or not the alliance of marriage between the duke of Cambridge and the intended duchess, would depend on the grant? By that answer his vote would be regulated.

Lord *Castlereagh* said, he could not be supposed to be so acquainted with his royal highness's circumstances, as to give the answer required. In the state of doubt in which the hon. baronet confessedly stood, the safer course would be to give his vote with him, in favour of the grant. (*A laugh.*)

The committee then divided.

For the resolution . . .	177
Against it	95
Majority	82

Lord *Castlereagh* then moved, "That a sum of 6000*l.* per annum be settled upon her highness the princess of Hesse, when she shall become duchess of Cambridge, in case her highness should survive his royal highness the duke of Cambridge, to be issuing and payable out of the consolidated fund of the united kingdom of Great Britain and Ireland."—This motion was carried *nemine contradicente.*

Lord *Castlereagh* then rose to submit a proposition to the committee, with respect to which he could sincerely say, he had never recognized any fair public ground of objection. He was perfectly aware, that certain private considerations had weighed with the house, on a former occasion, in deciding upon the claims arising out of the marriage of his royal highness the duke of Cumberland. He was desirous only of recalling to their recollection, that that alliance

had been formed with the consent of the crown, although he was obliged to admit that it had unfortunately not met with the approbation of the country. It was, however, but common justice to observe, that ever since her residence in this country, not the slightest reproach or imputation could be attached to the character of the princess with whom the marriage had been contracted. But if, notwithstanding, the house was, as it had certainly appeared to him to be, as far as he had had an opportunity of judging, still disposed to abide by its former sentiments on this subject, and had not yet seen sufficient reason to withdraw its objections to a grant in consideration of that marriage, much as he should regret it, he should feel it his duty to defer to its opinion. He knew that it was the feeling of many hon. members that it was scarcely open to parliament, consistently with its own character, to take cognizance of a question on which it had already decided. Under these circumstances, he could not undertake to press the adoption of his motion, unless he should perceive, in the course of the discussion which might arise, that the sense of the house was apparently in its favour. At the same time, he could not content himself without recording his deliberate opinion, that the vote to which he invited them was justifiable upon every principle of general expediency and justice. The noble lord concluded by moving "That his majesty be enabled to grant an additional yearly sum of money out of the consolidated fund of Great Britain and Ireland, not exceeding 6000*l.* to commence from the 5th of April last, towards providing for the establishment of the duke and duchess of Cumberland."

Mr. *Brougham* observed, that from the manner in which the noble lord opened the measure, it was evident that he did not feel the least expectation of prevailing on the house to adopt it. For my part (said Mr. Brougham) I shall oppose the grant to the duke of Cumberland on the same grounds precisely, and on no others, on which I opposed it when it was formerly under consideration. But if the noble lord should fail in carrying his proposition, I do hope that he will not be prevented from following it up by another resolution, granting a dower of 6000*l.* to the duchess of Cumberland. (*Hear, hear.*) With that illustrious lady I have not the honour to be acquainted. Indeed, it is unnecessary to enlarge on the propriety of her conduct since her arrival, after the speech which the house heard from a noble lord (earl Gower) last night. I shall, therefore, leave the strength of that impression to produce its due influence, believing, as I do, the conduct of that distinguished lady to be altogether unexceptionable. What may be the nature of the objections to her in any quarter, and the prepossessions against which she has had to contend, I shall neither stop nor stoop to enquire. It would be oppressive, illiberal, ungenerous and unmanly here to give them any sanction. (*Hear, hear.*)

Lord *Folkestone* expressed his hope, that parliament would assign dower to the duchess of Cumberland; with regard to whose character, he could say of his own knowledge, that many of the prevailing prejudices were unfounded. He had himself, in common with all other Englishmen who had visited the court of Berlin during her residence there, received the greatest civilities and attention from her royal highness.

Lord *Castlereagh* said, it had never been his intention to pass over the requisite provision for the duchess of Cumberland, and he held a resolution to that effect in his hand.

Mr. *Wrottesley* contended, that if dower were granted to the duchess, it would be an extraordinary act to refuse the annuity to the duke of Cumberland. He thought such a refusal would wear a most harsh and ungracious appearance to all parties. He recollected, that different gentlemen had formerly given different reasons for opposing the grant. Some had objected to it on the ground of the uncertainty which prevailed, whether the duke and duchess of Cumberland would reside in this country. Others, he was sorry to say, had made it a personal question, and opposed the grant on the ground of morality. The conduct of these illustrious individuals had proved, that their marriage was one which could not be censured by the house, and, therefore, he did not see that they could any longer withhold the grant.

Mr. *Forbes* declared, that he felt much surprise at the manner in which the noble lord had brought forward this proposition. He had never heard a speech delivered by the noble lord with so much pain. For his own part he would not, if the grant to the duke should be negatived, insult the duchess with the offer of dower. (*A laugh.*) He had enjoyed many opportunities of learning what the general sentiment of the country was upon this subject, and he challenged any hon. member to say, that the country was disposed to insult an unprotected woman, who had trusted to its generosity. He had not the honour of knowing the duke of Cumberland, whom he had never seen but once, and he stated his opinions on no other than general grounds. He felt it his duty to call upon the house to reconsider whether an exception ought still to be made to the disadvantage of his royal highness. Would they decide on those scandalous reports which, he believed, were without any foundation whatever, that had been propagated against those illustrious individuals? It was his determination to press this question to a division; he cared not for a little unpopularity, and should despise a seat in that house if it forced him to any compromise with his own conscience.

Lord *Castlereagh* professed himself sorry to have incurred the hon. gentleman's censures, but was disposed to return good for evil, and to acknowledge, that he had heard with sincere

pleasure the speech of the hon. gentleman. He felt strongly that the hon. gentleman had supported the cause of justice, and he did not think that cause would suffer from his own manner of introducing it, as it had been the means of calling forth the manly sentiments which the committee had just heard. At the same time, he must express his hope, that if the house should refuse the proposed grant to the duke of Cumberland, it would not withhold dower from the duchess. *(Hear, hear.)* He was quite sure that the object nearest the heart of his royal highness was, to feel satisfied with respect to the future situation of his duchess. As to his own course of proceeding, in calling the attention of the house to this question, he must declare that he had never expressed or shewn any reluctance to go to a division upon it. He had fairly stated that he left it to the unbiassed opinion of the house, at the same time declaring, that his own judgment coincided with the views of those who, like the hon. gentleman, thought the grant reasonable and just.

Sir *Wm. Scott* observed, that her royal highness the duchess of Cumberland had, during her residence in this country, discharged in the most exemplary manner the duties of her station. The question as to the settlement of a dower on her royal highness would, therefore, he was persuaded, be unanimously acceded to. With respect to the other part of the consideration, it would certainly poison the pleasure which her royal highness might otherwise feel at such a grant, if it were accompanied by any stigma on her royal consort. He, for one, could see no rational ground on which any honourable man could refuse to vote the proposed allowance to his royal highness. The only ground on which, on a former occasion, the house refused to make a provision for their royal highnesses was, that the opinion of parliament had not been taken on the marriage, and that the character of her royal highness was unknown to them. Now, however, her character was known, and by universal attestation approved. The house must, therefore, in his opinion, even with a view to consistency, give that now which they formerly withheld, as the cause which induced them to withhold it had been removed.

Mr. *Protheroe* did not think that their royal highnesses were indebted to the hon. gentleman opposite for the course he had adopted. It was very unfair to take advantage of the generous disposition of the house towards an unprotected foreigner, again to propose a grant which had been so recently rejected. If the house retracted the decision to which they formerly came on this subject, they would fill the country with disgust, and bring the character of parliament into contempt. *(Hear, hear, hear.)* The arguments which had been urged on the former discussion of this question had been very unfairly stated. There had been great consistency of conduct in a very high quarter on this subject, and he trusted that it would be imitated by that house.

Mr. *Wrottesley* rose to explain. He commenced by observing, that, on the former occasion, when this question was discussed, an hon. baronet, whom he then saw in his place had expressly stated, that one of the chief objections to a grant to these illustrious personages was, the uncertainty whether they would continue to reside in this country. He had made an extract from the speech of the hon. baronet, which he then held in his hand. The words which he had used were these—"If they continue to reside in this country." *(Cries of order, order.)* He fancied he had a right to state the grounds on which objections had been formerly raised. *(Cries of chair.)*

The Chairman said, he believed the rule was, that no reference could be made to a former debate.

Mr. *Wrottesley*, notwithstanding this observation, was proceeding to read the extract, when cries of "order" and "chair" were renewed. The hon. gentleman attempted a third time to read the extract, but the cries of "order" and "chair" became so general, that he at last sat down.

Sir *T. Acland* warmly condemned those misjudging friends of the illustrious person in question, who appeared desirous of pressing the question to a division. He would refrain from restating any of those unpleasant arguments against the grant, to the repetition of which the hon. gentleman had so sedulously invited him. He felt it an imperious duty to resist the grant, and he again expressed his regret that the house were to be prevented, by the over-warmth of a few injudicious friends, from pursuing the excellent path which had been previously chalked out for them.

Lord *Stanley* observed, that the noble lord had called on those who voted on this question on a former occasion, to state whether any change had taken place in their opinions. He was not in town at that time, and therefore did not vote; but if he had been able to attend the house, he should most certainly have voted against the grant. *(Hear, hear.)* He had not heard any thing to make any alteration in his opinions. With respect to one of these illustrious personages, feeling as strongly as any man the respect that was due to her character, from what had been stated to the house, he could not allow that consideration to weigh on his mind, so as to induce him to consent to the motion of the noble lord.

Mr. *F. Douglas* said, the only ground on which they could grant money now, was the necessity of the case; and they had been told by his noble friend (earl Gower) that there was an absolute necessity, as the illustrious personages depended on the charity of a foreign power. Was this worthy of the high honour, and character of the British nation? *(Cries of hear.)* As to the duchess, from every thing that had occurred since

her residence here, it would be a great want of generosity and manly feeling not to give her a jointure. He had voted formerly against a grant to both the illustrious individuals; but after the decision of the house in the case of the duke of Cambridge, he should certainly give his support to the motion for granting a similar sum to the duke of Cumberland.

Mr. *Gurney* said, that as the house had thought proper to grant a sum to the duke of Cambridge, it would be the height of injustice to refuse the same to the duke of Cumberland. As an humble individual of that house, he must enter his protest against the unfair and uncandid manner in which the illustrious individuals in question had been treated.

Mr. *Hammersley*, adverting to the correspondence which had taken place between the illustrious individuals previous to their marriage, and which he had had the opportunity of reading, observed, that he had never in his life been more strongly impressed with sentiments of respect than on that occasion; and although he was certainly not especially authorised to make any statement from it, he could not refrain from offering to the committee a few observations, to which it naturally gave rise. The correspondence began by a proposition for the marriage. The first letter was from the duchess, who stated that she could not consent to ——

Lord *Castlereagh* spoke to order. He conceived that the communication which the hon. gentleman was about to make to the committee, as it had not been authorised, was improper.

Mr. *Hammersley* said, he should be sorry to do any thing improper and contrary to order, but the character of our princes was of such great importance to the country, that it was most desirable to remove any unfavourable and unfounded impression that might exist on the subject.

Lord *Castlereagh* observed, that the hon. gentleman had himself allowed that he was not authorised to make the statement which he had commenced.

Mr. *Hammersley* was again proceeding, when the chancellor of the exchequer spoke to order, and there being a general call of order, the hon. gentleman desisted.

Mr. *W. Elliott* declared, that no man could wish more cordially than he did—nay, he was persuaded it was the unanimous wish of the house—to see every branch of the royal family suitably provided for. When he used the word "suitably," he meant according to the exigencies of the times. The house and the people had a deep interest in the character and dignity of the royal family. But, in the pursuance of these objects, the committee were surely to consider a little the means and condition of the country. No one could deny that our finances were in a most embarrassed situation, produced no doubt by that long contest which we had so nobly and magnanimously waged, and in which the interests of the royal personages in question were as deeply involved as those of the people at large. He, for one, could not regret this contest even with all its results, protected as the country had been by it from much greater evils. With respect to the grant to his royal highness the duke of Clarence, being so near the throne, he conceived that his royal highness was justly entitled to the moderate provision which had been made for him. But the junior branches of the royal family were already liberally provided for. (*Hear, hear, hear.*) He had voted against the proposed grant which had just been made to that illustrious individual (the duke of Cambridge) who was a model for persons of his high rank, because his royal highness did not want it. He should, on the same ground, vote against the present proposition. Undoubtedly, there was another reason for his doing so, namely, that on the most mature consideration parliament had before refused a similar claim. (*Hear, hear.*) On that occasion he had not voted; but he candidly acknowledged, that had he been present he should unquestionably have voted against the proposed grant. He had heard nothing since that period, either in or out of the house, that at all altered his opinion, and he must say, that he did not think those persons exercised a sound discretion who thus brought his royal highness before parliament again. In the course which he took on this subject he was actuated by the most conscientious motives—for he was persuaded, that any little show which their royal highnesses might sacrifice by relinquishing this claim, would be amply compensated by the stable dignity which they would acquire. Persuaded that the real interest of the royal personages in question, the character of the house, and the welfare of the country, would be best consulted by rejecting the proposition now submitted to the committee, he should certainly vote against it if it should be pressed to a division.

Mr. *Canning* observed, that some of the arguments which had been urged against the motion, would have been less inapplicable had the transactions in which it originated been matters of choice or caprice. But if the necessity of taking some steps, with a view to the continuance of the succession in the family at present on the throne, arose from a calamity which no power on earth could avert, it was hard to make it a matter of inculpation of his majesty's government that such steps had been taken. He could not help believing, that if the session had been allowed to pass without any steps having been taken by the executive government to supply the defect in the succession, they would have been charged with having neglected their duty. He was at a loss to know on what principle the committee were called upon to reject the proposed motion. Not on the ground of character, for that was disclaimed. Not on the ground of seniority, for that was disclaimed by the vote of last night. He trusted the committee would recollect, that though adoption was not preference,

exclusion would be stigma. He was not in the house when this proposition was last discussed, and he therefore could not weigh the influence which the recollection of that discussion might have on the consideration of the present question. But it was brought forward, at present, under circumstances of a very different kind. It was in the former instance a case of a marriage prompted by no public interest, coming alone, and unconnected with any general principle of alliance. If the grant were now refused, it could be refused only on grounds personal towards the illustrious individual who was the object of it. But he begged the committee to observe, that his noble friend, in bringing forward the proposition, had shewn a marked deference to "the foregone conclusions" of the house. His noble friend expressly stated, that he entertained no determination to press the question to a division, unless he collected that the sense and feeling of the house ran in favour of the proposition. That call, conditional as it was, having been met in a manner beyond their expectation, he put it to the committee, whether his noble friend would not be deeply responsible to the illustrious individual and to the house, if he and those who acted with him, shrunk from expressing by their votes that opinion, which they would not press to a division, were they not thus invited to do so. It was on that principle, which left them no alternative, that they should proceed to the vote.

Sir *John Newport* contended, that as the house had negatived a proposition of the same kind three years ago, they were bound to reject it in the present instance. No change had taken place in the circumstances which could justify a departure from that precedent. Was there not the same distress in the country? Was not the demand for economy as loudly urged, and as necessary to be observed? To agree in this vote would be to pronounce a censure upon their past conduct, by retracting a decision to which they had deliberately come. He hoped they would have more regard for their own dignity and character. It had been said, that great exertions were made to obtain the former vote; if so, he was ignorant of it, and whether it was so or not, his consistency was not at all committed, not having voted on that occasion. But now that the question was submitted again, he would add his vote against it, and even felt himself bound to do so, whatever his own opinion might be originally, in order to protect the consistency of the house.

Mr. *Bathurst (amidst loud cries of question)* maintained, that the house was not bound by any former decision, as to the course it should now adopt.

Mr. *Wynn*, without going into general observations, thought it due to himself and those with whom he voted against this question three years ago, to state the ground of his conduct. As to the doctrine, that in all cases of the marriage of younger branches of the royal family, they were entitled to an additional provision from the nation, he could not in any way agree to it, but thought, that the allowances already made to them, in their single capacities, were amply sufficient. But if the fact were otherwise, was the mouth of parliament to be stopped in the discussion of these questions? Were they to be addressed with such language as "Will you enter into the character of the royal family?" when it was obvious, that in the cases of these grants, that character was of the greatest importance towards the settling of the question. *(Hear, hear.)* Upon such occasions, was advantage to be taken of that delicacy which every man felt when he was destined to hear of his own failings; and was it to be assumed, that all that was said in praise of individuals was to pass current for truth, because no one had taken upon himself the invidious task of contradicting it? (*Hear, hear.*) As to the allegation, that it was degrading for a prince of this country to receive benefits from a foreign power, and that what was allowed by Prussia ought not to be taken into consideration, he could not see any disgrace in the fact of a dowager princess of Prussia receiving a jointure from her own country. (*Hear, hear, hear.*) It would be so much in her favour if she chose at some future period to celebrate another marriage. (*A laugh.*) There was another part of this subject to which he could not forbear alluding, namely, the departure from all precedent by his majesty's ministers upon the marriage in question. No other marriage had taken place on which they had not called on the house to congratulate the throne; but, upon that occasion, they felt that there was no ground for doing so. Nay, farther, could it be denied that the marriage of the duke of Cambridge with the same princess had been broken off expressly at the desire of his majesty? A noble friend near him had suggested another topic—a female of the highest rank in this country had testified her objection to the match by refusing to receive the lady in her presence. It was on these grounds that the former decision of the house was one that gave satisfaction to the feelings and morals of the country: and whatever had since been the conduct of the lady to whom he alluded, the best panegyric that could be pronounced on her was, that nothing farther whatever had been heard of her. But this was not an alliance which called for a vote of increased allowance, and he felt it was one on which the house could not congratulate the country.

Mr. *E. Littleton* contended, that as the country was now emerging from the distress in which it was plunged three years ago, that fact constituted in itself a material distinction between the two applications. With regard to the illustrious lady alluded to, he was persuaded that the more her character was known, the more it would conciliate the respect of the country. As to the insinuations which were made against the character of the royal duke, for there was no proof, he should consider himself to be a weak man, were he to permit them to have the slightest influence

on his judgment. He knew that none of the insinuations were proved, and he believed, on his honour, that they were unfounded.

The committee then divided.

For the grant - - - - - - 136
Against it - - - - - - - 143

Majority - - 7

Loud cheering took place in the house, when the result of the division was declared.

Lord *Castlereagh* then moved, "That a sum of 6000*l.* per annum be settled upon her royal highness the duchess of Cumberland, in case her royal highness should survive his royal highness the duke of Cumberland, to be issuing and payable out of the consolidated fund of the united kingdom of Great Britain and Ireland."

Mr. *Forbes* observed, that an hon. and learned gentleman had, in his opinion, acted inconsistently in voting against the proposed allowance to his royal highness the duke. In opposing the grant to the duke of Cambridge, that hon. and learned gentleman had pledged himself, in case the measure was carried against him, to support a similar grant to the duke of Cumberland.

Mr. *Brougham* begged the hon. member would restate the charge he had made against him, as, from the indistinct manner in which it was expressed, or from the noise in the house, he could not collect its force or import.

Mr. *Forbes* replied, that he understood the hon. and learned gentleman to say, that in the event of the house agreeing to an additional provision for the duke of Cambridge, he would support a similar provision for the duke of Cumberland.

Mr. *Brougham* said:—Sir, I cannot conceive how the hon. gentleman, whose understanding on other occasions is so sound and solid, should have so far misapprehended my meaning as to draw from my speech an inconsistency with my vote. I can scarcely conceive how his misapprehension could have arisen. In the latter case I added my vote to the sense of the house, but I did not contradict by it the principle which I laid down, as I voted against the allowances in both cases. (*hear*, from Mr. Croker.) The hon. secretary to the admiralty, whose understanding is as acute as that of the other hon. gentleman is solid (*a laugh*), cheers me on this occasion, and joins the other hon. gentleman in the charge. He would be glad to catch me in an inconsistency, and already begins to triumph in the idea that he has succeeded. If that hon. secretary has any charges against my conduct, I should be glad that he would state them openly and manfully, in a way that I can answer them. I entreat him to bring his accusations forward, in a public and undisguised manner, to meet me face to face, and not to have recourse to other methods of attack, which I have no opportunity of repelling. (*Hear, hear, hear.*) Instead of assailing my character or my consistency in an underhand manner; instead of watching my conduct to expose it where I cannot defend myself; let him fairly and manfully advance his charges in this house, where I can overwhelm them with instant confusion. (*Hear, hear.*) I never pledged myself to support the grant to the duke of Cumberland, if the proposed allowance to the duke of Cambridge met with the concurrence of the committee. Such a charge against me is totally unfounded. My argument was, that those who supported the latter, if all personal grounds were left out of the question, could not consistently vote for any additional grant to the former; and, in following my own principle, I acted consistently in voting against both resolutions. I will appeal to the understanding of the house, though I will make no appeal to that of the hon. secretary, if such was not my reasoning and my conduct; and I will ask them, whether there is here the shadow of inconsistency? As I left out of view all regard to personal qualities, I could make no distinction between the two cases; and as on public grounds I voted against the allowance to one of the royal dukes, on the same grounds I voted against any grant to the other. The resolution now before the house is totally unconnected with either, and has my cordial support.

Mr. *Croker* said:—Sir, I certainly laboured under the same misapprehension of the hon. and learned gentleman's speech as the hon. member under the gallery, and therefore I cheered the hon. and learned gentleman when he began to explain an apprehended inconsistency. I meant no personal allusion whatever, and would have acted in the same way by any other member. That hon. and learned gentleman has, however, accused me of an anxiety to watch his conduct, and to catch him in an inconsistency. If I thought it worth my while to watch that hon. and learned gentleman's conduct; if I could make it any object to detect his inconsistencies, I have no doubt that I could do so, both in his votes and in the debates, not only now but on former occasions. If I wished to examine his conduct in future, I might be equally successful. But he is much mistaken if he thinks that I could undertake such a task as to follow his course for the purpose of pointing out his inconsistencies; viewing him as I do, in no other light than as a member of this house, whose conduct, except in so far as it appears in debate, is to me an object of indifference. When, therefore, that hon. and learned gentleman insinuates that I have made attacks or brought charges against him in another quarter, I can assure the house, that the insinuation is totally unfounded. I am perfectly at a loss to know to what the hon. gentleman alludes. I cannot conceive what he means by the insinuation. In no writing of mine, published either anonymously or with my signature, have I ever so much as mentioned the name of the hon. gentleman. What his troubled conscience taught him to regard as an attack of mine, I am totally

at a loss to conjecture. To what he alludes in saying that I have been watching his conduct for the purpose of pointing out its inconsistencies, I cannot conceive. The charges which he has brought against me, whatever he alludes to, are totally false.

Mr. *Brougham* asked, whether the last expression of the hon. gentleman was intended in a parliamentary sense?

Mr. *Croker* replied, that it was meant in the same sense in which the imputation made against him was intended.

An hon. member said, he hoped, that the hon. gentlemen would reconsider their expressions, and that the matter would not go farther. (*No! no!* from another member. The explanation is satisfactory.)

The resolution was then agreed to.

Mr. *Protheroe* moved, that the order for the call of the house on Friday the 24th instant be read, for the purpose of being discharged.

Mr. *M. A. Taylor* professed himself hostile to all the grants to which the committee had agreed. All the propositions voted were, in his opinion, indefensible in the present burdened state of the country. He was therefore decidedly of opinion, that a call of the house should be made for the purpose of taking the sense of members upon the bills to be introduced in consequence of them. The hon. gentleman who was now about to move for the discharge of the order, although he had voted against the grants, must have changed his opinion, otherwise he would still persist in the call, or give some reason for the change.

Mr. *Protheroe* said, that although he was against the grant, he felt himself obliged to yield to the sense of the great majority of the house. One of the chief grounds for rejecting the allowance to the Duke of Cumberland was, that the house had formerly decided against it, and he thought he should be acting inconsistently if he persisted in a call for the purpose of reversing its late decisions. The sooner the house was restored to harmony on these subjects, the better. He made his present motion, however, for the discharge of the order, with the perfect understanding that no attempt would be made to bring forward again the rejected resolutions.

Mr. *Tierney* said, that though these questions were decided, other important business was coming on, which might render it improper to discharge the order: the call might be postponed for a few days without being discharged.

After a few words from Lord *Castlereagh*, the motion was put, and the order discharged.

Mr. *Brogden* brought up the report of the grant to the Duke of Clarence.

Lord *Castlereagh* observed, that as his royal highness had declined accepting the sum which had been voted to him, it would be better to withdraw the report.

Mr. *Tierney* said, that in getting quit of the matter in this way, they were creating an irregularity in the journals. The entry should be made, and the grounds stated on which the resolution was withdrawn; otherwise it would appear, that the committee had given the sum to the royal duke, and that the house had afterwards refused it.

Lord *Castlereagh* suggested, that all inconvenience would be avoided by agreeing to the resolution, upon an understanding that it should not be carried into effect.

The resolution was then read, when Mr. *M. A. Taylor* again protested against it.

After a few words from Mr. *W. Smith*, Lord *Castlereagh*, and Mr. *Tierney*, the suggestion of the noble lord was adopted, and the house agreed to the resolution.

HOUSE OF LORDS.

Friday, April 17.

No public business of any importance occurred.

HOUSE OF COMMONS.

Friday, April 17.

Debtor and Creditor Law.] The following petition of Robert Christie Burton, was presented, ordered to lie on the table, and to be printed. "That the petitioner has heard, with more than ordinary surprise and indignation, of a most unjustifiable violation of truth, and a no less audacious indulgence in wilfully erroneous statements, on the part of one John Moxon, of Kingston-upon-Hull; and that the said John Moxon, in aggravation of this moral turpitude, has presumed to insult the house, by presenting through Sir Samuel Romilly, the said falsehoods in the shape of a petition, which has been so far successful as to be permitted to be laid upon, and to contaminate, the table of the house; that the petitioner most humbly prays to be heard in reply, and that he be permitted to destroy falsehood with truth, supported by the most honourable and respectable testimony on the part of disinterested persons; that the said John Moxon in his petition states, 'that a person possessed of five thousand a-year preferred living in gaol upon his rents, to paying his debts:' that the petitioner implores the attention of the house to the following particulars of his case, which he trusts will so far rebut the assertions of the said John Moxon, as to excite more than ordinary interest in the cause of truth; that the petitioner became security some years ago for the brother-in-law of the said John Moxon, named William Stocks Heaton, an attorney of Doncaster, for 1000*l.* by warrant of attorney, for which kindness on the part of the petitioner he never received one farthing, nor did the petitioner ever see the said John Moxon but once in his life, and on which security the petitioner paid one year's interest; that in the year 1812, the said John Moxon put an execution into the petitioner's house, at

Hotham, near Beverley, in the county of York, which he shortly afterwards withdrew, on discovering that he had proceeded illegally, all the household property being that of the petitioner's wife, and regularly incorporated and scheduled in the marriage settlement, under the appraisement of three brokers, previous to the marriage, and thus failed in his first hostile attempt; that the petitioner has been upwards of five years in prison, at the suit of the said John Moxon, and most humbly trusts that the house will sympathise with him, as a gentleman, if his feelings under such circumstances would never permit him to consider the said John Moxon as otherwise than an oppressive, malignant, and unjust character; that after being a prisoner for a short time in the rules of the King's Bench Prison, for which indulgence the petitioner paid Mr. Jones the marshal of the said prison, 161*l.* and 40*l.* to his the said marshal's clerk, before he could obtain them, he was deprived of the object of it by the machinations of the said John Moxon, who brought an action against the said marshal for the amount of the sum, for which the petitioner was charged in execution at the suit of the said John Moxon, alleging that he was at Doncaster the January preceding, when it was proved that it was the petitioner's brother, whereby the said marshal was released from the action, and the said John Moxon had to pay the costs of the suit; that the petitioner has lost all the benefits, both of the rules, and the sum of 201*l.* paid for the same, and is in the predicament of one who may have paid 201*l.* to be more distressingly incarcerated; that the petitioner, so far from refusing to give up his property, actually caused deeds to be prepared at an enormous expense, for the purpose of conveying over estates for the benefit of his creditors, comprising not only the whole of his estates in possession in Yorkshire, but also estates of immense value in reversion in Canada, which facts can be verified by agents, and by the production of the deeds which are still in existence; but what will the house think of the veracity of the said John Moxon, when the petitioner most humbly but most emphatically declares, that he the said John Moxon refused to sign these documents, which authorized the conveyance of the petitioner's property to the control of trustees, for the purpose of paying the whole of his debts by half-yearly instalments, with interest, and who has now the audacity and wickedness to present himself to the house, and declare that the petitioner prefers living in a gaol to paying his debts? That the petitioner stands indebted to the said John Moxon for a still more serious injury, an interminable affliction, the loss of an affectionate wife and considerable property, who, on discovering that the petitioner was deprived of his liberty, driven from his home, and consigned to all the horrors of the interior of a court prison, where neither her health, feelings, or nerves, would permit her to accompany him, the shock produced despondency, and she soon afterwards paid the debt of nature; could the said John Moxon feel like a man, would he now add insult to injury, and falsehood to oppression? That the said John Moxon has, in defiance of the sacred laws of fair truth, soiled a skin of parchment with statements controvertible by numberless persons now living, and documents still in preservation; that the petitioner has been remunerated by the basest ingratitude instead of friendship, for having rescued the brother-in-law of the said John Moxon from those horrors to which he has consigned the petitioner for so many years; that the petitioner declares to the house, upon his honour as a gentleman, that he has repeatedly made propositions to his creditors without effect; and the petitioner most solemnly declares, that during the whole period of his imprisonment he never was at any watering-place, and that the assertions of the said John Moxon are totally groundless, he the petitioner never having been at Brighton in the course of his life; that the petitioner has often heard the aiders and abettors of the said John Moxon declaim against the house, and contend that there ought to exist a compulsory law for the seizure of property of every description, and the abolition of all privileges, regardless of hereditary property and the doctrine of primogenitorship; and the admirers of the said John Moxon are of that cast who inculcate the opinion, that, if distinction be tolerated, no privileges shall attach; and so merciless are they, that they are not satisfied with having detached a man from all domestic happiness, blighted all his future views in life, destroyed his health, his reputation, and his peace, but, after a long series of incarceration, and loss of every advantage resulting from the blessings of liberty, that a debtor shall eventually pay the pound of flesh; that the petitioner solemnly declares that he considers the petition of the said John Moxon the result of malignity and spite, and therefore most humbly, most earnestly, and with the utmost deference, prays that the petition of the said John Moxon be dismissed, and that the petitioner be permitted to prove, at the bar of the house, the truth of the foregoing allegations."

LUNATIC ASYLUMS (SCOTLAND) BILL.] A petition of noblemen, freeholders, and others, of Kincardine, against this bill, was presented, and ordered to lie on the table.

COPYRIGHT BILL.] Mr. *Lambton* presented the following petition of John Rodwell and John Martin, of Bond Street, London. "That the petitioners are booksellers and publishers, and frequently purchase the copyright of various works at a considerable price; and that, in common with all other publishers, they have severely felt the burthen of an act of parliament passed in the 54th year of his present Majesty, compelling the gratuitous delivery of every new publication to various public institutions, amounting in the whole to eleven copies,

in addition to one which, by another act of parliament, is required to be deposited with the printer of the work; that the compliance with such requisition has in many instances occasioned great positive loss to the petitioners, being, in the case of one work recently published by them, and entitled, 'Views in Italy,' not less than the sum of 70*l.* and in the publication of another work, by Sir William Gell and J. P. Gandy, architects, to describe and illustrate the ruins of Pompeii, amounting to the sum of 50*l.*, and making, upon the whole, a very serious annual drawback from the fair profits of the petitioners' trade; that the loss occasioned by such compulsory supply must necessarily fall either upon the publisher or author of every work; in the former case it is an exclusive, and (as can be proved) a very burthensome tax upon the profits of the petitioners' particular branch of trade, in addition to those which they already bear in common with their fellow subjects, and besides the tax upon paper and the duty on advertisements, whereby their business is greatly affected, and upon which a very considerable revenue accrues to the country; but where it falls upon the author of a work, it becomes a severe tax upon the produce of intellectual exertion, and to the extent of its operation its tendency must be to restrain the advancement of literature and impede the progress of knowledge, in fact, such can be proved to have been already its actual effects and consequences in several instances, it having been the sole cause of preventing the publication of many interesting and valuable works, that would have proved beneficial to literature and honourable to our age and country; that the petitioners have recently agreed with Edward Dodwell, Esquire, for the purchase of drawings and designs, with observations and remarks, illustrating the antiquities of Athens and Ancient Greece, which that gentleman has made and collected at a very great expense during a long residence in Turkey, and with the assistance of the most eminent artists; that the cost of purchasing and the expenses of publishing such a work are so great, that the eleven copies required by the act to be supplied will be an absolute charge upon the petitioners of nearly 300*l.* independent of such gratuitous supply diminishing the number of those who might reasonably be expected to become purchasers; the petitioners are in fact hesitating between the prudence of incurring such an expense, or the alternative of publishing these splendid engravings unaccompanied by the letter-press that should explain and illustrate them; the petitioners will no further observe upon the interest and importance of this work, in a national point of view, than by remarking, that such was the opinion of the French government as to its merits and value, that the very heavy duty legally payable thereon, upon its entrance into their territory, was ordered to be remitted to Mr. Dodwell, who was pressed to publish the same in Paris, under the sanction of government, upon very advantageous terms, and free from the burthensome claim of any national institutions upon the profits of his labour or talent; the petitioners, therefore, most respectfully pray the house to take the foregoing facts into their gracious consideration, and to grant such relief in the premises to the petitioners and publishers in general, as to their wisdom shall seem fit; but, if it should be deemed beneficial to the interests of literature that certain institutions should be made depositaries of every publication of merit, the petitioners humbly submit it to the consideration of the house, that it would, in every point of view, be fair and reasonable that such public bodies should be required to pay a moiety of the price of those books it may be desirable for them to possess, which would be a considerable relief to the petitioners, and others of the same trade, and but a trifling object of expense to the respective institutions; it would, moreover, render them more discriminate and less vexatious than they have been in their requisition of books, by limiting their demand to such alone as had merit or usefulness to recommend them, and would prevent the abuse, destruction, and improper disposal of them, which it can be shewn too frequently takes place under the present system."

On the question that the petition do lie on the table,

Mr. *Plunkett* observed, that the petitioners had stated, that, by one work, they should lose 70*l.* and by another 300*l.*; but the house should bear in mind, that though that might be the price at which the works were sold, yet it could not be supposed that they cost the publishers the same sum. The only loss in the case was that of the price of the paper on which the additional eleven copies were printed. The booksellers had only to print those eleven copies beyond the number necessary for the public demand.

Mr. *Lambton* said, that when a publisher was called upon to give away eleven copies of each work, he was certainly injured to the value of those copies, be it 70*l.* or 300*l.* as he might have disposed of them in the usual course of trade.

Sir *E. Brydges* said, that the loss could be exactly explained. Suppose a bookseller intended to print 250 copies of a work for sale, he would be obliged to print eleven copies more for the universities. Now, by a regulation of the trade, the printing of those eleven additional copies would cost as much as if 250 copies more had been printed.

Mr. *Plunkett* remarked, that this loss, if any, was caused by an arbitrary law among the booksellers themselves, and if they consented to such a law, they ought to abide by the loss it occasioned. It was for them to repeal this regulation, and not to call upon the house to repeal a law of long standing and useful operation.

Sir *E. Brydges* replied, that the publishers had nothing to do with this rule; it belonged to the

printers, and until the legislature adopted a rule to control and alter the existing rates of wages, the arrangement complained of must be acted upon.

The petition was ordered to lie on the table, and to be printed.

Sir *E. Brydges* then moved the order of the day for the second reading of the copy-right bill.

Mr. *Wynn* recommended, that the subject should be referred to a committee up stairs, who could resort to all the practical information which some gentlemen appeared to wish for.

Mr. *Croker* thought that this would be the better course, and, upon that understanding, the bill might now be read a second time, *pro forma*.

Sir *E. Brydges* assented to this proposition.

Mr. *Plunkett*, as representing one of those bodies which were interested in the continuance of the law as it stood, desired to enter his protest against the bill. Previous to the Union, Ireland was not affected by the act of Anne. Before that time, all the books which were published in England might be reprinted in that country; and so extensive was the trade of re-printing, that most of the literature of England found its way to the United States from Ireland. In 1802, this valuable trade was given up, and all that Ireland had obtained for it was, two copies of each book for two public bodies in that country. Did the English booksellers, then, wish to revert to the former plan? He conceived that they knew their own interest better; but if this bill was suffered to pass, the printers of Ireland ought to be placed *in statu quo*.

Mr. *Peel* objected to the principle of the bill, and expressed his determination to oppose it in every stage. He suggested, however, the propriety of postponing the second reading for a fortnight, to enable the committee up stairs to sit and report.

Dr. *Phillimore* approved of the appointment of a committee.

Mr. *Wynn* said, that, in point of form, the proper time for having a committee up stairs would be between the second reading of the bill and its committal in the house. With respect to what had fallen from his hon. and learned friend, the member for the university of Dublin, he begged to observe, that when the trade of reprinting existed in Ireland, there were no greater sufferers by it than the enlightened natives of that country who had contributed their portion to the literature of this side of the water. If he recollected right, no persons had lost more by that privilege than Mr. Burke and Dr. Goldsmith, and, therefore, he thought that Ireland had gained as much as England by the act of Anne. He had no doubt that, when the subject was duly considered, an equitable arrangement might be made between the publishers and the universities.

Lord *Palmerston* protested against the principle of the bill, and wished the subject to be sent at once to a committee up stairs.

Sir *J. Newport* said, that previously to the Union, it was no more a piratical act to reprint in Ireland books that had been printed in England, than it would be in an English bookseller to reprint in England works that had been printed in France.

Sir *W. Scott* objected to the principle of the bill, but gave his assent to a select committee.

Mr. *Smyth* thought, that the second reading should be postponed till the committee had made their report.

Lord *Castlereagh* hoped, that the hon. baronet would allow the second reading to stand over, as it seemed to be the wish of the house.

Sir *E. Brydges* said, he could not consent to postpone the second reading, but he should be happy to comply with the sense of the house, by referring the subject to a committee up stairs. He fully agreed with those hon. gentlemen who had stated, that the matter had never been sufficiently understood; and he was convinced that the moment it was understood, the evil would be admitted, and a remedy applied.

Sir *S. Romilly* could not conceive what objection there could be to the course proposed by the hon. baronet. Nothing was more common than that a bill should be read a second time *pro forma*, and for members to reserve their opinions as to its principle till the question for the Speaker leaving the chair. He approved of the principle of the bill, considering the existing system a heavy tax on literature.

Mr. *J. P. Grant* said, he disapproved of the bill, but he had no objection to a second reading *pro forma*.

Mr. *Peel* said, the second reading might take place now on a distinct understanding that it should not be inferred that the principle of the bill was agreed to.

The bill was then read a second time, and ordered to be committed on the 27th of April.

Mr. *Wynn* gave notice, that, on Monday, he would move for a select committee to consider the copyright acts.

PROCEEDINGS AT CAPE BRETON.] Mr. *Bennet* said, he held in his hand a petition to which he begged to call the most serious attention of the house. It was from Mr. Gibbons, a respectable gentleman in the island of Cape Breton, who had long filled the office of attorney-general there. He complained of most improper conduct on the part of the governor and chief justice. The governor of this island was that governor Ainslie of whom the house had already heard so much, and who, after the most atrocious conduct in the island of Dominique, had been placed by his Majesty's ministers in the situation which he now filled. Governor Ainslie's conduct in the island of Cape Breton did not equal his conduct in the island of Dominique—he had indeed been guilty of but a small part of the enormous acts committed

by him in Dominique—he had not decorated the coast of Cape Breton with human heads as he had done that of Dominique—*(hear, hear, hear!)* But, notwithstanding he had not been guilty of those enormities, he had conducted himself in the most inhuman manner. He did not speak of the indecent and immoral life he led, and the example he set to the people over whom he was placed; he wished to confine himself to his public conduct. It was a matter of no uncommon occurrence for governor Ainslie, when natives of the island waited upon him with a view of soliciting explanation respecting any public measure, to take them by the collar and kick them down stairs *(hear, hear, and a laugh)*. This indecent conduct he had practised on more than one occasion. Of the conduct of the chief justice it was not his intention to say more than this, that in private he led the same life as the governor did, and that his public conduct was worthy of such a governor. It was his intention to move for several papers connected with the transactions in Cape Breton. He felt a conviction, from the documents already laid before him, that these two persons, the chief justice and the governor, were utterly unfit for the situations they held.

Mr. *Goulburn* thought, that if any man had heard the question which the hon. gentleman put to him the other night, he would have been as astonished as he himself was at what he had just heard. The hon. gentleman had asked, whether government had not an intention of establishing a separate legislature for the island of Cape Breton: and if they had, what was the description of that legislature, as he was anxious for information on that subject, on account of a petition connected with it, which had been sent to him. He, therefore, put it to the house, whether, from the question of the hon. gentleman with respect to a separate legislature, he could have been prepared to expect a crimination of the governor and chief justice of Cape Breton? It was impossible for him, therefore, to answer the charges made by the hon. gentleman, in any other than such a general manner as could neither be satisfactory to the house nor to himself. Another extraordinary circumstance in the speech of the hon. gentleman was, that having announced his intention to move for papers, being ignorant whether those papers would be conceded or refused, and possessing no other information than that which he had received from the individual from whom he presented the petition, he had come down and made a charge of a most fearful nature against two individuals in high situations. He had heard of Mr. Gibbons's complaints, but he was not aware that Mr. Gibbons had ever made any complaint against governor Ainslie. He knew of his complaints against his predecessors, but he knew of none against governor Ainslie. If that gentleman was desirous of attaining his ends, he ought to have brought his complaint, in the first instance, before the proper tribunal. He had complained of certain duties imposed by the local authorities, and those were subsequently declared invalid by the chief justice, who, in that instance, at least, shewed no disposition to court the favour of the governor, with whose concurrence the regulations were entered into.

The petition was read, ordered to lie on the table, and to be printed. It was as follows:—

"That the petitioner is possessed, in fee simple, of several tracts of land in the island of Cape Breton, some of which he holds in his own and some in right of his wife, under grants from the crown to the original grantees; that the petitioner begs leave most respectfully to state to the house, that without previous notice, or his consent and concurrence having been obtained, or the slightest indemnification offered, he has been arbitrarily and illegally disseised of part of his said lands, in virtue of orders made by the colonial council of that island, who have not only thus assumed the greatest legislative power, but have oppressively invaded the highest and most sacred property of the subject, and also, at the same time, as a concurrent consequence, have arrogated to themselves the alarming judicial one of revoking, by their own authority, the king's grants, solemnly made under the great seal; that, at the time of issuing those orders, affecting the rights, liberties, and properties of the subject, that have been sanctioned and acted upon under major general Swayne, colonel Fitzherbert, and lieutenant governor Ainslie, no legal colonial council actually existed, of the number and qualifications required by his Majesty's commission and instructions to the governor in chief of Cape Breton, which explicitly and positively forbid the augmentation or diminution of that body, as specifically therein constituted; and, with all due deference, the petitioner is induced to believe the disobedience of that regulation has, in a great degree, facilitated the exercise of those acts of injustice, of which he complains; that he most humbly conceives, that from the period when his Majesty was pleased to require a provincial general assembly to be convened, for the purpose of making local laws, statutes, and ordinances, in that island, no legislative power could be exercised by the governor and colonial council, unless assembled in general assembly, and the taxation of real and personal property that has been and is still inforced under this authority, is not merely a violation of that constitutional law, clearly defined and solemnly declared on many occasions in the British courts, but is in direct contravention of his Majesty's instructions to the governors of that colony; that the petitioner begs permission to add, that major general Swayne, while exercising the government in Cape Breton, by his own authority, directed what he was pleased to term a

military road to be opened through the most valuable part of the petitioner's land: and with such arbitrary violence was this order carried into effect, that his aid-de-camp ordered the fences and inclosures thereon (if found in the way) to be thrown down, burnt, and destroyed; that the petitioner received from major general Swayne no previous intimation of his intended invasion and seizure of his property, or offer of the smallest compensation; neither has the petitioner, or any other person having lawful authority, directly or indirectly, given the most distant sanction to this measure of unnecessary and unjustifiable aggression; that he has also to complain to the house of acts of similar violence, supported and countenanced by lieutenant governor Ainslie, that have been recently perpetrated on other lands belonging to the petitioner, and on which he now resides; that he presumes respectfully to represent to the house, that he should have sought redress for those, and many other injuries he has sustained in his personal property and reputation, by an appeal to the supreme and only court of judicature in Cape Breton, empowered to hear and determine such causes of action, but for the following reasons, which he confidently trusts will be deemed by the house conclusive and satisfactory: first, that the honourable Archibald Charles Dodd, chief justice and only judge in the supreme court, and president of the colonial council, from partial and interested motives, did, with very few exceptions, suggest, prepare, and procure to be passed, all those orders that more immediately militate against the constitutional laws of England, and the liberties and properties of the subject, as pledged and secured to the colony by his Majesty; secondly, that although in an action commenced by the collector of the provincial revenue, against the son-in-law of the said chief justice, for money due under an ordinance he had very recently advised major-general Swayne to revive (notwithstanding it had been previously voted by the council unlawful and oppressive), he, in November Term, 1816, adjudged this order (as being a tax) not binding on the people, but soon discovering this decision had given great dissatisfaction to lieutenant-governor Ainslie, he shortly after advised the magistrates to enforce other ordinances, imposing a general tax upon the inhabitants by compulsive means, but refused himself to comply when required by the proper officer; however, a few days after that refusal, he again, publicly in open court, announced the legality of those orders, and in his ardent zeal to please, in March Term, 1817, went so far as to stigmatize those who doubted their validity as evil disposed or disaffected persons; thirdly, that the said chief justice has assumed to himself the arbitrary, unconstitutional, partial, and dangerous discretionary authority, of extra-judicially refusing to allow any person the necessary privilege of commencing or instituting any action in the supreme court, until his permission was first solicited and obtained, and the petitioner was accordingly refused, not having sued for such permission; the petitioner feels he should have been guilty of a dereliction and serious violation of duty to himself and others, could he even for a moment have supposed such permission would not have been withheld from him, to have submitted to, and sanctioned, this tyrannical assumption of unauthorized power, as he humbly conceives the said chief justice had no option to refuse or grant this inherent and immutable right to the meanest subject of the realm; and the petitioner begs leave to add, that it appears to him this doctrine is subversive of the constitution, and against all manner of forms, principles, practices, and rules of law, equity, and justice, as rendering the tenure on which the security of our persons, properties, and reputations, are held, uncertain, and solely at the discretion and capricious will and pleasure of one man; that the petitioner thus deprived of his birth-right, and stripped of his property and privileges as a British subject, appealed to lieutenant-governor Ainslie, his Majesty's representative in that island, for justice, protection and support; but this he was pleased peremptorily to refuse, unless, as the lieutenant-governor informed the petitioner, lord Bathurst, to whom he had referred the petitioner's complaint, should determine that the petitioner might be permitted to enjoy and receive the protection of the laws of his country; and the petitioner humbly and respectfully implores that the house will be pleased to direct that an early inquiry be made, and restore and secure to him those rights, of which he has been so unjustly deprived, and grant to him such further relief in the premises as to the wisdom and justice of the house shall seem meet."

Marriages of the Royal Dukes.] The report of the committee on the Prince Regent's message was brought up. On the motion for the second reading of the resolution for an additional grant of 6000*l.* a year to the duke of Cambridge,

Mr. *Lambton* said, he had intended to make some observations on the subject of the grants to the royal dukes, but he would not press them on the house.

The resolution was then agreed to.

On the second reading of the resolution for granting 6000*l.* a year to the duchess of Cumberland,

Earl *Gower* said, he had every reason to believe that it would give satisfaction to the house to know, that her royal highness the duchess of Cumberland had determined to accept the provision which the house had been pleased to make for her. The first impression on the mind of her royal highness was, that although it was impossible for her not to feel a grateful sense of the kindness of the house, yet from delicacy she ought not to accept of the

provision, lest, by concurring in any measure of that nature, she might appear to be separating her own interests from those of her husband. But, as it was the anxious desire of his royal highness the duke of Cumberland, that whatever might happen to him her royal highness should be amply provided for, she had made to the wish of the duke a sacrifice of that feeling to which he had alluded. Her royal highness, while she had the highest sense of the kindness of the house, hoped and trusted that she might never become a burden on a people by whom she had been treated with so much generosity.

Lord *Castlereagh* said, that her royal highness had felt a repugnance to accepting the grant; but she had yielded to the entreaties and judgment of her husband. If it had been any thing directly advantageous to herself, she would not, perhaps, have accepted it; but as it was with reference to an event which she hoped would never occur, she had received it as a mark of the respect of the house.

Mr. *Wynn* said, that according to the ancient practice in cases of this kind, it would be proper that these grants should be charged on the hereditary revenue of the crown, instead of the consolidated fund, as was intended.

Lord *Castlereagh* said, that a proper arrangement would be made on that point.

Cotton Factories Bill.] Lord *Stanley* presented a petition from several cotton manufacturers, complaining of calumnious statements in a pamphlet, which had been carefully kept concealed from them, and had been put into the hands of such members only as were deemed favourable to the bill. The petitioners were anxious that the hon. baronet, by postponing his measure for some time, might give them an opportunity of vindicating their character.

Sir *R. Peel* said, that if the persons who published the pamphlet had erred, that had nothing to do with his bill.

Mr. *Curwen* thought that the publication had a good deal to do with the subject, as it occasioned a considerable impression on the minds of some. The object now was, to know whether the hon. baronet would agree to postpone his bill some time longer, or consent to the appointment of a committee up stairs for farther examination. The petitioners said, they could produce the opinions of different medical men in their favour, in contradiction to the assertions made. The measure proposed was one of great importance to manufacturers. If the house legislated respecting cotton manufacturers, they must be called upon, time after time, to do so with all other branches of trade. It was quite a new principle to legislate in this manner between parent and child. The whole body of manufacturers and labourers should have an opportunity of giving their opinions. It was possible that, in some cases, the hours of labour might be too long *(hear, hear)*; but that was occasioned by the parties themselves. He might venture to add, that what had already been said on the subject would be enough to occasion any necessary remedy without the passing of the bill. *(Hear.)*

Mr. *Brougham* wished to call the attention of the house to the prayer of the petition, which requested the house to pause, and defer their proceedings, after discussions on the subject session after session, merely because some persons had drawn up a statement unfavourable to the petitioners. A similar attempt was made on Mr. Pitt, in 1804, respecting the slave trade, in consequence of some publication of which he could not say he approved; but Mr. Pitt said, that it might as well be requested that the house should suspend its proceedings, because a speech had been delivered which some one might think it necessary to answer.

Lord *Lascelles* said, he happened to know that this bill proceeded out of that evidence which had been clandestinely circulated. The evidence taken in 1816 had lain dormant till other evidence was circulated among members. If this system were to be permitted, of collecting clandestine information for the purpose of circulation, neither character nor property in the country would be safe.

Mr. *W. Smith* said, he did not know one member who had been operated on by any other evidence than that taken in the committee. He would forego every particle of evidence that was not taken by the committee, and contend, that there was more than enough to satisfy every member of the necessity for this bill. With respect to the persons accused of getting up surreptitious evidence, it ought to be borne in mind, that they could not have any interested motives, and that those whom they opposed were interested in their proceedings from beginning to end.

Mr. *Phillips* contended, that it was indecent for such a publication, containing such accusations, to be drawn up, and then circulated only among certain members, for a particular object, while it so grossly attacked individuals. The Manchester gentlemen who had signed this petition could not at first get a sight of the pamphlet: they applied to the printer at Manchester for a copy of it, on the 14th of April. The persons who had been accused were the parties who had been precluded from seeing the pamphlet. The petitioners begged that gentlemen would take sufficient time to examine into the real state of the manufactories, before they legislated on their management. Let the house be acquainted with all the facts, and not proceed in the dark. *(Hear.)*

Mr. *F. Robinson* expressed his wish that gentlemen could agree to postpone the discussion of the merits of the bill. The petition had given rise to a warmth of debate, however natural it might be, which was not favourable to a fair consideration.

The petition was ordered to lie on the table.

The house then resolved itself into a committee on the bill. On that clause being read

which limited the hours of labour for children under sixteen years of age, to twelve hours and a half, including an hour and a half for meals.

Mr. *Wilberforce* said, he could not but admire the sensibility and feeling which had done so much for these poor children, but as he thought that children of nine years of age were unable to sustain labour as long as those of fourteen or sixteen years, he should propose, that there should be two classes, one containing those from nine to twelve, the other those from twelve to sixteen.

Sir *R. Peel* said, he was anxious to do what was practicable towards ameliorating the condition of these children, but he was afraid, that to make greater alterations than he had done would be very inconvenient to those that carried on the trade, and might injure the trade itself. He trusted, therefore, that the house would allow the bill to proceed with the clause as it stood at present.

Mr. *Philips* said, that he had, by a misconception of the course of proceeding, abstained from discussing the principle on the previous stage of the bill. To that principle he objected, but if it were sanctioned by the house, he should propose amendments which would render the details less objectionable. But, till that principle were sanctioned, he would not bring forward those amendments, and he should therefore reserve himself for the discussion on the report.

Lord *Lascelles* said, he believed the time for considering the principle of the bill was passed. It had been expected that he would oppose it, and he certainly thought it due to himself to state, that he had not done what he should have done. With regard to the bill itself, he did not consider it at all as it respected the interest of the spinners. The most proper mode, in his opinion, for coming fairly to a conclusion on the bill, would be to give an opportunity for those parties to be heard who had statements to make on the subject. He did expect that that would be done, for he thought it only justice to all concerned. Every parent was the natural guardian of his child. It was too much, perhaps, to take that guardianship out of the parent's hands, by the interference of that house. If a parent derived assistance to the amount of eight shillings from his child's labour, it might seem cruel and unjust to deprive him of it. This interference with free labour appeared to him the most objectionable circumstance connected with this measure; but his real wish was, that the parties accused should have an opportunity of justifying themselves. *(Hear, hear.)*

Mr. *F. Robinson* was sorry that the motion made by an hon. gentleman opposite had dropped, because there had yet been no discussion on the principle of this bill, although such a discussion was essential to the right understanding of the measure. He knew not, in the present shape of the question, how to come to any decision. Many gentlemen had left the house with an understanding that no discussion was to take place on the several clauses of the bill. If the discussion did not take place on the clause now read, which, in fact, involved the whole principle of the bill, he should move an amendment that the chairman leave the chair.

Mr. *Wynn* said, that if the chairman were now to leave the chair, it would put an end to the bill altogether; but if he were to report progress, and to ask leave to sit again, it would afford an opportunity of discussing the principle of the bill afterwards, on the question that the speaker leave the chair.

Mr. *Robinson* by no means wished to put an end to the bill, and, therefore, he adopted the amendment, that the chairman report progress, and ask leave to sit again.

Mr. *Peel* was unwilling to accede to the proposed delay, and principally because the bill, being of a popular nature and affecting the labouring classes, excited much interest out of doors. It was not desirable to protract a measure of such a description for many reasons, and chiefly because, in the present instance, a false idea might be entertained of the cause of delay. The objections to the bill were limited to the clause now read; for the objections to other clauses had been withdrawn. Any discussion upon the principle might, therefore, take place now on the reading of that clause. All those who had left the house might be presumed to be favourable to the bill.

Mr. *W. Smith* said, that as one of the friends of the bill, he had no objection to any arrangement which would ensure a full discussion, without compromising the object of the bill itself. But it appeared to him that objection to the principle of the bill, in reality, there was none. On the ground of principle, it was as much an interference with parental authority to say children should not work under five as to say they should not work under nine years of age, yet to some regulation on this subject no one objected. He could not see any reason why the bill should not go through a committee, but, if the opposers of the bill thought they thus lost any advantage, he had no objection to take the discussion on another stage.

Sir *J. Newport* thought the bill should now go through a committee, as he did not see what advantage the opposers of the bill would thus forego. They might discuss the principle on any subsequent stage, and he thought it expedient that a bill which affected, and consequently agitated, a large portion of the community, should suffer as little delay as possible.

Mr. *Blackburn* wished that the bill should be discussed in a full house, as it was a matter of great importance to the community, and especially to the county of Lancaster.

Mr. *Huskisson* regretted that a bill so important had been allowed to pass thus far without discussion. The objection to the principle must be first disposed of, and if that objection were unsuccessful, then, it would be of importance to alter the bill in a committee, in order to

make it more acceptable to those interested in it. It seemed, therefore, necessary to have the bill recommitted. He lamented the delay, because the bill ought to be disposed of as soon as possible; but no substantial progress could be made to-day.

Lord *Stanley* said, he was no party to the delay of the discussion on the principle of the bill. He had understood the commitment to be only *pro forma*. His sole view had been to refer the subject to a committee up stairs. Much alteration was required in the bill. The limitation of hours was extremely improper and extremely injurious.

Mr. *Peel* said, there could be nothing more futile than these discussions on the course of proceeding. The hon. gentleman had some amendments to propose, by which he conceived the bill would be improved. Why could he not now propose those amendments, reserving to himself the right of opposing the principle hereafter?

Mr. *Philips* objected to the bill, because it would really injure those whom it pretended to benefit. The subject had occupied his mind for twenty-five years, and he was convinced that legislative interference would do more harm than good. The management of manufactories was gradually improving without such interference. He would offer no modification of the bill till it was decided whether there should be a bill at all. If there should be a bill, he would endeavour to make it as little mischievous as possible.

Sir *T. Acland* thought that any modifications or improvements might be now proposed, and the discussion on the principle could take place on the report. By this means the present discussion would not be lost. He considered it a great evil, and a great inconvenience, that discussions both on the principle and on the whole merits of a measure should take place on the presenting of petitions.

Mr. *Canning* said that, besides the friends of the bill and the opposers of the bill, there was another class in the house, and he was one of them, who were very desirous indeed to hear a discussion of this subject. He had hitherto heard nothing respecting this bill. This was not from inattention, but from aversion to discussions that arose on the presenting of petitions, a practice on which the hon. baronet had justly animadverted. Discussion consisted of argument, and of the warmth excited by argument. The discussions on petitions contained all the warmth, and had no argument. (*A laugh.*) If ever he came to the house without prejudice respecting any subject, it was with respect to this subject. The only prejudice he felt was, the conviction resulting from all speculations on political economy, in favour of non-interference in contracts between man and man. But that degree, not of prejudice, but of disinclination, was, by mere examination, he would not say, changed, but become the ground of much desire to hear discussion upon the subject. But the more he considered it, the more disposed he was for the discussion, and the more he expected a full discussion on the principle of the bill, before it should go through a committee, by those whose information and experience enabled them to understand all the parts of the question. He thought it improper to make amendments before the discussion of the principle, because they would be made at random, and without a fixed object. The subject was itself of a very delicate and complicated nature, and its consequences deserved much consideration. He did not say any thing decisive on the question; but it ought to be examined with great caution and coolness. The bill had, somehow or other, slipped from under them, without the necessary discussion, and it must therefore be brought back again to them.

The bill was then reported, and recommitted for Monday next.

IRISH MISCELLANEOUS SERVICES.] On the motion of Mr. *Peel* the house resolved itself into a committee of supply.

Mr. *Peel* then rose and observed, that in submitting the estimates for the Irish miscellaneous service, he did not think it necessary to enter into any details with regard to the various items of which they were composed. If any difference of opinion should be indicated upon any particular point, he should be willing to postpone for the present the grant to which it referred. It was not his intention to propose any but the ordinary votes, and of those there was but one case in which any addition was made. He had stated last year, that there was a reduction in the aggregate expenditure under this head of the public service, as compared with former years, of 123,000*l.*, and he had now to state that a farther decrease had been effected to the amount of 10,000*l.* He was not disposed to move for any additional sum to the charitable institutions in Ireland, because he had seen reason to entertain considerable doubts of their policy and utility. He feared that, whilst they collected in a particular spot a great mass of wretchedness, they had not the means of extending relief to the increased number of applicants who crowded to them under a false impression that there relief was certainly to be found. (*Hear, hear.*) It would be seen, that upon some particular items a diminution had taken place, whilst a very small comparative addition had been made. He should now conclude by moving his first resolution, "that a sum not exceeding 38,331*l.* British currency nett be granted to his Majesty, for defraying the expense of supporting the Protestant charter schools of Ireland, for one year, ending the 5th of January, 1819."

Sir *J. Newport* animadverted upon the amount of this sum, for the education of only 2430 children. Such a sum, well applied, would serve to educate a much greater number. But of this sum, no less than 7000*l.* was allowed for

officers of the several institutions, namely, for masters, ushers, and catechists. To the grant for catechists he particularly objected; because he thought, where the clergy of the established church had, in many instances, so little to do, the parish rectors should act as catechists at those schools. He was free to confess, that the system upon which those schools were conducted had undergone considerable improvements, in consequence of the discussions which had taken place upon the subject since the Union; and among those improvements was the removal of the absurd regulation which excluded all the children of protestants. But still farther improvement was necessary; and he threw out those observations, not with any view to hostile opposition, but in the hope of extracting observations from others, and of directing the attention of the house to the subject.

Sir *George Hill* assured the hon. baronet that many improvements had been adopted, and others were in progress, in consequence of the recommendations of the commissioners who were appointed to inquire into the subject. There were 36 schools in the whole, and to each of them the office of a catechist or examiner was attached, the duties of that office being discharged by the curate of the parish.

Mr. *Peel* said, the committee should understand, that the sum in question was applicable to the clothing and maintenance, as well as to the education, of the children.

Mr. *Grattan* said, that these charter schools, in their original construction, were bad. The system, however, under the vigilance of public opinion, had been much improved. If the question was, whether protestant schools, under a principle of proselytism, ought to be supported by parliament, he should object to it, but as it was an old grant, improving in its operation, and capable, by being watched, of being rendered more beneficial, he should not oppose it.

The resolution was agreed to; after which the other usual annual grants for Ireland were put and carried, without discussion.

PARDONS UNDER THE GREAT SEAL BILL.] This bill was read a second time and ordered to be printed.

BRITISH MUSEUM—DR. BURNEY'S LIBRARY.] Mr. *Bankes* brought up the following report, which was ordered to lie on the table, and to be printed.—"The committee to whom the petition of the trustees of the British Museum, submitting to the house the propriety of purchasing the collection of the late Dr. Burney for the use of the public, was referred, have directed their attention, in the first place, to inquiring into the component parts or principal classes of literature, of which this library consists; secondly, into their value; and thirdly, as to the importance of purchasing the whole at the public charge for the purpose of adding it to the collection now existing in the British Museum, having ascertained that Dr. Burney's executor was unwilling to separate one portion from the rest, or to treat for the sale of the collection otherwise than as entire and undivided.—One of the large classes consists of manuscripts of classical and other ancient authors; among which that of Homer's Iliad, formerly belonging to Mr. Townley, holds the first place in the estimation of all the very competent judges who were examined by your committee; although not supposed to be older than the latter part of the thirteenth or beginning of the fourteenth century, it is considered as being of the earliest date of the MSS. of Homer's Iliad known to scholars, and may be rated as superior to any other which now exists, at least in England; it is also extremely rich in scholia, which have been hitherto but partially explored.—There are two copies of the series of Greek orators, probably written in the fourteenth or fifteenth centuries, of which that upon vellum was brought to this country by Mr. Cripps and Dr. Clarke, and is esteemed as extremely valuable; an account of the orations contained in it was drawn up by Dr. Raine, late master of the Charterhouse, and of the collations which he had made in comparing it with the Aldine edition.—This manuscript of the rhetoricians is indeed one of the most important manuscripts ever introduced into this country, because it supplies more lacunæ than any other manuscript; there is contained in it a portion of Isæus which has never been printed: there is only one printed oration of Lycurgus in existence, which is imperfect, and this manuscript completes it; there is also an oration of Dinarchus which may be completed from this manuscript. Among the rarer manuscripts in the collection, there are two beautiful copies of the Greek gospels, of the tenth and twelfth centuries. The Geography of Ptolemy is another of the finest MSS. enriched with maps, which although not older than the fifteenth century, yet, from the circumstance of all the other known copies of this work in the original language being in the collection of different public libraries abroad, the possession of this copy is rendered particularly desirable. There is likewise a valuable Latin manuscript of the comedies of Plautus, written in the fourteenth century, containing twenty plays; which is a much larger number than the copies already in the museum, or those in foreign libraries in general contain, most of which have only six or eight, and few, comparatively speaking, more than twelve plays. A beautiful and correct manuscript of Callimachus of the fifteenth century; a very fine copy of Pappus Alexandrinus' collection of Mathematical Treatises, of similar date; and a manuscript of the Asinus Aureus of Apuleius, an author of extreme rarity, deserve also particular notice. The whole number of manuscripts amounts to about 385, but those above mentioned are the most important and valuable.—Exclusive of the manuscripts already noticed, there is a very large number of memoranda and criticisms, in Dr. Burney's own hand, (exclusive of the Fragmenta Scenica Græca, and

books with Dr. Burney's own notes;) three or four articles of which seem nearly prepared for the press. In this part of the collection, there are several small lexicons of the Greek dialects, with numerous remarks on ancient authors; the merit of which, though certainly considerable, can only be thoroughly appreciated by patient investigation.—There are also many original letters of Isaac Casaubon, who maintained an extensive correspondence with many of the learned men of his time, whose letters to Casaubon have never been published.—Among the printed books, the whole number of which is from 13,000 to 14,000 volumes, the most distinguished branch consists of the collection of Greek dramatic authors, which are arranged so as to present every diversity of text and commentary at one view; each play being bound up singly, and in so complete but expensive a manner, that it has occasioned the sacrifice of two copies of every edition, and in some instances of such editions as are very rare: the same arrangement has also been adopted with regard to Harpocration, and some of the Greek grammarians; and both the editions of and annotations upon Terentianus Maurus, are particularly copious and complete. It appears indeed that this collection contains the first edition of every Greek classic, and several of the scarcest among the Latins, and that the series of grammarians, lexicographers, and philological writers, in both languages, is unusually complete. The books are represented to be generally in good though not in what may be styled brilliant condition; the whole having been collected by Dr. Burney himself, from the different great libraries which have been of late years brought to sale, beginning chiefly with the Pinelli collection.—To enable the house to form an opinion upon this branch of the collection, your committee subjoin the words of one of the witnesses, whom they examined; who says, 'The great feature of this eminent scholar's library, is that part which relates to Greek literature, whether ancient or more recent. In this respect it is probably the most complete ever assembled by any man, as it comprises all the materials requisite for classical criticism. In Latin Classics, and in the criticism connected with Roman literature, it is not so copious as in the Greek; but nevertheless it contains a number of rare and valuable books, which would considerably enrich the stores deposited in the museum.'—The same witness, with reference to the collection of memoranda above alluded to, further says, 'The books with manuscript notes may be divided into three portions: first, those which have their margins more or less crowded with remarks, collations, &c. in the hand-writing of many very eminent scholars, viz. Bentley, Burmann, Casaubon, &c.; secondly, the books with manuscript notes by Dr. Burney. The greater portion of the books thus enriched, are the Greek tragedians and the ancient Greek lexicographers. To illustrate the Greek drama, and to add to the stores of the ancient lexicographers, Dr. Burney seems to have directed the greatest portion of his industry, and to any future edition these remarks and additions would prove a most interesting acquisition. Another important portion of this collection may be called the Variorum Collection; this is, perhaps, one of the most remarkable series of books in the whole library: in it, Dr. Burney has so brought together the comments and notes of many celebrated scholars upon several Greek, and particularly the dramatic writers, that at one view may be seen almost all that has been said in illustration of each author; it extends to about 800 volumes in folio and quarto. One portion of this remarkable collection consists of a regular series of 170 volumes, entitled Fragmenta Scenica Græca, which comprises all the remains of the Greek dramatists, in number not less than 300, wheresoever they could be traced."—The great copiousness of Dr. Burney's library in Greek literature, may be collected at once from the following comparative statement of the editions of several authors, in that collection and in the library of the British Museum.

AUTHORS, &c.	BRITISH MUSEUM.	DOCTOR BURNEY.
Works entire or in part.	*Editions.*	*Editions.*
Æschylus	13	47
Anacreon	17	26
Anthologia	19	30
Apollonius Rhodius	4	12
Archimedes	2	5
Aristænetus	3	6
Aristophanes	23	74
Athenæus	6	10
Athenagoras	4	9
Callimachus	7	16
Chrysoloras	2	16
Demetrius Phalereus	4	10
Demophilus	2	5
Demosthenes	18	50
Dion Nicæus	—	2
Etymologicum Magnum	2	5
Euripides	46	166
Gaza	1	21
Gnomici Scriptores	6	14
Gregorius Corinthus	1	3
Gregorius Nazianzenus	14	28
Homer	45	87
Isocrates	11	30
Sophocles	16	102

Another and a very different branch of this collection comprises a numerous and rare series of Newspapers, from 1603 to the present time, amounting in the whole to 700 volumes, which is more ample than any other that is supposed to be extant. A large collection of between 300 and 400 volumes in quarto, containing materials for a History of the Stage, from 1660 to the present time, and particulars relating to the biography of actors, and persons connected with the stage, may be classed after these daily

journals.—Dr. Burney's collection of Prints has been principally made with reference to this object, comprising the most complete series that probably exists of theatrical portraits; beginning in the latter part of queen Elizabeth's reign, which is the period of our earliest engravers of portraits, such as Geminie, Hogenburgh, Elstracke, and the three Passes, and continued to the present time. The number of these theatrical engravings is about 5000, many of which are bound together in ten volumes; besides these, there are about 2000 other engraved portraits, principally of authors, commentators, and other learned persons.—With respect to the value of the manuscripts, the Homer is rated by the different witnesses at from 600*l.* to 800*l.* and one of them supposed it might even reach so high a price as 1000*l.*; the Greek Rhetoricians are estimated at from 340*l.* to 500*l.*; the larger copy of the Greek Gospels at 200*l.*; the Geography of Ptolemy at 65*l.* and the copy of Plautus at 50*l.* One witness estimates the whole of the ancient manuscripts at upwards of 2500*l.*; and an eminent bookseller at 3000*l.* The set of newspapers, from the year 1603 to the present time, is valued at from 900 guineas to 1000.—The books with manuscript notes, together with Dr. Burney's Variorum Compilation, including the Fragmenta Scenica Græca, are estimated by one at 1000*l.* and by another as high as 1340*l.*; who likewise computes the materials for the History of the Stage at 140*l.*—The Prints are judged to be worth the sum of 450*l.*; and the bookseller above referred to, who has examined the whole (except the engravings) for the purpose of enabling the present proprietor to set a value upon them, estimates the printed books in the library at 9000*l.*, some other books in his study adjoining, and a great number of tracts, at 500*l.*; and the whole, exclusive of the prints, at 14,500*l.*—A considerable expense would necessarily attend the selling of this, or any other library by public auction, which usually amounts either to 15 or 17½ per cent. upon the gross produce of the sale; but your committee having questioned the last witness alluded to, Mr. Payne, found it to be his opinion that the net money price of the library in question, after deducting all expenses, might amount to 14,500*l.*—The persons examined by your committee, as being particularly competent to assist them in forming their judgment, have been, Henry Ellis, esq. the reverend Henry H. Baber, and Mr. Smith, from the British Museum; Richard Heber, esq. the reverend T. F. Dibdin, the reverend J. Cleaver Banks, Mr. Payne, and Mr. Evans; the substance of whose testimony, your committee have endeavoured to put the house in possession of.—The importance of acquiring for the British Museum, a library stored with such literary treasures as have been enumerated, is sufficiently apparent from what has been already stated; but it is obvious, that in purchasing the entire collection, much more will be bought than it will be necessary to retain; and that a considerable number of the printed books, being duplicates of those already in the British Museum, must be sold again; and that this cannot be done otherwise than at the expense of 17½ per cent. upon the produce of such sales, whatever the amount may be. It is also to be borne in mind, that even if the purchase should be completed without delay, these duplicates could not be sorted and examined, so as to bring them to sale in the course of the present session.—Your committee therefore suggest, that, for the ensuing year, the net amount of such sale (which may be estimated at from 3000*l.* to 4000*l.*) should so far be refunded to the public, as to go in diminution of the annual grant to the British Museum; and also, that, in consideration of so ample and costly an accession being made to the existing stock of books, it may be proper to suspend or reduce, for a time, the annual grant of 1000*l.* to the book fund, with the exception of such parts of that annual sum as are applied in subscriptions to works now in the progress of publication.—Upon the whole matter, your committee venture to recommend as the result of the best consideration which they have bestowed both upon the importance and just value of the entire collection, that the proprietor, being ready to dispose of it for the sum of 13,500*l.* it will be a very material addition to the public stock of literature, and purchased at a price which cannot be deemed unreasonable."

HOUSE OF LORDS.

Monday, April 20.

PRIVATELY STEALING BILL.] This bill was brought up from the commons by Sir Samuel Romilly, and read a first time.

STATE OF THE CURRENCY.] The Earl of *Lauderdale* rose to move, that a committee be appointed to inquire into the state of the currency of the country. He said, he certainly did not proceed to the task he had undertaken without a sense of the difficulties which stood in his way, in calling upon their lordships to consider this question, as it was a subject to which many of their lordships had probably paid no particular attention, and on which they might, therefore, suppose he could not easily make himself understood; and because it was also a subject, with respect to which others of their lordships, having been disappointed in the results they expected, might think no accurate conclusion could be drawn; though, in fact, he could assert, that there was no question on which more certainty could be obtained. There was another difficulty arising from the nature of the subject itself, and which consisted in the propriety of entering into some minute details, with the view to a full explanation. On the other hand, he was aware that it was quite impossible to command attention to a speech founded chiefly on a dry detail of figures. When a much younger man than he now was, he recollected that the father of a noble lord who sat

near him (the Marquis of Lansdowne) had advised him always to avoid, as far as possible, resorting to figures when he addressed a public assembly; and his own experience had since convinced him of the propriety of that advice. It would, therefore, be his study to engage their lordships' attention as little as possible to details of that sort. If he should fail in making any part of the subject sufficiently clear, he was confident that his noble friends who might follow him would amply supply the deficiency. When he first gave notice of the motion he was now about to submit to their lordships, it was his intention to have entered at considerable length into the state of the currency, with the view of demonstrating the necessity of immediately resorting to cash payments. In consequence of the gold coin having disappeared, he meant to have in particular recalled their lordships' attention to the state of the mint regulations, in order to shew, that though the Bank had reduced the quantity of their notes in circulation to the amount which circulated before the restriction took place, and that though the country banks had also limited their circulation to even a lower scale than before that period, still, under the present regulations of the mint, it would have been impossible for the Bank to have paid in specie. If he could have had any doubt on this subject before, he must have felt his opinion confirmed by the proceedings of ministers since notice of his motion had been given. He alluded to the declared intention of renewing the Bank restriction act, and the scheme for making country bankers deposit stock or exchequer bills for the notes they might issue under the value of 5*l.* With the knowledge of these proceedings before the house, it would be impossible for their lordships, if they did not mean to desert their duty to the public, to refrain from inquiring into the important subject he now wished to bring immediately under their consideration. In doing this he should find it necessary, in the first place, to consider how far it was necessary that the Bank restriction act should be renewed and continued for another year. He was prepared to shew, that the reasons which had been assigned for its renewal were unfounded; that the Bank might have returned to payments in specie, were it not for the departure which had been made from that ancient system on which the superiority of this country with respect to currency was formerly founded; and that, though the Bank had taken every step which might otherwise have been necessary, it would have been perfectly impossible, under the present mint regulations, to resume cash payments. With regard to the reasons assigned for continuing the restriction, he was never more surprised than when he heard foreign loans stated as the principal, or indeed, almost the sole reason, coupled with the assertion that there was nothing in the internal situation of the country that rendered the measure necessary. He should, however, shew that the only reason was, the internal situation of the country, created as it was by the measures of ministers. But here he could not help asking their lordships to consider in what situation this country was placed when this great question—one of the most important which a legislature could be called upon to decide—was no longer to be left to the judgment of parliament, but was made to depend on the caprice of foreign powers? Was it to be henceforth a maxim, that when the Emperor of Austria, the King of Prussia, or the legislative assemblies of France chose to undertake certain financial operations, the Bank of England must suspend payments in cash? Were this to be maintained, there would be an end of the power of the British parliament with respect to one of the most important objects of legislation, and no hope could be entertained of the restoration of that solid system of currency on which the commerce and wealth of the British empire had been founded. Fortunately, however, the proposition could not be maintained, for it had no foundation in truth. In the first place, he denied the fact that foreign loans ever had or could have the effect which had been attributed to them. He knew that endeavours had been made to support the opinion he opposed, by reference to the opinion expressed by the Bank directors, with respect to a proposed loan, in 1797, of 3,000,000*l.* to the Emperor. They expressed an apprehension of injurious consequences if that loan were to be negotiated; but would the noble lord opposite venture to say that any loan had been the cause of the Bank restriction? To be satisfied on this point, their lordships had only to look at the evidence taken before the committee appointed to inquire into the facts. They would find, from the examination of the Bank directors, that the gold transmitted to Austria, in consequence of the loan of 1795, did not exceed 500,000*l.* Indeed, if their lordships took the trouble of examining the state of the exchanges at that time, they would find that it was perfectly impossible that gold could have been sent to Hamburgh without loss. This was clear from the evidence of Mr. Boyd. It could not be sent out without loss, when the exchange was at 34 par. It might be sent at 2½ usance, with the exchange at 33.6; because then, in consequence of the interest, there would be a profit on the transaction; but an examination of the tables would shew that this favourable case for its exportation did not occur. Indeed, a report which was drawn up, he believed, by the father of the noble lord opposite, proved, that during the two years in which the imperial loans had been negotiated, and large subsidies were paid, the remittances had not been made in cash, but in goods. It appeared that, in those years, the exports to Germany amounted to 8,000,000*l.*, though usually they did not exceed 1,900,000*l.* It appeared also, that those exports equalled all those that were in the same time made to France, Flanders, and

Holland. Thus it was evident, that if their lordships considered what had been the effect of the loans and subsidies of 1794 and 1795, they would find, that the remittances had been made almost entirely in goods, and not in bullion. Was it possible, then, that the noble earl opposite could allege the loans now negotiating to be a reason for continuing the restriction, on the ground that it had been originally caused by the imperial loan? Nothing was more evident than that that loan had nothing to do with the measure. But if their lordships wished to know what had been the real cause of the restriction, they had only to look at the evidence of Mr. Giles and Mr. Bosanquet. Those gentlemen distinctly stated, that if all the advances made by the Bank to government had been repaid, there would have been no occasion whatever to have resorted to that measure. Were their lordships, then, to believe that the cause was a different one from that which the Bank directors at the time, who were acquainted with all the circumstances, declared it to be? They certainly were best acquainted with the real cause. In 1797, the Bank directors appeared to have imagined that the restriction act would be allowed to expire, and that they would have to return in the following year to payments in specie. The directors did not then affect to make their operations depend upon foreign loans, but made proper arrangements for the event they expected. There was a meeting at the Bank in October, in which the state of the advances to government was taken into consideration. The advances to government had amounted to 11,280,000*l*., but they were then found to be reduced to 4,278,000*l*.; so that the Bank, in the expectation of being obliged to pay their notes in cash, had compelled government, so early as the month of October, 1797, to pay up about 7 millions. Having said this much, he might safely stop here, and ask their lordships to reject any argument for the continuation of the restriction founded on foreign loans; but he wished to state some considerations which would render the matter still more convincing. And here he would venture to state, as an indisputable proposition, that that man must be ignorant to a degree which would be disgraceful who believed it possible that this country would be drained of its specie if the Bank paid its notes, though all the powers in Europe were making loans, and all these loans were negotiated in England. He had stated this proposition in the broadest manner, and nothing was ever more capable of proof. It was not in gold alone that remittances were made by one country to another. In every well regulated commercial country it was fit that there should be circulation, consisting both of paper and of specie; but the paper always payable on demand, and the coinage established on just principles. When a great trading country stood in this situation with respect to its currency, it was perfectly impossible that it could be exhausted of its specie. This was no new opinion of his; he had published it several years ago, and it had never yet been refuted. In truth, it was very obvious, that there were two ways of making remittances from one country to another—in commodities or in money. Now, as merchants would always make remittances in the articles which were most advantageous to their own interests, it followed that the foreign loans which had been so much dwelt on could not have sent any money out of the country, or to a very small extent. The security against a country being drained of specie was complete. If the merchants remitted cash to foreign countries, they would raise the price of commodities, and they never sent out gold when it was their interest to send goods. It was true they might glut the foreign market with goods, and thus cause a depreciation of value there; but the demand for gold could only be temporary, and it was impossible the country could be exhausted of that specie, which formed part of its currency, if its coinage were well regulated. It was difficult to convey these doctrines in a speech, and he would rather state them from print. Here his lordship read a long extract from a work which he published in 1812, and in which the principles stated in his speech were enforced. He shewed, that gold would never be sent out of a country, except when there was a want of such commodities, the exportation of which, joined to the state of the exchange, would afford a profit to the merchant. Their lordships would perceive that, in the year 1812, he had fully discussed the question now at issue; and the conclusion was evident, that a country could not be drained of its coin which had commodities of its growth and produce to export. Such a state of things could only occur in consequence of issues of paper raising the value of the gold. He believed he had now proved, that the reason assigned for the continuance of the Bank restriction was totally unfounded. The real reason was, the advances made by the Bank, and the increased circulation of notes. He found, from the accounts laid before the house, that there had recently been an increase of 2,000,000*l*. in the issues of the Bank, and the discounts of the Bank could not be estimated at less than 1,000,000*l*. The average issues of the Bank amounted on the whole to 29,000,000*l*. This state of things plainly shewed that the Bank had made no progress towards diminution, and that of course payments in specie could not be expected. What the sum total of the advances made by the Bank to government might be, he could not pretend to say, as the account he moved for with the view of ascertaining that sum had been refused. The Bank held exchequer bills and other government securities, purchased in the market, to a great extent; but all such purchases, he would maintain, were illegal, according to the act of William III. The noble earl opposite might seem surprised at this, but such

was the fact, and by his refusal to grant the information demanded, and the continuance of the restriction, he screened the Bank in an illegal practice. Here his lordship referred to the act of the 5th William III., which, he contended, the Bank violated in the purchase of exchequer-bills. The act provided, that treble the value of any advances made by anticipation on lands or revenues of the Crown should be forfeited. Every advance made by the Bank, which was not sanctioned by parliament, was, in consequence of this act of William III., illegal. In 1793 ministers were aware of the effect of this act with respect to treasury bills, and a clause was accordingly smuggled into an act passed at that time. But exchequer bills were precisely in the same situation. The clause in the act of 33 Geo. III. was framed expressly to authorize the Bank to hold these bills, which were not especially charged upon any part of the public revenue. This plainly evinced what had been the feeling both of the Bank directors and of the ministers on the subject. This clearly shewed that the clause in question extended to loans on exchequer-bills; he was, therefore, surprised at the appearance of doubt put on by the noble lord with regard to this subject, and at his refusing, on principle, to shew what securities on government the Bank had. His object was to see whether the Bank issues were conducted in that salutary manner as to enable them at any time to be called in in six weeks. But he believed that the Bank had not sufficient left in their coffers to effect such an operation. What with the 29,000,000*l*. of paper that had been issued and was in circulation, what with the loans to government in addition, was there any body who did not think that the coin requisite for resuming cash-payments must be more than double the amount of the 11,000,000*l*. that had been so confidently stated as the sum? And yet, according to the noble lord, the Bank was perfectly ready to pay! The government was anxious that payments should be resumed. But on his conscience he believed, that those payments were at a greater distance than ever: the whole business was a complete juggle between the Bank and the government, and the country was completely their dupe. (*Hear, hear, hear.*) In fact, the Bank had the complete regulation of the price of commodities. However, it was his object merely to persuade their lordships, that foreign loans could not affect the question of the resumption of cash-payments, or that the Bank was incapable of resuming them; but, at least, that their lordships would not take these or any other points for granted, without considering it their duty to make a full inquiry into all the circumstances of the case. He must now proceed to call their lordships' attention to a second device resorted to by government for the support of this system, and a proposition it was of a most extensive and important nature. It seemed, that country bank-notes of one pound were not to be circulated unless the bankers deposited a security with government to a certain amount. He begged to be allowed to say, that this scheme was contrary to the whole spirit of the commercial laws of this country: those laws required no other security than the promise to pay, and the power to demand the fulfilment of that promise. When, however, he recollected that, on government pledging the Bank to pay in July, his prediction that no such payment would then take place was treated with derision, could he or any other man suppose that government would let the Bank pay next year? But he would contend, that the securities proposed were wholly unnecessary, and that people wished for no better securities than bank-paper, payable on demand. Restore to them their ancient system, and they would have no occasion for this. He therefore thought, that the restriction would be continued for more than a year from the 5th of July; but whether that should be so or not, the proposition respecting securities was, in itself, of the most objectionable nature. This country was the most opulent in Europe, and had gradually risen through the whole of the last century to its present state of prosperity by means of banks of credit. Consult authors of any credit on the subject, and they would tell you why monetary banks of deposit were not so good as banks of credit. Our system was founded, and had risen to eminence, entirely on credit: when honour, probity, and regularity were the foundation of credit, it was altogether inexhaustible; because, in proportion as extended commerce created an extended demand, the state of credit would increase along with it; and if commerce slackened, credit would decline proportionably; but under the system of banks of deposit, credit always failed most when there was the greatest demand for it. His objections, therefore, went to the whole proposition of the noble lord. What was it but an arbitrary interference of parliament, in order to favour creditors of a particular class? Did not the noble lord, in fact, say, that he wished to annihilate country notes under the value of 5*l*.? If so, this was to cast a stigma on those who uttered them, and nobody would trust a stigmatized man. Credit depended on confidence; and if there was a stigma, how could there be any confidence? The effect of the plan was only to make the country bankers a sacrifice to the Bank of England, the favoured Bank of England! The scheme proposed was bad in theory, and equally bad in practice. He did not believe that bankers of any character would submit to this indignity; especially as, under the plan proposed of issuing stock-notes, any stockholder might, on paying 30*l*., dispose of his stock bills as a banker, and make a double profit. Much as he had objected to the evils arising out of the paper system, the remedies proposed were so suspicious, that he could not forbear laying them before their lordships. Their lordships, he was

sure, could not give up that system of banks of credit which had raised this country to such a pitch of unexampled opulence, without making inquiries as to what could render such a step necessary. It was impossible for any man to say that the state of our circulation was not such as to require investigation, when all notes issued previous to 1817 were payable, and sold at a premium of 2 per cent. Their lordships could not refuse the duty of inquiry. In the payment of these notes, 2,000,000*l.* had been paid away, which, as every man knew, had all vanished from circulation, and every man knew why. Nor was this the only evil. The state of the paper currency was such, that there was to be bank paper, bank paper at a premium, country paper without deposit, and country paper secured by a deposit. The noble lord had agreed with him that it was a salutary state of circulation, that paper should go as far as it could towards supplying the currency of the country, corrected, nevertheless, by the liability to pay in cash; but it had never entered into the mind of the noble lord that there would be four species of this paper in circulation at once —bank paper with and without a premium, and country paper with and without a deposit. But to secure country paper in the way proposed was such an absurdity as could be found with the noble lord alone, and not any where else. If this state of the paper circulation required investigation (and there was nobody who would say that paper of four different species could circulate together), yet the state of the coin afforded a still stronger ground for inquiry. There existed a work which, respecting the noble author (the late Lord Liverpool) as he did, had pretty fully explained how erroneous the noble lord's opinions on this subject were. He (Lord Lauderdale) had before told the noble lord that his system was wrong. He had set up two metals for his standard, which was a bad monetary system altogether, and the effect of it was only to make both disappear. He had argued, too, that silver ought to be the standard here. To this observation he had been answered, that a rich country required a rich standard, while a poor country might go on with a much cheaper standard: this idea he had ridiculed at the time. It was indeed as much as to say, that if a country manufactured a great deal of cloth, it ought therefore to have an extended yard. The coin of a country was advantageous to it in two points of view: it served as a measure of value, and an equalizer of demand and supply; and the richer a country was, the more it ought to be anxious for silver instead of gold. So far was there from being any difference between a rich and a poor country, that it was an advantage to a rich country to have a circulation of silver. There was no writer on political economy that had not stated, that as much of the circulation of a country as possible ought to be conducted in paper, that paper being limited by the demand for payment at will. Now the best encouragement for such a system as this was, to have a cheap circulation. When men had to pay in silver; the operation, being tedious, would drive them to another representative of value, and thus encourage paper money. These were not his own opinions merely, but those of every other person who was acquainted with the subject; and, at this crisis, when gold was disappearing so rapidly, it was high time to inquire into it. What could be of importance if the circulation of the country was not? Indeed, all orders of the people were concerned in it. If he stood in the situation of the noble earl, there was not a man whom he would not excite to inquiry on the subject. When he recalled to the memory of their lordships our paper of four species, our gold coin, our silver coin, with a seignorage of one value in England and of another value in Ireland, it was in vain for his lordship to say, that paper would maintain a uniform value. Had the noble lord considered the value of the sovereign? It passed for 10½*d.* less than it was really worth. Sir Isaac Newton had said, that if guineas would fetch 4*d.* only more than the sum they passed for, it must very soon drive them all out of circulation: and their lordships had all heard of the silver currency being melted down long ago, for a very small profit. He would state to the house that a gentleman in Scotland, knowing him to be curious on the subject, had sent him a great many crowns of the unfortunate James, and stated, as a conclusion, that in his country many persons were fond of the family, and kept those coins as memorials: they must have done so, for he (Lord Lauderdale) never saw the silver in circulation. But there was also a difference in the value of our silver in circulation to such an extent, that, while some was worth 7*s.* 3*d.*, other silver was worth no more than 6*s.* 8*d.*; so that the one was a legal tender, while the other was no more than a mere counter. If the Bank directors were serious, if the noble lord meant that they should pay back all the advantage they had gained, it was impossible that they should pay in cash; they must stop in the very attempt. At that moment he had before him the papers of price and exchanges in detail down to the 1st of January 1818; the average of exchange at Paris was 24 fr. 40 cents., and that he took as the basis of his calculation. That he might not fall into any mistake, he had called for a return of the number of grains of pure silver contained in 20*s.* of the new silver coinage; they amounted to 1,614 36-66 grains of troy, while the number of grains contained in 20*s.* of the old silver coinage amounted to 1,718 44-62 grains of troy; the number of grains contained in the sovereign were 113 18-11,214 troy. He had compared this with the state of the coinage in France also; and the result of his inquiry was, that, supposing the silver par of exchange at 24 fr. 16 cents. in our pound, the same quantity

of French silver for our sovereign of 20*s.* would amount to 25 fr. 21 c. It was evident, therefore, that while the pound note was at 24 fr. no one would remit it who could get 25 fr. for the sovereign, by which he might realize a profit of 3*l.* 4*s.* 3*d.* per cent.; and if he looked to silver with a view to importing it, he might make 5 per cent. more: so that the profit on exporting gold, and importing silver, would amount to 8*l.* 4*s.* 3*d.* per cent. All our criminal laws to prohibit exportation of specie had been made when but 4*d.* could be gained on the pound of silver. But where the interests of mankind were concerned, it was impossible to prohibit such transactions; at least the prohibition must always fail of effect. Under these circumstances could their lordships believe that it was possible to compel the Bank to pay in gold, or that the payments could be made to any effect? He was perfectly convinced that this could not be, and it was a proof to him that the Bank directors knew the payment could not be resumed. If Sir Isaac Newton had shewn that silver would vanish when no greater profit than fourpence could be made, how could any man in his senses suppose that gold would remain in the country, when a profit of 10½*d.* in the pound could be made by exporting it? At any rate, could it be fit to say that the Bank should resume payments on the 5th of July, without considering first, how far such payments could be made good? He did not ask the house to consider any theory of his, but to reflect on the situation of the country, especially when the noble lord admitted that it was better to have a paper payable on demand. We had now four species of paper-money; we had gold, circulating at 10½*d.* in the pound more than silver; we had silver, at two prices, 6*s.* 8*d.* and 7*s.* 3*d.*; every symptom of our monetary system was unsalutary. How then could government, without instituting some inquiry on the subject, pledge itself that the Bank should resume cash payments on the 5th of July? He should therefore conclude by moving, "That a committee be appointed to inquire into the present state of the metallic and paper currency of the United Kingdom."

The Earl of *Liverpool* observed, that the noble lord who had just sat down did not in his speech seem to take advantage of the claim which he had at first advanced. The noble earl had said, that he should have one advantage in debate over those who might oppose his motion, as he would merely state doubts and call for inquiry, without pretending to lay down principles or to draw conclusions. Now, so far was this, in his opinion, from being the conduct of the noble lord, that he never heard a speech in which there were fewer doubts, and more dogmatizing. The noble earl had laid down one principle, in which he heartily concurred, namely, that the best system of currency for any country, and particularly for such a country as this, was a paper circulation, measured by the precious metals as its standard, and supported in its value by being convertible into cash at the pleasure of the holder. He agreed with him farther, that the more easily it was convertible into cash the better, and that it was highly desirable that all restrictions on that convertibility should be removed. He hoped he should get credit from their lordships when he stated publicly an opinion which all his friends knew he firmly maintained—that these restrictions should not be continued without good reasons, without a paramount necessity. There was not a man in the kingdom more anxious than he was to see a return to cash-payments as speedily as possible; and if he had come to the conclusion, that it would be detrimental to the interests of the country, that the restrictions on the Bank should be immediately removed, he could assure their lordships, that he had adopted that conclusion after the most mature deliberation, and with the deepest regret. Such was his general principle regarding the currency, and such was his opinion of the propriety of continuing, for a limited period, the restriction act, and he was anxious to be distinctly understood upon the subject. The noble lord had introduced a great variety of topics into his speech, to some of which he was anxious to address himself at present, though other opportunities would occur for discussing them more fully. He would begin with answering some of those observations with which the noble lord concluded, because they were less immediately connected with the question, and would require from him less discussion. The noble lord had referred to debates on the subject of the new silver currency, which took place about two years ago, in which he and the noble lord differed as to the question, whether gold or silver should compose the standard coin of the country. He (Lord Liverpool) had then advanced an opinion that gold should be the standard metal, and though he had heard much on the subject since, he had seen no reason to alter that opinion. Upon the question whether one metal should be the standard to which the other should be referred as its measure of value, the noble lord and he perfectly concurred. Indeed, there seemed to be no difference with regard to this principle among those who had given the subject the least consideration. Into the question of the comparative fitness of the two metals to become the standard, he would not now minutely enter, as it had already been fully discussed, as no new reason had been brought forward by the noble lord in support of the opinion he formerly maintained, and as a decision on the point would not materially affect the object of the present motion. He might say, however, as an argument in support of the conclusion to which the legislature had come, that gold had become, in fact, and in practice, the standard metal before it was declared so in law. It had risen into this state imperceptibly, before an act of the legislature had sanctioned the practice, and made it the only legal tender for all sums above 25*l.* In

addition to the inference in favour of that metal, drawn from general consent and practice, it might be stated, that the expediency of making it the legal standard measure of value for other metals was supported by the circumstance, that it was less liable to fluctuation. The noble lord had said, that the two metals could not circulate together, and that, in consequence of the change effected in the standard by law, our gold was exported, and our coin melted down. He (Lord Liverpool) admitted the fact that our gold was exported, but could not allow that its exportation was attributable to the cause assigned. The noble lord, in stating the opinion of Sir Isaac Newton, had overlooked one material fact which then existed, and which now existed no longer, and the omission strongly varied the reasoning. At that time both gold and silver were equally standards. You might go to the mint with a quantity of silver bullion, of standard fineness, and demand the same weight in the silver coin of the realm. You might do the same with gold. Now the case was altered: you could carry a quantity of gold to the mint, and receive the same weight in gold coin, but not so with silver. It was manifest, however, that if gold was to be exported, it would be exported in the state of bullion. The first object of the exporter would be to find bullion, from the smaller risk run, and the less trouble incurred in exporting it. No man would put himself to the trouble of melting the coin, if he could obtain a supply of the metal without subjecting it to that process. The silver could not be so easily melted; but it might be exported in the shape of bullion, and then the regulations of the mint would not affect its price. If the noble lord's doctrine were true, that when the mint gave a higher price for gold than silver, silver would fall in value, and gold would be exported in preference, then it would follow that silver must fall in exchange. But this was not the case; silver had risen even more than gold in foreign exchanges. This fact appeared to him conclusive, that the raising of the standard of silver had given no advantage to gold as a subject of export. Gold coin was not melted for export because it was of most value, but because no price was put on gold as coin above its bullion price.—He would proceed to the important subject of the paper circulation, which was more immediately connected with the motion before the house. The noble lord (Lord Lauderdale) had divided this subject into two parts, the paper circulation of the country generally, and how that circulation was affected by the advances of the Bank of England to government. On each of these points he would make a few observations. He would make some remarks on the general circulation; first, because having laid down the principles on which it rested, the second part of the subject would be better and more easily understood. The noble lord had alluded to a book which contained the opinions of one for whom he (Lord Liverpool) must always feel the highest veneration (the late Lord Liverpool's Letter to the King on the Coinage.) It was the opinion of that individual, that when the circulation of the country came back to something like its natural state, then it would be proper to adopt some regulation regarding the paper currency. His belief was, that unless some regulation were adopted, property would become insecure, and the circulation would be subjected to repeated shocks which might cause great public calamity and individual suffering. The evil of insecurity could not be a solitary evil. The repeated failures of country banks would give a shock to public credit, and the character of all paper currency would be affected by that of the most insecure. The system would thus be exposed to convulsions, which ought to be prevented, both from a regard to the general security of the country, the country banks, and even the Bank of England itself. All these interests required some regulation for the currency. To that which had been proposed, he (Lord Liverpool) had heard objections strongly urged; but upon asking those who stated those objections, "Do not you think some check is necessary?" he never heard a dissenting voice—he never saw an individual who did not answer that question in the affirmative. By the law, as it now stood, there was no restriction on the issue of country bank notes of 1*l.* or 2*l.* to any amount, and on any security. When this law expired, in two years after the removal of the restriction on the Bank of England, this privilege would cease, and their issues would be confined to notes at or above 5*l.* The question was, therefore, ought the law to be allowed to expire, or ought it to be continued? With regard to the first point, he never heard but one opinion. He never heard any body say, that, considering the habits and necessities of the country, changed as they had been by the continuance of 25 years of a contrary system, we should recur to the system that then prevailed, and place the country banks under the restrictions by which they were then limited in their issues. Were we, then, to repeal the act, and allow issues of one and two pound notes on any security, or without security at all? Let the house consider the history of the currency of country banks for the last three years, and the calamities that had arisen from bank speculations. Out of 700 country banks that existed in 1814, 200 had now been swept away, to the ruin of individuals and whole districts, and to the general injury of the agricultural and commercial interests. He had always been of opinion, that, although many of the difficulties out of which we were now emerging were to be traced to that convulsion which was caused by the rapid transition from war to peace, they were greatly aggravated by the failure of country banks. The distress of the agricultural interests in particular had been, in a great measure, owing to the exorbitant issues, and the consequent insecure currency of the country banks. Some districts and counties might be

named, in which the distress of the people was solely attributable to this evil. This was an evil which would, in his opinion, be aggravated by the removal of the restriction from the Bank of England, if no regulation were adopted in consequence of that measure. Let the house consider what the effect might be, if the system of country bank currency attained as great an extent as formerly, without any security, and after the restriction was removed from the Bank of England. There might then be a run on the country banks, then on the Bank of England itself, and the consequence might be a general shock to credit all over the nation. He would therefore lay down this as a principle, that if we could not recur entirely to metallic currency, and if it were necessary to allow country banks to supply its place, to a certain extent, by issues of small notes, these country banks ought to be placed under some regulation for the general security of credit, and with the view of preventing those convulsions which might result from their failure. The most material consideration in this state of the business was not whether one system of regulations were better than another, but whether there ought to be any regulations at all.—The noble lord then alluded to Scotland, to which the act was not meant to extend, because, from the wise regulations under which the banking system was carried on there, no change of system was necessary, as not one, or only one failure had taken place during the late shock given to credit in this part of the island. If regulations were necessary, it was conceived there could be no objection to the adoption of a plan by which the legislature should say to the country banks—" You have no right to issue one and two pound notes after the lapse of two years from the expiry of the restriction act; then your privilege ends; if after that time you issue small notes, you must do so on depositing, as a security for the payment of them, exchequer-bills to the amount of your issues in small notes, or stock to double the nominal amount." To this scheme he had heard only one objection of importance, but that objection appeared to him to admit of an easy answer. The objection was this—that if notes of one or two pounds only were issued on security, the plan would cry down all notes of a larger amount, which were to be issued without the same demand of security. In opposition to this prediction, he would say, that so far from the deposit of securities for small notes being injurious to the credit of notes of a greater amount, the very deposit of such securities for the former, would give the latter additional credit. This opinion would be confirmed, if it were considered that double the nominal amount in stock must be deposited for the small notes, which, at the usual price of the public funds, would afford to the holders of the five-pound notes, a balance for the payment of the latter. But, without laying much stress on this argument, he would say, that the holders of large notes would not be in a worse situation than they were before small notes were allowed to be issued at all, and as they then took on credit, for their own convenience, large notes in preference to gold, there was no reason why they should not afterwards, for the same convenience, take them in preference to small notes. Why did people take notes at all, when they might have guineas or sovereigns, but because the former, when great sums were concerned, were more easily carried, and had other conveniences? There was nearly the same difference in point of convenience between a great number of small notes and a large one of equal amount, as between a quantity of sovereigns and the same value in a large note. As, therefore, people took notes on credit in preference to gold, when the latter was solid wealth, and the former depended on the solvency of the banker, so it might be supposed that they would take the same large notes on credit, in preference to small notes on the security of a deposit. Security was not preferable to solid money, and the motives of convenience that operated to prompt the reception of notes on credit in the one case would operate in the other. Cash opposed to credit, was as strong as security opposed to credit; and he had no doubt the result would be the same in favour of the larger notes, when the parties found their convenience in the larger notes, and had confidence in those who issued them. He was, therefore, of opinion, that this objection to the measure was unfounded. He knew that there would be difficulties in carrying it into execution, and in settling the details; but he did not think them insurmountable. It was pretty well known what was the proportion of small notes issued by the Bank of England, and the time they continued in circulation without being renewed. The average might be reckoned about 8,000,000*l.* and the time the notes lasted about two or three years. Upon the whole, the more the measure was examined and discussed, the more it would appear to be wise and eligible. The noble earl (Lauderdale) had objected to the want of uniformity in our system of currency. He (Lord Liverpool) admitted the fact, but did not see the force of the objection. Our currency was not uniform, nor did he think it should be so. It was different in different places. An instance of this want of uniformity might be mentioned in the case of one of the most populous, wealthy, and commercial counties of England. In Lancashire, since 1797, there had not been a single bank that issued paper. The people carried on their business with Bank of England paper, and the consequence was, that they had not suffered in the late distress from the circulation.—He came now to another part of the noble lord's observations. On a future occasion he should have to propose the continuance of the restriction act for one year; but he would say again, that there was nothing in the internal state of the country, or of its foreign rela-

tions, that called for such a measure; but there were circumstances arising from the pecuniary transactions of other countries which rendered it expedient. He knew, too, and he could assure the house, that the Bank had made most ample preparation to resume cash-payments, and that they were ready to do so. The noble lord had doubted this fact, and had given as a reason of their inability, the advances they had made to the government. He denied both the fact and the cause. The Bank might have returned to cash-payments last year, when all the advances they had made to government remained unpaid. If, however, any thing had happened after this to disturb public credit, the Bank would have said, we must draw in our advances. The government was ready to pay up what it owed them, and, therefore, the advances made to government could no longer be an obstacle to the resumption of cash-payments. The noble lord had said, that, in the spring of 1797, the government owed upwards of 11,000,000*l*. to the Bank, and, by October, reduced the debt to 4,000,000*l*. The proportion was nearly the same this year. Government owed 12,900,000*l*., and was ready to pay 9,000,000*l*. The house had no more right to inquire into the mode in which the Bank employed its private funds, than they had to investigate the accounts of any individual commercial concern.—The noble lord had built one of his arguments on the course of exchange, and had given, as the great reason of their unfavourable state, the inordinate issue of notes: he had particularly insisted on the circumstance, that during the last six months 2,000,000*l*. more of Bank paper had been issued, than in the corresponding six months of the last year. He, however, considered this as a perfectly inadequate cause of the state of the exchanges; and this he was prepared to prove, independently of the question whether the additional issue had been wise or unwise. For his own part, he considered the condition of France as the great cause of the unfavourable state of the exchanges. In 1816, and during part of 1817, the exchanges were in our favour; but when those great transactions began to take place which were necessary for the adjustment of the claims of the different countries of Europe, then, and not till then, the exchanges began to be unfavourable: the question, therefore, was, whether—not with reference to any particular loan, such as that to Prussia—but with reference to the winding up of the great concerns of Europe—this was the opportunity for compelling the Bank to resume cash-payments. For his own part, if he had been one of the most strenuous opponents of the Bank-restriction, he should not have thought the present a fit opportunity for removing it: because, anxious as he was for the resumption of cash-payments, he was on that very account the more anxious that the resumption should be safe, and that no mischief might accrue from the necessity of again recurring to a paper circulation. These were the observations which he thought it his duty to make on the general question; and as to the particular motion, the house had, in fact, been inquiring into the subject ever since it had been sitting; for information had been laid before it day after day. He did not believe, that an inquiry by a committee would lead to any other result, than to bring forward the mere speculations of two or three individuals.

The Marquis of *Lansdowne* said, that the question was, whether, at the end of a long war, during which several expedients had been resorted to for temporary objects—whether after that period of transition from war to peace which had been so much talked of had passed away,—whether, under these circumstances, without inquiry, without any assignable principle, and as the mere effect of accident, the house was prepared to continue a system during peace, which had by many been thought inapplicable even to a state of war. The noble earl had told the house, that he was induced to persevere in what he admitted to be an unsafe and unsound system, because circumstances existed such as had never existed before: and the noble earl, in support of his view, had referred to arguments which had been used in another place, but which, if examined into, would not for a moment maintain his position; for as to the pecuniary transactions with other countries, he supposed that, whether those contracts were made with individuals or governments, still they must be conducted on one and the same principle: and whatever theory might be broached by the noble earl, yet practice alone must, after all, decide the question. Now practice had clearly shewn that no remittance to another country, however extensive, or however repeated, was capable of preventing the remitting country from enjoying its own circulation as free and uninterrupted as before. As an instance, he might refer to the Italian states, particularly to Genoa, which, though not by a great deal so rich as this country, was yet able to supply the powers of Europe with loan after loan, without any impediment to its own currency. Holland had during the last century been engaged in frequent and extensive money-contracts: and one house, that of Hope of Amsterdam, had alone lent enough to influence the circulation of the country according to the theory of the noble earl. Yet, what was the fact? The circulation had never been checked, and Holland had considered such transactions as a trade highly beneficial to the state. And in the present, indeed, in all cases, it must be considered a beneficial trade when the richer country lent to the poorer. Again, what was there new in the present relation of this country with respect to France? In the early part of the last century, similar successes to those of the present day had attended the English arms, and France and England stood on a footing relatively the same. At that time, the money transactions between this country and our neighbour

were so extensive and so general, that, in common language among the French, the terms *Anglois* and *Créancier* were synonymous; and when a man said, he was going to pay an Englishman, he meant, generally, that he was going to pay a creditor. So much for the novelty of the pecuniary situation of the two countries. As to the argument founded on the number of absentees, which, he understood, had been used in another place, it was really the last thing he should have expected to hear: the removal of a few families, whether for luxury, for convenience, or for economy, could not in the smallest degree affect this question. There was a striking proof of this in the condition of Ireland. The absenteeship from that country was, no doubt, both morally and politically injurious: but if even an Irish parliament, not the first political economists in the world, had been told that it affected their finances, they would have laughed in the face of the Chancellor of the Exchequer who told them so: for the contrary was so much the fact, that during the period when absentees were most numerous, there was a remarkable abundance of the precious metals. (*Hear, hear, hear.*) Then, as to the bad harvest, that, he supposed, must be assumed never to have happened before: it was entirely a new thing in agricultural history: it was unheard of, till the cash-payments were suspended; otherwise, he could not see what it had to do with the present question. But it was alleged, that the Bank were perfectly willing and ready to resume their payments in specie; if so, it was rather curious that they should have increased their issue of paper to such an extent: this, really, seemed an odd preparation for cash-payments. But the fact was, that the Bank would not lose by resuming payment in specie: by withdrawing the precious metals to a certain extent from other countries, a demand would be raised for them in the same proportion, and a profitable channel would be necessarily created for their circulation. Though only 10,000,000*l.* might be withdrawn out of the 100,000,000*l.* or the 50,000,000*l.* of gold, which, according to different persons, were said to be the amount of the circulation in Europe, yet the demand for the sum so withdrawn, and the consequent profit on its re-issue, would of course be in proportion. He would not say that this cash-payment could take place immediately, but some certainty ought to prevail as to the period for the resumption; and as an indispensable preliminary step, the issue of paper ought to be limited. When the noble earl said, that no inquiry was necessary, it ought to be recollected, that there was no authentic information before the house, whether the Bank in their issues were governed by the actual demand upon them, or by the advances required by government, or merely by what did not return upon their hands. All this ought, however, to be known, before the restriction was continued, which, assuredly, ought not to take place with less inquiry than was bestowed on a turnpike or a canal bill. Before he dismissed this part of the subject, he must refer to the state of the penal laws as to forgery. (*Hear, hear.*) That some laws were necessary for the security of the Bank paper, he was not prepared to deny: still less was he prepared to admit, that the present were the most effectual for that object; and he conjured their lordships to weigh well that awful increase of temptation, which the present system generated —a temptation which persons, in other respects wise and virtuous, had not been able to resist— a temptation which, at every moment, presented itself to the poor man as the ready mode of relieving the wants of himself, and, perhaps, of a starving family. That this evil was referable to the paper system appeared from this—that the prosecutions for forgery had increased in an uniform ratio since the Bank restriction act, and in the very first year the increase was one hundred. Nor was this all: the prosecutions for coining had, since the same act, increased nearly in the same ratio, being in three years more than double what they were before. He knew not to what causes to ascribe this evil, except to the habits of immorality, consequent upon the temptations offered by the paper system, and in some degree to the depreciation of the silver currency, which was also referable to the same source. The county of Lancaster, which had been quoted by the noble earl with so much triumph on account of its resistance to the system of country banks, might also be quoted in illustration of the temptations to forgery arising out of the Bank restriction act; for, on account of the extensive transactions in that county, and its distance from the metropolis, which rendered the chance of detection less probable, the number of forgeries had been immense, and the loss to individuals had been consequently as great as the immorality was alarming. As to the new scheme relative to country banks, he was ready to admit, that when he first heard of it, he was disposed to approve of it; but farther consideration had made him alter his opinion. This plan was recommended on two grounds— first, as a palliative for the continuance of the Bank restriction. Now, in this point of view, it was somewhat curious, that the remedy was not to come into use till the evil had entirely ceased; for as it was said, the restriction act was only to last for a year, and the remedial bill was not to take effect till 1820, surely the remedy was superfluous; for if the restriction act were removed, country banks would at once drop with it. And here he must enter his protest against the doctrine, that the country banks which had failed, had failed on account of the agricultural distress. In Scotland, where the agricultural distress was the greatest, there was not one failure. But it was said, secondly, that the measure of restraining country banks to the issue of notes above 5*l.* would check dangerous and ruinous speculations. For his own part, he did not think so: the large speculators in land,

whose schemes were likely to affect the country banker, could not have much to do with small notes. It would be large sums that he would borrow, and it would be in large notes that he would be accommodated. The plan, in his opinion, would have a tendency to take these banks out of the hands of landholders, who were for the most part concerned in them at present; nor could he see any other advantage likely to result from it, than an artificial rise in the funds—a rise, which was no more a proof of wealth, than a forced colour was an indication of health. If it should be decided, that the Bank restriction ought to be continued, he should think it his duty to call the attention of their lordships to the effect of the continuance of the paper circulation on the morals of the people, and on the criminal law of the country: so that, if nothing else were done, at least some measures might be adopted which should render the manufacture of bank-notes more difficult, and consequently diminish the temptation to a crime which was visited by such heavy punishment. He was perfectly convinced that something must be done: he did not mean to say, that he himself was acquainted with any scientific plan for that purpose: but he had reason to believe that a remedy was practicable; and their lordships must feel how desirable it was, to relieve the community from the dreadful operation of that criminal code from which judges and juries now shrunk with equal pain. (*Hear, hear.*)

The Earl of *Harrowby* contended, that nothing that had been urged in support of the motion could be sufficient to induce the house to believe, in opposition to the clear and explicit statement made by his noble friend, that it was the intention of government at any time to make the restriction of cash payments by the Bank a part of the permanent system of the country. It might be convenient to support the measure for another year, while the exchanges continued in their present state, though it might be and would be highly inexpedient to take any step that would prevent a return to the ancient circulation. The noble marquis had adverted to the injury done to the morals of the country, as well as to the melancholy loss of human life, by the continuance of the restriction. He was ready to allow, that no expense ought to be spared by the Bank to prevent, by ingenious expedients, the forging of their notes; but it should be recollected, that if the prosecutions for imitating Bank of England notes had been more numerous of late years, prosecutions for forging the current coin of the realm had also increased. Though this was in itself a melancholy consideration, yet, in the present state of things, it did not seem easily avoidable; for to diminish the severity of the punishment would multiply the instances of the commission of the crime. With regard to the continuance of the bank restriction, there seemed to be some slight discordance between one part of the speech of the noble marquis and another: he admitted, that it was not possible to discontinue it, and yet he shewed, from the instance of foreign states, that it ought to be discontinued. The question was not now, whether the restriction should or should not be taken off at any future time, but whether, at the present moment, it was expedient to do so. He was decidedly of opinion that it was not. There never was a time when the circulation of bank-notes was more useful, and when the danger of reducing them would be so great. At all periods, the change must be difficult and delicate; but, at present, the risk that would be incurred rendered it impossible.

Lord *Sidmouth* wished to state a few facts with reference to one part of the speech of the noble marquis; but, in the first place, he desired that it should be clearly understood that he gave his hearty concurrence to all that had been said on one side of the house, and on the other, on the necessity of giving every encouragement to ingenuity to prevent the forging of bank-notes. There was no object more desirable, both in a moral and in a political point of view. But, considerable mistakes prevailed on the subject of the numbers of persons tried and executed for forging bank-notes. By a return on the table it appeared, that in 1806, no person was executed: four were executed in 1807: two in 1808: two in 1809: five in 1810: none in 1811: seven in 1812: two in 1813: one in 1814: three in 1815: four in 1816: and five in 1817. Those who were executed for forging country notes only amounted to seven. In the 13 years previous to the bank restriction, the number of persons prosecuted for forging bank-notes was four; but for forging the current coin 808 persons were tried. During the 21 years since the passing of the bank restriction, the number of persons prosecuted for coining (including dollars and tokens) was 3,099, and for forging bank-notes 998; so that the prosecutions by the Bank did not amount to one-fourth of the number of persons prosecuted for coining.

The marquis of *Lansdown* asked, whether those prosecutions included persons convicted of having forged notes in their possession, as well as for forging?—The answer was in the affirmative.

The Earl of *Lauderdale* replied, insisting, that all that had been advanced shewed still more decisively that inquiry was necessary. Two years ago, it was solemnly promised by ministers, that the restriction should not be renewed. Then they asked for one year more, and then for another, engaging that, when those periods had expired, cash payments should be resumed. Now, however, the restriction was, for the third time, to be continued, and all the reasons that had been urged in its favour would equally prevail on the 5th of July, 1819. His lordship pressed the necessity of investigation on the subject of exchanges, and the effect of foreign loans, contending, that their operation had been much exaggerated.

The motion was negatived without a division.

Monday, April 20.

INCOMES OF THE ROYAL DUKES.] Mr. *Arbuthnot* presented the following paper, pursuant to an order of the house, of the 13th instant.

RETURN OF ALL INCOME

Received by their Royal Highnesses the Dukes of CLARENCE, KENT, CUMBERLAND, SUSSEX, and CAMBRIDGE, arising from military, naval, or civil appointments, pensions, or other emoluments; as well as all grants out of the Admiralty Droits made to them, since the year 1800.

ANNUAL INCOME.	£.	s.	d.
His Royal Highness the DUKE OF CLARENCE, out of consolidated fund - - - - -	20,500	0	0
As Admiral of the Fleet -	1,095	0	0
As Ranger of Bushy Park; which is appropriated to pay the fees and claims of subordinate officers - -	187	9	8
	21,782	9	8
His Royal Highness the DUKE OF KENT, out of consolidated fund,	18,000	0	0
As Governor of Gibraltar, with staff pay, and contingent allowances - - - -	6,517	18	4
As Colonel of the Royal Scotch regiment of foot - -	613	2	6
As Ranger of Hampton Court Little Park; which is appropriated to pay the fees and salaries of subordinate officers	74	3	4
	25,205	4	2
His Royal Highness the DUKE OF CUMBERLAND, out of consolidated fund - - - -	18,000	0	0
As Colonel of 15th regiment of Hussars - - -	1,008	10	10
	19,008	10	10
His Royal Highness the DUKE OF SUSSEX, out of consolidated fund - - - - -	18,000	0	0
His Royal Highness the DUKE OF CAMBRIDGE, out of consolidated fund - - - -	18,000	0	0
As Colonel of the Coldstream Guards - - - - -	882	15	7
	18,882	15	7

Note.—Besides the incomes derived from the abovementioned sources, their Royal Highnesses the Dukes of Kent, Cumberland, and Cambridge, draw some emolument from the allowance for clothing their respective regiments; but the amount thereof cannot be stated, as it fluctuates according to the number of men required to be clothed, the station on which the regiments may be serving, and the prices of the articles furnished.

GRANTS OUT OF THE ADMIRALTY DROITS.

		£.	s.	d.
To his Royal Highness the DUKE OF CLARENCE,	8th April, 1806	20,000	0	0
To his Royal Highness the DUKE OF KENT,	10th Oct. 1805	10,000	0	0
	8th April, 1806	10,000	0	0
		20,000	0	0
To his Royal Highness the DUKE OF CUMBERLAND,	14th Oct. 1805	15,000	0	0
	8th April, 1806	5,000	0	0
		20,000	0	0
To his Royal Highness the DUKE OF SUSSEX,	8th April, 1806	20,000	0	0
To his Royal Highness the DUKE OF CAMBRIDGE,	8th April, 1806	20,000	0	0

Note.—On the 15th of October, 1813, the sum of 20,000*l.* was advanced by way of loan to his Royal Highness the Duke of Clarence, to be repaid by quarterly instalments of 500*l.* each; of which six instalments have been repaid.

On the 14th of July, 1806, the sum of 6000*l.* was advanced, by way of loan, to his Royal Highness the Duke of Kent; of which two instalments of 500*l.* each have been repaid.

Whitehall Treasury Chambers,
20th of April, 1818. C. ARBUTHNOT.

THE BUDGET.] The house having resolved itself into a committee of Ways and Means,

The *Chancellor of the Exchequer* rose and said, he had, in his official character, to state the terms of a bargain which had been arranged between government and certain individuals, although the whole amount of the subscription had not yet been received: 7 or 800,000*l.* still remained to be supplied; but the transaction was in a state of such forwardness, that he conceived he should be wanting in his duty to the subscribers, and to the public, if he did not take this early opportunity of calling the attention of parliament to it. Before he proceeded to that point, however, it might be expected, that he should enter into a general statement of the financial operations of the year. Most of the papers connected with this subject had been presented—but some, containing certain annual accounts, had not been laid before parliament, and, therefore, he could not have the satisfaction to make so full and plain a statement, as he could have done, if the business had been introduced at a later period of the session. But a time would arrive, when, every information being in the possession of hon. members, they would have an opportunity of making such observations as the importance of the sub-

ject might seem to require. The committee were aware, that they had already voted the navy estimates, the army estimates (with the exception of the barracks, the commissariat, and the extraordinaries) and the ordnance estimates; and a considerable progress had been made in the miscellaneous estimates. On referring to the votes, it would be seen, that the sum intended for the army extraordinaries was 1,400,000*l.* The votes which had already passed for the army, added to this sum, would make a total for the army for the present year (exclusively of the troops in France) of 8,970,000*l.* In the last year, it was 9,412,373*l.* In both cases were included the expenses of the disembodied militia, which had not been voted last year until a late period of the session.—The sum voted for the navy was 6,456,800*l.* In the last year, it was 7,596,022*l.*—The expense of ordnance, including the navy ordnance, was 1,245,600*l.* Last year it was 1,270,690*l.*—The miscellaneous services, of which a considerable portion still remained unprovided for, amounted to 1,720,000*l.* exclusive of the sum of 1,000,000*l.* voted for the building of new churches and chapels,—which he took as a separate account to be provided for by a different arrangement, namely, by the issue of exchequer bills—but including the vote of 100,000*l.* for the increase of small livings, under the act of queen Anne. Last year, the miscellaneous estimates amounted to 1,795,000*l.*—The total of the supply, therefore, was 18,392,400*l.* Last year it had been 20,074,091*l.* To this sum of 18,392,400*l.* were to be added 2,000,000*l.* for the interest of exchequer bills, and a sinking fund on them of 560,000*l.* making the grand total of supply 20,952,400*l.* In the last year it was 22,304,091*l.* He thought it very probable, that in consequence of the arrangement which he should state to the committee, there would be a considerable saving on the interest of exchequer bills, because, as a large sum was to be funded, an immediate reduction must be effected, and a still more extensive one probably next year, by this operation. In addition, however, to the items already mentioned, there were some extraordinary claims arising out of the circumstances of the present year, which remained to be provided for. The first of these was the grant of 725,681*l.* 12*s.* 3*d.* that had been voted for the fortifications in the Netherlands, under the treaty of 1815. Though that sum was voted in the committee of supply, yet no new burden would be imposed on the country for the purpose of meeting it; it would be defrayed out of the French contributions in the hands of the commissioners. The next item for which it would be necessary to provide, was the sum of 400,000*l.* which had been voted for carrying into execution the treaty with Spain for the abolition of the slave trade. Another extraordinary item was 259,686*l.* to supply the deficiency of the Ways and Means of last year. That deficiency did not arise from any failure of the Ways and Means, as they were planned for the year; but from the circumstance, that a sum of 300,000*l.* had been voted for the disembodied militia, after the other supplies had been voted, and the Ways and Means completed. The disembodied militia were formerly provided for by a charge on the land tax. It was not, therefore, a visible provision by parliament, but a reduction of the revenue to that extent. Last year it was considered a more regular course of proceeding, because it would tend to render every thing clear to the house, to vote, in supply, the sum necessary for the disembodied militia, instead of acting on an anticipation of the revenue. A grant, therefore, was voted in supply, but too late for a corresponding vote in ways and means. It therefore became necessary to provide for this sum of 259,686*l.* He would now recapitulate the different items of the supply for this year:

Army	8,970,000
Navy	6,456,800
Ordnance	1,245,600
Miscellaneous	1,720,000
Interest on exchequer bills	2,000,000
Sinking fund	560,000
Spanish treaty	400,000
Deficiency of ways and means last year	259,686
Total	21,612,086

On the side of Ways and Means to meet this charge, there was, in the first place, the ordinary vote of 3,000,000*l.* for annual duties—a vote that did not require explanation. There was next 3,500,000*l.* on those excise duties which were to be continued till the year 1821. It would be found, by reference to the accounts on the table, that, in the year ending the 5th of April 1818, those duties produced only 3,184,950*l.* but he was confident that, in the course of this year, they would produce 3,500,000*l.* The next item was the usual sum of 250,000*l.* to be raised by way of lottery. (*Hear, hear, from the opposition.*)—The next sum was 250,000*l.* which would accrue from the sale of old naval stores. Last year, the old stores produced 400,000*l.* But it was obvious, that in proportion as the country receded from a state of war, the quantity of old stores must necessarily diminish. The next item arose from some arrears to be received on the property tax. The committee must be aware, that last year arrears of this tax, to the amount of 1,500,000*l.* were paid, and applied to the service of the year. There still remained 350,000*l.* to be collected—and of this sum the officers at the tax office hoped to be able to collect 250,000*l.* in the present year. There was also a sum of 21,448*l.* at the disposal of the house, arising from profits made last year on the loan of 1,000,000*l.* of exchequer bills, granted to promote public works, and for the general employment of the poor. The total amount therefore of what might be called the ready money of the

ways and means was 7,271,448*l.* He did not, in the present year, mean to take credit for any surplus on the consolidated fund; for, though he felt assured, that there would be a considerable surplus, yet it would not, perhaps, be more than sufficient to replace the deficiencies of former years; but, in the next year, he hoped there would be a very considerable sum, from the surplus of that fund, at the disposal of parliament. The items of the ways and means were, therefore, these:

Annual duties	3,000,000
Excise duties	3,500,000
Lottery	250,000
Old Stores	250,000
Arrears of property tax	250,000
Profits on exchequer bills	21,448
	7,271,448
Leaving a deficiency of	14,340,638
	21,612,086

This deficiency had to be provided for by some means or other. (*Hear, hear, hear.*) To provide for the sum of 14,000,000*l.* and for a considerable reduction of the unfunded debt, the government had to submit to the consideration of parliament the arrangement which he was now about to state. In the first place, it was necessary for him to point out the objects which ministers had in view, in the transaction which he was going to explain to the committee. The first of these was, by funding a certain portion of exchequer bills, to effect a considerable reduction of the unfunded debt, outstanding. The committee were perfectly aware, that it had always been the object of government, on the conclusion of peace, to seize the earliest opportunity of funding a great part of the floating debt, which never failed to accumulate in time of war. His reasons for adopting this system were various. The first was one of no material public consequence—but he conceived it was right that he should state it. In the year 1816 he gave a sort of notice, that, after the expiration of two years of peace, he would provide for the amount of unfunded debt accumulated in that and the two succeeding years, supposing the state of public affairs to be favourable for such an operation. He, of course, should not have considered himself bound to try this experiment, merely for the sake of consistency—merely to meet that expectation to which his statement might have given rise. (*Hear, hear.*) But, certainly, it was satisfactory to know that his hopes had been realised, and he could confidently declare to the committee, that all which he had been led to expect was more than fulfilled. The terms on which the bargain had been made he would presently state; but he would proceed, in the first place, to detail the more important considerations which induced him to conclude that bargain, which had for its object the reduction of the unfunded debt. In the first place, the unfunded debt had increased in a very considerable degree; in a manner, indeed, that had been much complained of, and though it was not hurtful to the public service, and was provided for with an extraordinary degree of economy, yet it was deemed impolitic to leave so large an arrear of debt unfunded. During the last two years it had increased upwards of 18,000,000*l.* This was the inevitable result of the decision of that house to put an end to the property tax. But, although no public inconvenience had arisen from this increase, yet, to prolong the existence of a debt of 50 or 60 millions would be highly inexpedient; because, if any alarm or danger should present itself, the existence of such a debt might produce serious mischief; and although he felt no fear of either alarm or danger, yet he thought it safe to remove the possibility of such an inconvenience. Those who had contemplated the history of our finances would admit, that the price of the funds, and the state of public credit, were important considerations for a prudent minister, in selecting his time for financial arrangements. The funds might, indeed, be higher, but the abundance of money in the market could not be greater than at this moment. In 1816, he had increased our unfunded debt rather than raise a new loan, because there was a considerable saving in doing so. The interest payable for a loan was saved at the time by increasing the unfunded debt; and, although the supplies thus provided for were paid by a loan at a future period, yet there was a considerable saving in this mode of proceeding. The 3 per cents. were not less than 80 per cent. Now, suppose that a loan should have reduced them to 75, there was a difference of 2,000,000*l.* This formed a good reason for having increased the unfunded debt, while the large increase of it formed now a good reason for its reduction. Another reason was, the reduction which had been effected in the capital of the national debt since the termination of the war. It might be proper to state to those who were not familiar with these transactions, that from November, 1815, the capital of the debt was reduced by the amazing sum of 50,000,000*l.* That was, the national debt was now 50,000,000*l.* less than in 1815.—By the quantity of unfunded debt which he now proposed to fund, he hoped the money market and the public credit would be so much improved, as to lead to very important consequences—he meant to the reduction of the 4 and 5 per cents. He could readily shew how this would be brought about. The interest upon money would improve, and, in consequence of that improvement, the plan of reducing the 4 and 5 per cents. would be carried into successful operation. He by no means despaired of accomplishing that object in the course of the next session.—He should now state the principle on which his present plan was founded. His object was, to raise a considerable sum of money for the service of the year without increasing the nominal capital of the debt, by

creating a stock out of the 3 per cent. stock, which should bear an interest of 3½ per cent. Two advantages would be gained by this process. The first was, that money would be obtained for the public service; and the other was, that this plan was better adapted for the reduction of the 4 and 5 per cents. than any that could be devised; for 3½ per cents. would rise to par much sooner than 3 per cents.; and it would be much more satisfactory to the holders of 5 per cents. to take 3½ per cents. which were not to be reduced for 10 years, than to take 4 per cents. with the apprehension of being eventually reduced to 3 per cent. He proposed that the new stock should consist of 27,000,000*l.* by which 3,000,000*l.* would be raised for the public service. He also proposed to fund exchequer bills to the amount of 27,000,000*l.* In consideration of obtaining a transfer of 3 into 3½ per cents., a premium of 11 per cent. was to be paid as the price of the difference. The actual difference, considered as an annuity saleable on the same terms, was 13 per cent., calculating the 3 per cents. at 78. There was thus a bonus of 2 per cent. given to the purchaser of the 3½ per cents. He had been encouraged to adopt this plan by its success in the Irish funds last year. The 3 per cents. were there transferred into 3½ per cents: that is, 108*l.* Irish, were transferred for 100*l.* English, one seventh of the national rate of exchange being thus sacrificed. By this means not less than half a million was raised in the course of last autumn. This success had confirmed him in his intention of proposing a similar transfer here. He had no doubt, therefore, that this plan would prove acceptable and agreeable, in order to raise what money might be necessary for providing for the supplies and for the reduction of the public debt. On the 14th of April, it had been made known at the Bank, that a subscription would be opened for raising a part of the supply of the year, and that the parties transferring their stock should have the option of funding exchequer bills to double the amount of the money to be paid as the consideration for the exchange of the stock. Upon this notice, not less than 6,000,000*l.* had been subscribed for transfer within the first three days, and he was happy to say, that nearly the whole sum was now raised. The whole sum which he intended to fund was 34,900,000*l.* which, however, would only produce an augmentation of the nominal capital of the public debt beyond the money actually raised to the amount of between four and five millions. The difference between the interest due upon the present 3 per cents. and that of the 3½ per cents. would be 136,363*l.* 12*s.* 8½*d.* The total charge upon the whole operation of converting the 3 per cents. into 3½ per cents., and of funding exchequer bills, would be 1,625,520*l.* 1*s.* 10¼*d.* The rate of interest per cent. to the subscribers, on exchequer bills funded, would be 3*l.* 16*s.* 9½*d.*; on subscription of 11*l.* in money to convert 3 per cents. into 3½ per cent. stock, it would be 4*l.* 10*s.* 10¼*d.*; on both transactions, 3*l.* 18*s.* 2¼*d.* The rate per cent. paid by the public, including all charges, would be, on exchequer bills funded 5*l.* 9*s.* 3¼*d.*; on both transactions 5*l.* 7*s.* 4½*d.* This interest it was proposed to provide for by cancelling stock according to the plan of finance developed in 1813.—He flattered himself that he was entitled to congratulate the committee upon the conditions annexed to the plan for raising money which he had now endeavoured to explain, as compared with the terms upon which any former loan had been negotiated. Mr. Pitt, at the close of the American war, had to provide for a large accumulation of unfunded debt, and in the year 1785 funded 11,000,000*l.* of naval exchequer bills when stocks were between 56 and 57, whereas they were now as high as 80. But the intermediate improvement in the financial circumstances of the country, assisted by the progressive operation of the sinking fund, had paved the way to this extraordinary success. It might be said, that as an option was left to the subscribers whether or not they would choose to fund exchequer bills, his plan was at present necessarily uncertain as to its effects. He had, however, a perfect confidence in the result, both because he thought it the most beneficial part of the engagement, and because he had never known an instance in which subscribers had declined to perform the optional part of an engagement of this nature. It would be remembered by the committee, that, according to the plan which he had submitted in the year 1813, the sinking fund was, to a certain extent, made applicable to the immediate service of the year, whenever circumstances should arise to render such a measure expedient. It was his intention, if nothing preferable should be suggested, to propose that it should be so charged this year, as to make good whatever deficiencies might appear upon the fullest comparison of the expenditure with the revenue. In the year 1813, he recollected to have held out to the house and the country the prospect of realizing a fund of 100,000,000*l.* He was happy to state that of that sum about 90,000,000*l.* had been provided, of which 84,000,000*l.* were subservient to the purposes of the act of 1813. The manner, however, in which he intended to apply this fund would not interfere with the operations of the commissioners in the reduction of capital debt. But this part of his plan he should reserve for consideration on a future day. He should now rather choose to call the attention of the committee to the improvement in the different branches of our revenue. The favourable rise in the amount of excise duties was such, that the receipt of the last quarter, compared with that of the corresponding quarter of last year, was improved more than 10 per cent. the increase having been 510,000*l.* In the last quarter, as compared with the corresponding quarter of the former year, there was an improvement of 90,000*l.* in the excise war duty.

By a fair examination it would appear, that there was a proportionate increase in the customs, the last quarter exhibiting an excess, notwithstanding the anticipation of between 500,000*l.* and 600,000*l.* sugar duties, which were paid in during the preceding quarter. Upon all these different views, he conceived that he was justified in calculating upon a surplus in the consolidated fund. He had, however, for the present, abstained from any charges upon it, in the hope that the scheme of finance which he had now submitted would meet with the approbation of the house, and afford satisfaction to the country. The right hon. gentleman concluded by moving the following Resolutions:

1. "That, towards raising the supply granted to his Majesty, every person who shall, on or before the 24th day of April 1818, have subscribed his name in the books of the governor and company of the Bank of England, for the purpose of converting not less than 2000*l.* capital stock in the 3*l.* per centum consolidated, or 3*l.* per centum reduced annuities, into annuities at the rate of 3*l.* 10*s.* per centum per annum, shall upon the transfer of such 3*l.* per centum annuities to the account of the commissioners for the reduction of the national debt, and upon payment to the chief cashier or cashiers of the governor and company of the Bank of England, at the times hereafter mentioned, of the sum of 11*l.* in money for every 100*l.* of the said annuities, be entitled to 100*l.* in annuities after the rate of 3*l.* 10*s.* per centum per annum, which annuities shall be charged upon the consolidated fund of the United Kingdom of Great Britain and Ireland, and shall be payable half-yearly at the Bank of England, on the 5th day of April, and the 10th day of October, and shall be transferrable in the books of the governor and company of the Bank of England; and the whole of the money to arise from the payment of 11*l.* on each 100*l.* 3*l.* per centum consolidated or reduced annuities subscribed, to be transferred as aforesaid, shall not exceed the sum of 3,000,000*l.*

"That every person subscribing 3*l.* per centum consolidated or reduced annuities, into annuities bearing interest at the rate of 3*l.* 10*s.* per centum, shall transfer the amount of 3*l.* per centum annuities subscribed to the account of the commissioners for the reduction of the national debt, at the following times, viz.; every person subscribing 2000*l.* and less than 50,000*l.* of such annuities shall transfer 15*l.* per centum thereof to the said commissioners on any day between the 28th day of April and the 4th day of May 1818, on which the books of the governor and company of the Bank of England shall be open for making transfers, and the remaining 85*l.* per centum on or before the 2d day of June 1818; and every person subscribing 50,000*l.* and upwards of such annuities, shall transfer 15*l.* per centum thereof on the 28th or 29th day of this instant April, and the remaining 85*l.* per centum on or before the 27th day of November next.

"That the said sum of 11*l.* in money for every 100*l.* of 3*l.* per centum consolidated or reduced annuities so subscribed to be transferred to the account of the commissioners for the reduction of the national debt, shall be paid to the chief cashier or cashiers of the governor and company of the Bank of England, on or before the days and times hereafter mentioned, viz.; 1*l.* at the time of subscribing, by way of a deposit, and as a security for making the further payments.

1*l.* on or before the 19th day of June 1818.
1*l.* on or before the 24th day of July.
1*l.* on or before the 7th day of August.
1*l.* on or before the 4th day of September.
1*l.* on or before the 16th day of October.
1*l.* on or before the 13th day of November.
1*l.* on or before the 4th day of December.
1*l.* on or before the 15th day of January 1819.
1*l.* on or before the 5th day of February; and
1*l.* on or before the 5th day of March.

"That every subscriber who shall, on or before the 4th day of February 1819, pay the whole of his subscription, shall be allowed an interest by way of discount, after the rate of 2*l.* per centum per annum on the sum so advanced for completing his subscription, to be computed from the day of completing the same to the 5th day of March 1819."

"That every person who shall, on or before the 2d day of June 1818, have transferred to the account of the commissioners for the reduction of the national debt the whole of the 3*l.* per centum consolidated or reduced annuities subscribed by him, shall be entitled to the principal sum of 88*l.* in annuities at the rate of 3*l.* 10*s.* per centum for every 100*l.* 3*l.* per centum annuities so transferred, such annuity at the rate of 3*l.* 10*s.* per centum to commence from the 5th day of April 1818; and every person who shall, after the 2d day of June and before the 27th day of November, have transferred to the account of the said commissioners the whole of the 3*l.* per centum consolidated or reduced annuities subscribed by him, shall be entitled to the principal sum of 88*l.* in annuities at the rate of 3*l.* 10*s.* per centum for every 100*l.* of 3*l.* per centum annuities so transferred, such annuities at the rate of 3*l.* 10*s.* per centum to commence from the 10th day of October 1818; and every person who shall, on or before the 5th day of March 1819, have paid to the chief cashier or cashiers of the governor and company of the Bank of England the sum of 11*l.* in money for every 100*l.* of 3*l.* per centum annuities subscribed by him, shall be entitled to the further principal sum of 12*l.* in annuities at the rate of 3*l.* 10*s.* per centum for every sum of 11*l.* so paid, such annuities to commence from the 5th day of April 1818; and such annuities at the rate of 3*l.* 10*s.* per centum per annum shall not be reduced, nor shall the principal sum

of such annuities be paid off, at any time before the 5th day of April 1829.

"That the commissioners for the reduction of the national debt be authorized and required to purchase the said annuities after the rate of 3*l.* 10*s.* per centum in the proportion of at least 1*l.* per centum per annum on the capital to be created, whenever the principal sum of 100*l.* of such annuities can be purchased for less than 100*l.* in money.

"That the annuities at the rate of 3*l.* 10*s.* per centum shall, under the provisions of an act made in the 57th year of his present Majesty, intituled, 'an act to permit the transfer of capital from certain public stocks or funds in Great Britain to certain public stocks or funds in Ireland,' be transferrable into annuities at the rate of 3*l.* 10*s.* per centum payable and transferrable at the Bank of Ireland, and every person transferring such annuities payable at the Bank of England shall be entitled for every 100*l.* so transferred to the principal sum of 108*l.* 6*s.* 8*d.* in annuities at the rate of 3*l.* 10*s.* per centum payable at the Bank of Ireland.

"That every person who shall have completed the transfer to the account of the commissioners for the reduction of the national debt of the whole of the 3*l.* per centum consolidated annuities subscribed by him, shall be entitled to a dividend or interest at the rate of 15*s.* for every principal sum of 100*l.* in such 3*l.* per centum consolidated annuities which may have been so transferred, such dividend or interest to be paid at the Bank of England on the 5th day of July next ensuing, provided the whole of the 3*l.* per centum consolidated annuities subscribed by such person shall be transferred to the said commissioners on or before the 2d day of June, or on the 5th day of January next ensuing, provided the whole of the 3*l.* per centum consolidated annuities subscribed by such person shall be transferred to the said commissioners after the 2d day of June and before the 27th day of November next; and after payment of the said dividend or interest, the whole of the said consolidated and reduced annuities which may be transferred to the said commissioners shall be cancelled, and the dividends on such annuities shall be no longer payable."

2. "That, towards raising the supply granted to his Majesty, every person who shall, on or before the 24th day of this instant April, have subscribed his name in the books of the governor and company of the Bank of England for transferring to the account of the commissioners for the reduction of the national debt 3*l.* per centum annuities for other annuities at the rate of 3*l.* 10*s.* per centum, shall be at liberty to subscribe his name in the books of the said governor and company on the 28th or 29th days of April, or the 2d day of May next, for converting into 3*l.* per centum consolidated and reduced annuities, upon the terms and conditions hereafter mentioned, any exchequer bills already issued, or which may be issued before the 1st day of August, 1818, and which may not have been advertised to be paid off before the respective days of payment hereafter specified, to an amount not exceeding 100*l.* in exchequer bills for every 100*l.* of stock subscribed to be transferred to the account of the commissioners for the reduction of the national debt; and that every such person shall, at the time of so subscribing his name, make a deposit with the chief cashier or cashiers of the governor and company of the Bank of England, equal to 5*l.* per centum at least, on the amount of exchequer bills so subscribed, as a security for delivering into the office of the paymasters of exchequer bills, the amount of exchequer bills so subscribed in manner following; viz.

20*l.* per centum on or before the 1st day of August.

20*l.* per centum on or before the 3d day of September.

20*l.* per centum on or before the 1st day of October.

20*l.* per centum on or before the 31st day of October.

The remainder on or before the 26th day of November.

And that whenever the deposit shall have been made at the bank in money as aforesaid, the paymasters of exchequer bills shall, so soon as the subscriber shall have brought in exchequer bills to the whole amount of his subscription, return to such subscriber the amount of such deposit; or such deposit may be taken into account as a part payment of the subscription of such subscribers.

"That every person who shall have made a deposit at the Bank of England to the amount of 5*l.* per centum on the exchequer bills subscribed by him, shall receive from the paymasters of exchequer bills a certificate or certificates upon which a receipt for the deposit made at the Bank of England shall be written; and such certificate, or such certificates, shall be carried to the office of the paymasters of exchequer bills at the time of making every future payment, the receipt for which shall be written thereon; and when the whole amount of exchequer bills expressed in such certificate or certificates shall have been acknowledged to have been received by the paymasters of exchequer bills, such certificate or certificates being carried into the Bank of England, and lodged with the governor and company of the said bank, shall entitle the person or persons holding the same, for every 100*l.* principal money contained therein, to 64*l.* capital stock in the 3*l.* per centum consolidated annuities, the interest whereon shall commence from the 5th day of January 1818, but the first payment shall not be made until the 5th day of January 1819; and to 64*l.* capital stock in the 3*l.* per centum reduced annuities, the interest whereon shall commence from the 5th day of April 1818, and the first payment to be made on the 10th day of October next, if the subscrip-

tion shall have been completed on or before the 3d day of September next: but if the subscription shall not be completed until after that time, the first payment shall not be made until the 5th day of April 1819.

"That the interest on all exchequer bills which shall be deposited at the Bank of England, or which may be carried into the office of the paymasters of exchequer bills as aforesaid, shall be computed up to the 1st day of August next inclusive, from which time the same shall cease, and the interest which may be due on such bills from the day of their date up to the said 1st day of August shall be paid by the said paymasters as soon as conveniently may be after the said bills shall have been deposited or delivered in.

"That every such subscriber as aforesaid who shall be desirous of making up any part of the subscription in money instead of exchequer bills, shall be at liberty to do so, upon paying the same into the Bank of England to the account of the paymasters of exchequer bills, together with a sum equal to 1*l*. per centum upon such money payment; and also if such payment should be made after the 1st day of August next, a further sum, equal to two-pence per centum per diem on the amount of such payment in money, to be computed from the said 1st day of August; and the paymasters of exchequer bills shall, upon the payment to their account being duly certified to them, grant a receipt on the before-mentioned certificate for such payment, in the same manner as if exchequer bills had been brought into their office.

"That all the monies to be received by the cashier or cashiers of the governor and company of the Bank of England, or which may be paid into the bank to the account of the paymasters of exchequer bills, shall be paid into the receipt of the exchequer, to be applied from time to time to such services as shall have been voted by this house in this session of parliament."

3. "That, towards raising the supply granted to his Majesty, there be issued and applied the sum of 3,500,000*l*. out of the duties granted by an act made in the 56th year of his present Majesty, intituled 'An act to continue until the 5th day of July 1821, certain additional duties of excise in Great Britain.'"

4. "That, towards raising the supply granted to his Majesty, there be issued and applied such sum or sums of money not exceeding 250,000*l*., arising from arrears of the duties on property, professions, trades, and offices, granted by an act made in the 46th year of his present Majesty, as shall be paid into the exchequer at Westminster between the 5th day of April 1818 and the 5th day of April 1819."

Mr. *Brougham* observed, that after the great multiplicity of detail, and even variety of principle, displayed in the right hon. gentleman's exposition of his views with regard to the financial situation of the country, it was quite impossible on this occasion to follow him, or discuss effectually all the branches of his argument. It appeared to him, however, upon a general view of the subject, that the plan now submitted for the service of the year was calculated mainly to conceal the true nature of those operations to which the right hon. gentleman proposed to have recourse. The statement of facts resolved itself into this—that upon a comparison of the revenue with the charges upon it, there was a clear deficit of 14,000,000*l*. which it was necessary to make up some how or other. By the present plan it was proposed to borrow this sum, but not in the ordinary mode. A new form of proceeding had been invented, the loan was to be cast into a different shape, and the interest payable upon it, amounting to nearly 1,200,000*l*. per annum, was, it seemed, to be charged on the sinking fund. This being the true result of all the right hon. gentleman's calculations, and the upshot of the case being, that in the third or fourth year of peace, we were still to borrow to this enormous extent, he could not, for one, join in those flattering congratulations which the house had received on the growing prosperity of the country. So far, indeed, was the country from any prospect of making the two ends of expense and revenue meet, that new means must be provided for discharging the interest of loans, and as the old war taxes were run quite dry, it had become necessary to apply to the sinking fund. He really deemed it wise and prudent in such circumstances to abstain from any expression of triumph at the flourishing state of the national finances. The right hon. gentleman had seemed to treat his present plan as a sort of half-way-house for the conversion, in their progress downwards, of the 5 and the 4 per cents. Now, if he expected that the holders of the 5 per cents. would be willing to transfer their claims to the acceptance of stock bearing a lower rate of interest, he must think that the persons disposed to this commutation would prefer the 4 to the 3½ per cent. stock. It was pretended, that the stockholder would have a greater confidence in the 3½ per cent. fund, from its being less liable to be reduced; but he could only say for himself, that he should certainly prefer, with all its chances, an interest of 4 to an interest of 3½ per cent. He could not conclude these few desultory remarks without protesting once more against that part of the ways and means which provided for a portion of the supplies by another lottery. He was not more struck with the paltry and contemptible sum which was raised in this manner, than by the inconsistency, the gross and palpable inconsistency, which it presented with one of the articles of supply. The right hon. gentleman in his defence of lotteries on other occasions, had been driven, as it were, to his last subterfuge, and, being unable to deny the evil, had maintained, that the financial wants of the country did not permit this sacrifice to its morals. The answer given to the appeals of his hon. friend (Mr. Lyttleton) on this subject was, that the money could not be spared; and

yet, by this very scheme, 400,000*l.* were to be given away to Spain for the relinquishment of the slave trade, as a fit sacrifice to justice and morality. (*Hear, hear.*) He had not found fault with the treaty by which we entered into that engagement; on the contrary, he had stood by the right hon. gentleman in his defence; but he deemed it, at the same time, fitting to express his sense of the inconsistency, and was happy to take this early opportunity of declaring what the general impression was, which the statement of the right hon. gentleman had produced on his mind.

Mr. *Grenfell* stated that he should, on some future occasion, enter at large into the details of the right hon. gentleman's measure. The house was, at length, after a state of long and anxious expectation, in possession of the minister's plan of finance; and he must declare that he looked with dismay at its probable results. He had already, more than once, communicated privately to the right hon. gentleman his opinion, that he was making a most extravagant bargain for the public. By this scheme, the three millions of money to be raised would cost the country an interest of 4½ per cent.; for the right hon. gentleman proposed to give an annuity of 3*l.* for every 66*l.* which he borrowed. The rate at which exchequer-bills were to be funded, indicated the same extravagance. If exchequer-bills could be funded at 79, why might not a direct loan be negotiated on the same terms? The only advantage was, the contingent and doubtful prospect of saving 600,000*l.*, by inducing, at the end of 10 years, the holders of the 3½ per cents. to exchange their stock for 3 per cent. But if the 5 and 4 per cents. should be converted in the mean time, the 3½ would evidently afford no advantage whatever to the public. In conclusion, he would say one word respecting the option which the right hon. gentleman had given to the subscribers to fund exchequer-bills now, or to wait until after the 2d of May. Now, he was decidedly of opinion, that if the stocks rose by that period beyond 79, the subscribers would be disposed to fund; but if they fell to 75, they would make their bow to the right hon. gentleman, and say, they would have nothing to do with him, or his exchequer-bills.

Mr. *Maberly* believed that the right hon. gentleman had a right to congratulate himself on the bargain which he had negotiated. He thought that the right hon. gentleman had made a most advantageous bargain for the public, and a disadvantageous one for the subscribers. That part of the bargain which gave an option to the subscribers of exchequer-bills, he considered bad, as it might leave the subscriber to fund or not. He would take the liberty of asking the right hon. gentleman what was the amount of the deficiency of the consolidated fund for this year? He wished to know this; because, if he understood the fact correctly, the interest of the national debt was charged on the consolidated fund, and if there was any deficiency, he should be glad to learn where it was to be met.

The *Chancellor of the Exchequer* said, that there was a deficiency to be provided for of 14,000,000*l.*; but it must be remembered that a very considerable part of that sum arose from extraordinary charges, and which had been growing from the increase of the unfunded debt. Next year, we might confidently expect that the amount of exchequer-bills would not exceed 40,000,000*l.* and then the charge would be reduced 900,000*l.* In the ways and means of next year, he expected an increase that would occasion a considerable surplus in the consolidated fund. As to the deficiency of that fund in the last year, he begged to inform the hon. member that it was something less than 2,000,000*l.* The hon. and learned gentleman who first addressed the house, had expressed an opinion, that the subscribers had no reason to confide in the hope that no farther reduction would be made in the stock. Now, the subscribers would be guaranteed for ten years, and it was not likely that the fund would be reduced after that time. He should himself entertain no fear on that head*. As to the option respecting the exchequer-bills, he begged to observe, that he never remembered an instance in which subscribers had declined fulfilling an optional engagement; and the reason why they had not so declined was obvious enough, namely, because those engagements were generally very beneficial to them, and he was inclined to think that they would consider it very advantageous in the present instance.

Mr. *Frankland Lewis* observed, that, in the present year, individuals could borrow money on much better terms than before; and he had not the least doubt that government might have done the same. He did not consider that the right hon. gentleman had adopted the best mode on this occasion. He should have resorted to the old mode of an open loan, instead of the present plan of a close loan. A sum of three millions, however, had been borrowed, at 4*l.* 10*s.* per cent.; but he entertained no doubt that it might have been borrowed upon terms considerably more advantageous to the public. In private life money could be borrowed at 4 per cent. The right hon. gentleman had boasted, that no addition was made by this plan to the capital of the debt. But a great addition was made to the interest of the debt; and, surely, that was no subject for congratulation. With respect to the reduction of the 4 and 5 per cents., no attempt could be made to reduce them, till

* The last time in which 3½ per cent. stock existed in this country was in the administration of Mr. PELHAM, who was able to say to the holders—"Unless you consent to take one half per cent. less interest, you shall be paid off at 100." Holders, excepting to the amount of 900,000*l.* were paid off; the others agreed to take one half per cent. less interest, and that is the reason why the present 3 per cent. *reduced* are called by that name.

the 3 per cents. were considerably above 90. It was illusory, therefore, to suppose, that the reduction of the 5 per cents. would be hastened by the creation of this 3½ per cent. stock. He objected to the peculiar appropriation of the sinking fund to this new stock. If this was to be a *bonus* to this particular stock, *pro tanto*, it was an injury to all other stock. (*Hear.*) We had nominally a sinking fund at 4 per cent., but, in reality, we had no such fund. (*Hear.*) We were paying off a debt at 3*l.* 10*s.*, when for the debt which we borrowed, we paid at the rate of 4*l.* 10*s.* (*Hear, hear.*) We borrowed on exchequer-bills at a different rate from that in which we paid off in the funds. If, then, we had come to that state in which it was a loss to go on, we ought to consider what was best to be done. The sinking fund, he repeated, was a nominal piece of machinery, which, if such plans as these were persisted in, could be productive of nothing but uncertainty and confusion.

Mr. *Hart Davis* said, that the plan of the right hon. gentleman was advantageous to the public, and the reason why it had not been more freely accepted at first was, that the value of the 3½ per cents. had not yet found their level in the market; but in the next year, when their actual worth should be known, a loan offered in them would be most readily agreed to, because the public would then perceive the advantage they had in it.

Sir *J. Newport* considered the bargain improvident and detrimental to the financial interests of the country. It was the commencement of a system of appropriating the sinking fund, but not in that manner which was likely to be most serviceable to the public. As the 3½ per cent. stock now to be created, was not to be redeemed for ten years, nor the interest reduced, he wished to know, whether all the 3½ per cent. stock to be thereafter created, was to be secured in the same way.

Mr. *Huskisson* said, he understood his right hon. friend to say, at the opening of his speech, that the commissioners for the reduction of the national debt should purchase a certain portion of this stock whenever it should be under par; but when it was below the level of the market, they might think it expedient to purchase more. His own opinion was, that if they should think it cheaper to purchase in this stock than in any other, it would be a great dereliction of their duty if they did not purchase it. His hon. friend opposite (Mr. F. Lewis) had said, that this was a close loan. Now, he could not see what had led his hon. friend to form that conclusion. In the last year there was only one party, for although half-a-dozen gentlemen called on the chancellor of the exchequer, yet they joined together in the contract, and consequently made but one party. That was certainly a close loan; but here the right hon. gentleman sent notice of his plan to the Stock Exchange, and gave every person an opportunity of becoming a subscriber. It was obvious then, that this was not a close loan. His hon. friend had said, that the Chancellor of the Exchequer had borrowed at 4*l.* 10*s.* while private individuals might borrow any quantity at 4*l.*: consequently, that this was a most disadvantageous bargain. At the rate of 4*l.* 10*s.* his right hon. friend had raised a sum for the supplies of the year; and he was astonished to hear his hon. friend say that this mode of borrowing would create a greater additional charge on the consolidated fund than by raising it in any other way. He should be glad if what individuals had done on the present occasion, could be done for the liquidation of the national debt. He wished to see a great reduction of the national debt on the same terms as had been now negotiated. The fact really was that there was a saving in the 3,000,000*l.* of 21,000*l.* a-year to the consolidated fund. He protested against the doctrine so often asserted, that there was no available sinking fund. If three or four millions should be called off, they were undoubtedly to be made good, and so was the extra charge of a million and a half. The sinking fund and the covering of the extra charges balanced one another; but if things appeared likely to find their level, and the extra expense was not charged, on the supply of the year, there would be found a real sinking fund of the difference between the 14 millions before alluded to, and the covering of the ways and means. It was by no means wise to be forcing up the sinking fund; they ought to have such a diminution of public debt as would bear the country through any future struggle; but he could by no means see the policy of forcing the sinking fund. The budget should be looked at according to the public wants and the services of the year; indeed, if the returns were such as were disadvantageous to the people, there was no necessity, he meant no over-ruling necessity, to cause them to be accepted. And, therefore, if stock were held from being funded, the right hon. gentleman had other means and other plans for the services of the year. He was of opinion, that it was desirable to postpone any permanent arrangement for one year, because by that means they would be able to perceive what was likely to be the final expense, after every charge incurred by the war had been liquidated.

Mr. *J. P. Grant* considered that the right hon. gentleman had made an improvident bargain, and strongly condemned the application of the sinking fund to pay the interest of the public debt. The country had no real sinking fund as things were at present managed, but a most expensive and complicated machinery. We were in a situation where the income did not reach the expenditure, and where the sinking fund was of necessity to be applied, as far as it would go, to supply the deficiency. He wished that the right hon. gentleman would state what was his permanent plan of finance, or whether he meant to go on from year to

year, neither admitting nor denying that the income was equal to the expenditure, and contracting loans for the payment of our accumulated expenses.

Mr. *C. Grant*, jun. insisted, that there was nothing novel or unprecedented in the arrangement of his right hon. friend. It was the same that had been acted upon on a larger scale by Mr. Pitt, the great author of the sinking fund; for when he created the 5 per cents, he determined, that they could not be redeemed until 25 millions of the 4 per cents were paid off. By the proposed plan 30,000,000*l.* were raised, by creating a capital of 34,000,000*l.* There was, in fact, a saving of 90,000*l.* per annum in the mode of raising the money, besides an increase of capital, and its favourable consequences on the funds.—The hon. and learned gentleman recapitulated some of the details of the plan, as stated by the Chancellor of the Exchequer, and expressed his warm approbation of its merits.

Mr. *Lyttelton* said, he could not permit this question to pass without recalling to the right hon. gentleman opposite, a matter which he was inclined to treat in a less important way than it deserved. He alluded to the lotteries for the year. The question of lotteries had been so fully argued on that side of the house, that he should not enter upon it then, but he could not but second what had been said by his hon. and learned friend under him, in pointing out the inconsistency of the right hon. gentleman through the whole of that measure. The right hon. gentleman had described himself very good humouredly as "a hardened sinner." But he could not help calling his sin soft sin, and designating him as a man who was any thing but a rigorous saint or moralist, and who bent his morality to the conveniences of his policy. (*Hear, hear.*) The part of the plan to which he alluded was totally at variance with morality and religion; and if no one more able came forward, he should feel it his duty to submit a motion on the subject.

Mr. *Grenfell* wished to ask a question of the right hon. gentleman. He would suppose the 3 per cents. to be at 80, and the 3½ per cents. at 91. Would the commissioners for the reduction of the national debt purchase in the latter fund?

The *Chancellor of the Exchequer* replied, that he ought not to be called upon to state what advice he might give the commissioners; but he had no objection to state, that it would be advantageous for this and the next year to purchase in the 3½ per cents. but not to appropriate the whole of their funds in that channel.

Mr. *Grenfell* begged to ask the right hon. gentleman a question relative to the terms on which a part of the public business was done at the bank. On every loan for the public service, a fee of 20*d.* in each 100*l.* was paid to the bank for merely receiving the deposits. This exorbitant charge amounted during the last war to several hundred thousand pounds, and on the loan of 1815 to no less a sum than 40,000*l.* All the committees that had sat on this subject had put their fingers on this enormous and unnecessary charge, and yet it was continued. Would this charge be made on the present loan, and at what rate, whether to the 3,000,000*l.* or to the 30,000,000*l.*?

The *Chancellor of the Exchequer* replied, that the Bank would continue to receive the fee on deposits.

Mr. *Grenfell* said, that the demand was so obviously objectionable, whether it applied to the 3,000,000*l.* or to the 30,000,000*l.* that, if persisted in, he should take the sense of the house in every stage of the measure.—(*Hear, hear.*)

The resolutions were then agreed to, the house resumed, and the report was ordered to be brought up to-morrow.

PARISH VESTRIES BILL.] On the motion of Mr. *Sturges Bourne*, the house went into a committee on this bill, when, on the motion of Mr. Alderman *Wood*, a clause was agreed to, to exempt the city of London from its operation.

POOR LAWS AMENDMENT BILL.] The house then went into a committee on this bill. On the clause by which the children of paupers might be taken and provided for, and settled by the parishes, under the authority of the magistrates,

Mr. *F. Douglas* moved an amendment, providing, that the children of the poor should not be taken, except by the consent of the parents, unless the parents had misconducted themselves. He supported it on the ground of the affection of parents to their children; and the usefulness of the children to them.

Mr. *Sturges Bourne*, speaking of the ill effects of paying labour out of the poor-rates, observed, that he had before mentioned a parish, the name of which had been mistaken, as a particular instance. There the labour had been reduced to sixpence per day. He wished to state, that the parish was that of Hollesley, in the county of Suffolk. The great danger to be apprehended from such circumstances was, step by step, the complete demoralization of the people. It would have been natural to apply for some remedy under the old law now repealed, which could have afforded some relief, though it could not prevent such injurious practices, which it was his wish now to do. Yet it was by no means desirable to restore the old law. It might also be found very proper to enact, that the labourer who was in employment should not be a burden on the parish, so that he might be led to maintain himself. He was glad to find that the parish whose name was mentioned by mistake, had shewn zeal in vindicating itself, a spirit which he hoped prevailed in many other parishes.

Sir *C. Monck* thought the present practice pernicious. He did not believe that there could be any objection or injury in placing with small tradesmen the children of their poor neighbours as apprentices.

Mr. *Gooch* observed, that whatever might be

the case with the single parish of Hollesley, it was by no means common in Suffolk, the county he had the honour to represent, which was quite equal to other counties in proper regulations.

Mr. *Brand* remarked on the great evils of the present system arising from paying labour out of poor rates. He rather differed in opinion from a distinguished authority, who had stated, that labour must always find its level by competition. The fact was, that the labourer was not paid according to the actual value of his labour, but according to his wants, in a proportion with the amount of the poor-rates. He conceived, that the clause would have a beneficial tendency respecting the manners, habits, feelings, and morality of the lower classes of society, which were much endangered by the present system. It would tend to give the labourer a better opinion of himself, and more regard to his character. He entertained a high opinion of the peasantry of England, and was sure they would be pleased with the means of improvement in their relative situations in life. He was convinced, that in the lower classes of society there existed as great, perhaps greater concern and affection for their children, as in the superior, and this was particularly evident in the feelings and conduct of the mothers. He could not suppose that when the parents were obliged to receive allowances from the parish to maintain their offspring, they would hesitate at having their children placed out in decent situations to learn trades to live by, and the sort of education suited to their natural condition in society. The measure might greatly diminish the evils of pauperism, by inducing the parents to support themselves without parochial aid.

Mr. *Calcraft* said, he had not completely made up his mind on the subject, and should defer giving his opinion decisively till after the report was received. But, at present, it appeared to him, that the clause, as it stood, did not promise to reduce the evils so much complained of. The idea of provision, and some asylum for their children, might induce those same habits of thoughtlessness which now existed, besides making, perhaps, a considerable additional charge. Notwithstanding the eloquence of his hon. friend (Mr. Brand) he was not yet convinced.

Mr. *Sturges Bourne* said he must repeat, that the object of the clause was to remedy the evil of the existing law, the operation of which was against the best interests of the poor themselves.

Colonel *Wood* was highly in favour of the clause that went to prevent the paying of labour out of poor-rates, and praised the character of the labourers in general.

Mr. *C. Grant* objected to the clause, because, while it prevented parents from spending the money granted to them for the support of their children, it encouraged, in the latter, a fondness for parochial assistance.

Mr. *Huskisson* contended that the amendment, if carried, would, in fact, put an end to the clause, since it could never be ascertained, at least not without endless discussions, whether the parent had mismanaged the allowance from the poor-rates so far as to render it proper to take his children from his management.

Mr. *Lyttelton* said, that the clause appeared to him to militate against a very sound and useful principle, clearly established by Mr. Malthus, that imprudent marriages should be by all means discouraged. This clause tended directly to promote imprudent marriages. If, however, it could be shewn that, by this departure from a salutary principle, we were to retrace our steps, and to make a commencement in getting rid of the enormous evil which at present existed, he should not oppose it.

The clause was then agreed to, the house resumed, and the chairman reported progress, and asked leave to sit again.

COPYRIGHT ACTS.] On the motion of Mr. *Wynn* a select committee was appointed to examine the said acts, and to report whether any and what alterations are requisite to be made therein; together with their observations thereupon to the house.

Mr. Wynn	Sir W. Scott
Mr. Bankes	Mr. Peel
Sir E. Brydges	Lord V. Palmerston
Mr. D. Gilbert	Mr. Smyth
Mr. W. Smith	Mr. H. Gurney
Lord V. Althorp	Mr. Marsh
Sir J. Macintosh	Mr. T. Courtney
Mr. Butterworth	Lord V. Morpeth
Mr. Long	Mr. Dawson
Mr. Plunkett	Mr. Lambton.
Mr. W. Dundas	

Five to be the quorum; power to send for persons, papers, and records; petitions regarding the Copyright Bill, and all returns from Public Libraries, and from Stationers' Hall, presented during the present session, referred to the said committee.

ENC[illegible]RTNERSHIPS.] T[illegible] resolution on this subject was reported, and, with an amendment, agreed to; and a bill was ordered to be brought in by Mr. Alderman Wood and Mr. Alderman Atkins, "to promote the employment of the poor in the fisheries, trade, and manufactures of Ireland, by regulating and encouraging partnerships in that part of the United Kingdom."—It was brought in and read a first time.

HOUSE OF LORDS.

Tuesday, April 21.

INCOMES OF THE ROYAL DUKES.] The Earl of *Liverpool* presented an account of the incomes of the royal dukes.

The account was laid on the table, and after some time had elapsed, during which the bills on the table were read, and some other private business transacted,

The Marquis of *Downshire* moved that the account be printed.

The *Lord Chancellor* thought there was no necessity for ordering the account to be printed. It was laid on the table, and any of their lordships who might wish to examine it would have ample opportunities for doing so.

The Marquis of *Downshire* believed it would be much more satisfactory to many of their lordships if the account were printed.

The Earl of *Shaftesbury* suggested, that the noble marquis had better postpone his motion until to-morrow, as the noble earl who laid the account on the table had then left the house.

The Marquis of *Downshire* then gave notice that he would move the printing of the account to-morrow.

HOUSE OF COMMONS.

Tuesday, April 21.

USURY LAWS.] Mr. Sergeant *Onslow*, in rising to move for a select committee, to consider of the effects of the laws which regulate or restrain the interest of money, observed, that the system of the usury laws which had so long prevailed in this country, and had been so often objected to, were, in their operation, injurious to the interests of trade, commerce, and manufactures. Many gentlemen, who agreed in opinion on a former occasion, doubted whether the public could be easily brought to a change of mind, as a prejudice existed from the length of time the present practice had obtained. It was also conceived, that it was necessary that some alteration should take place in the state of the finances of the country, before any measure of this description could be adopted beneficially. At the suggestion of the noble secretary for foreign affairs, he had agreed to let his motion stand over, in order to give time for a fuller consideration of its principle and consequences. Those, however, who had any doubt upon the subject, could have that doubt removed by reading a pamphlet lately published by Mr. Cooke, who had made an important addition to the weight of authority against the usury laws. The accurate, argumentative, and ingenious production of Mr. Cooke was, indeed, conclusive upon the subject*. But the fact was, there was no high authority in favour of those laws. Dr. Adam Smith, who was the only individual of any great reputation who had, in modern times, approved of them, had changed his opinion and recommended their repeal. Both the landed and commercial interests felt very sensibly the inconvenience of those laws, especially in times of distress. The former were compelled to mortgage their property, and, frequently, to raise money upon annuities at an enormous rate. It was a mistake to suppose that the court of Chancery withheld the power of foreclosure in times of distress, when applied for in a proper mode; for which he could appeal to the hon. and learned member for Arundel (Sir Samuel Romilly), if he were present. In the cases of negotiations for loans in time of war, the chancellor of the exchequer, both from his present office, and the office he formerly held, must be supposed to have very considerable means of judging of the effects of these laws. But he could particularly appeal to mercantile gentlemen, as to their knowledge of the ill effects of these laws, in times of commercial distress. The chamber of commerce at Birmingham had resolved in favour of the principles of his bill. The chamber of commerce at Glasgow, had come to a similar opinion. (See Vol. I. pp. 1659, 1337.) He believed, indeed, that the greater proportion of the whole trading interest in the country were in favour of the bill. Under all his own views of the subject, collected from various circumstances, he should have felt himself justified in moving for a bill to repeal the usury laws; but he should so far bow to the opinions and doubts of others, as, instead of moving the repeal, to move for the appointment of a select committee. He did not yet know whether his proposition would be opposed or acceded to; but he should not trespass farther on the house than by moving, that a select committee be appointed to inquire into the effects of these laws, and to report their opinion thereupon to the house.

General *Michel* said, that this question had been particularly considered in Ireland as involving the interests of trade, commerce and manufactures. In the last session, he had presented a petition from the merchants, manufacturers and traders of the town of Belfast, who prayed, that the house would not sanction the repeal of those salutary laws under which the people of these countries had arisen to an eminence unequalled, and their property had found such protection; they submitted, that, in their estimation of the laws which had from time to time been deemed necessary by the wisdom of the legislature for the protection of our manufactures, commerce, and agriculture, none were more deserving of gratitude than those now in force against usurious transactions, the repeal of which would, they conceived, increase the present distresses of the empire, benefit the monied interest alone, and tend to the injury of every other class of society. (See Vol. I. p. 1363.) For his own part, he saw no necessity for repealing these laws, as money might now be easily procured at 4*l.* per cent. But he had never heard of any difficulty in raising money at moderate interest in the worst periods of distress. He himself had obtained it at 5 per cent. during the war. For these reasons, he should oppose the motion, and would move the other orders of the day.

Mr. *J. P. Grant* observed, that he had never heard any person say that these laws ought not to be repealed, although it had been said, that

* This pamphlet is entitled "Thoughts on the Expediency of repealing the Usury Laws." By Edward Cooke, Esq. Middle Temple. Printed for Sherwood, Neely, and Jones, Paternoster-row.

this or that particular time would not be proper for their repeal. If it were proposed when the rate of interest was high, that was pronounced a period peculiarly inauspicious, while now that the interest was low, the repeal was also deemed inexpedient. But he trusted that the good sense of the house would adopt the views of his hon. and learned friend.

Mr. *Calcraft* declared that he could not support the repeal of these laws, unless he were convinced of the propriety of that measure by the report of the committee.

General *Thornton* expressed himself in favour of the repeal, for he thought the establishment of a maximum was unjust and injurious in all cases, and especially so with regard to money.

General *Michel* said, that as the sense of the house appeared to be against him, he had no objection to withdraw his opposition.

Mr. Sergeant *Onslow* said, he had no reason to suppose that this measure would be unacceptable in Ireland. Quite the contrary. He had received many letters from that country relating to this question, and had found from no other quarter a greater desire for the measure. With respect to the petition from Belfast, the house would recollect, that, in the last session, he had presented a petition from certain inhabitants of that town, in which they expressed their conviction that the arguments in favour of the repeal of the usury laws rested on the basis of equity and enlightened policy, and that those which were urged on behalf of their continuance were founded on contracted views, formed under the influence and prejudices of habit, and at variance with those enlarged and liberal principles of political economy which had naturally kept pace with an improving state of society. (See Vol. I. p. 1364.) He begged the hon. general to remember, that Ireland had all the requisites for trade and manufactures excepting capital, and this defect was in a great degree occasioned by the operation of these pernicious laws. The hon. general had said, that he had never experienced any difficulty in borrowing money. The same could not be said by many persons of the most unencumbered estates.

The motion was then agreed to, and a committee appointed.

WINDOW TAX (IRELAND).] Mr. *R. Shaw* rose, pursuant to notice, to move that the petition presented by him from the householders of the city of Dublin, for the repeal of the window tax, together with the other petitions from Ireland on the same subject, be referred to a committee. It was unnecessary for him to remind the house how patiently the city of Dublin had, for the last five and twenty years, borne her share of the general pressure, and how cheerfully she contributed to the exigencies of the times, during a war as expensive and sanguinary in its progress as it had been glorious and decisive in its result, without ever making a complaint. As soon, however, as hostilities had terminated in a peace that left this country nothing to fear, a general expectation was felt throughout the empire, that every practicable relief, consistent with the indispensable necessities of the state, would be granted to the distresses of the people. This house, too, passed a great and decisive step in immediately lessening the burdens of the people in this country; and although, perhaps, there never was a tax in favour of which more could be said, upon general principles at least, than the property tax, still this house felt themselves pledged to the people of England, and justified their confidence, by removing, at once, fourteen millions a year of the public burdens. He mentioned these circumstances to shew the house how they contributed to strengthen the confident expectations entertained by the citizens of Dublin, that, in the work of general relief, Ireland would not be the only part of the United Kingdom overlooked by the imperial parliament, and more especially, too, after she had sacrificed all the local advantages of a resident legislature to the general interests of the empire. But, independently of any such general expectations, they had other, and in his humble judgment, peculiarly strong grounds for looking forward to the total repeal of the window tax, as soon as the war was over, and to claim it not so much from the bounty as from the justice of parliament. The tax was always peculiarly obnoxious to the citizens of Dublin, for several reasons: its very unequal pressure, the inquisitorial nature of its levy, and the ruinous consequences resulting to the health of the city from the contrivances of all the poorer classes to evade it; and it was now more oppressive than ever from their total inability to pay it. On its imposition by the last parliament that ever sat in Ireland, it was very generally opposed, until Mr. Corry, the chancellor of the exchequer, repeatedly pledged himself on the part of the government, that it was intended for a war tax only; and accordingly the tax was proposed and enacted, for three years only, provided the war should last so long. Now, he hoped he should not be told that the pledge of one minister was not binding on his successor; for it was of the last importance, that in all transactions between the people and the government, the faith of government should not only be pure, but above suspicion; and he entreated gentlemen seriously to consider, whether resorting to such an argument might not be received by the people of Ireland as an unworthy pretence for breaking an engagement which the legislature did not wish to keep. Mr. Corry had pledged himself and the government, of which he was in that instance the accredited organ, that if the Irish house of commons would grant that tax, their constituents should be relieved from it at the end of the war. The tax was voted, and had been levied ever since. The people of Ireland had cheerfully fulfilled their part of this contract; and if the Irish parliament were now in being, was there a doubt

that this pledge would have been redeemed on the conclusion of the war? He was sure that he should not appeal in vain to the justice, to the honour of the house, to redeem that pledge which the Irish parliament, in he might almost say its last moments, gave to the citizens of Dublin. He was satisfied that the house would take care, that, in this instance, his constituents should not suffer from the want of a resident legislature. He spoke of the inquisitorial manner in which the tax had been collected. That was, indeed, an objection which had always been found to awaken the constitutional jealousy of the house, and, perhaps, was the efficient cause of the repeal of the property tax. If it were the boast of the humblest man in England, that his house was his castle, he feared that, under the operation of this act, the people of Ireland would have no reason to be very proud of their share of such a privilege. Were gentlemen aware that, under the present act, the collectors could demand an entrance into every room in every house in Ireland, from eight in the morning until sunset, and insist upon admission, under a penalty of 20*l*. There might be instances, in the case of sick persons of the other sex, where every gentleman who heard him would recoil at the idea of such an act being rigorously enforced; and he must add, in candour, that there was little apprehension of any such abuses in a department under the superintendence of a gentleman whose talents and assiduity, since he became chief commissioner of excise, had been gratefully and universally acknowledged; still, it was no answer to the many objections against the harsh provisions of the act, that they were not as rigorously enforced as they might be. It was not to be forgotten that, harsh as they were, they were still as much the law of the land as the Bill of Rights, and under them a collector, if any house were unoccupied by the absence of the family in the country, or for any other cause, might, after the empty formality of affixing a notice, break open the hall door under the warrant of any inspector of taxes, and seize and sell the furniture he found within. That the scruples of the citizens of Dublin were not new and affected, but recognised and sanctioned by the law of the land, was evident from one fact upon record. The hearth tax was abolished in this country, and the reasons assigned by the legislature in the preamble of the act, (1st William and Mary, chap. 10.) which abolished that obnoxious impost, were these: "Whereas his Majesty being informed that the revenue of hearth-money was grievous to the people, was pleased, by his gracious message sent to the commons assembled in parliament, to signify his pleasure, either to agree to a regulation of it, or to the taking it wholly away, as should be thought most convenient by the said commons; and whereas, upon mature deliberation, the said commons do find that the said revenue cannot be so regulated but that it will occasion many difficulties and questions, and that it is in itself not only a great oppression to the poorer sort, but a badge of slavery upon the whole people, exposing every man's house to be entered into and searched at pleasure, by persons unknown to him: We, your Majesty's most dutiful and loyal subjects the commons, being filled with a most grateful sense of your Majesty's unparalleled grace and favour to your people, not only by restoring their rights and liberties which have been invaded contrary to law, but in desiring to make them happy and at ease, by taking away such burthens as by law were fixed upon them, by which your Majesty will erect a lasting monument of your goodness in every house in the kingdom; do most humbly beseech your Majesty, that the said revenue of hearth-money may be wholly taken away and abolished." This was the opinion expressed by the English house of commons, so long ago, as to the expediency of this tax, notwithstanding which it was still continued in Ireland*. He had but one other topic, with which he would trespass further on the house, and that was one of the first importance, inasmuch as health was the first of human blessings, and contagion, for the time, perhaps, the most tremendous of all national calamities. During the alarming prevalence of fever, the last year in Ireland, it was the unanimous opinion of the faculty, that unless the houses were more generally ventilated, the

* Sir W. Blackstone observes, that "as early as the Conquest, mention is made in domesday book of fumage or fuage, vulgarly called smoke farthings, which were paid by custom to the king for every chimney in the house. And we read that Edward the black prince (soon after his successes in France) in imitation of the English custom, imposed a tax of a florin upon every hearth in his French dominions. But the first parliamentary establishment of it in England was by statute 13 and 14 Car. II. c. 10. whereby an hereditary revenue of 2s. for every hearth in all houses paying to church and poor, was granted to the king for ever. And, by subsequent statutes for the more regular assessment of this tax, the constable and two other substantial inhabitants of the parish, to be appointed yearly, (or the surveyor, appointed by the crown, together with such constable or other public officer) were, once in every year, empowered to view the inside of every house in the parish. But, upon the Revolution, by statute 1 W. and M. st. 1. c. 10. hearth-money was declared to be "not only a great oppression to the poorer sort, but a badge of slavery upon the whole people, exposing every man's house to be entered into, and searched at pleasure, by persons unknown to him; and therefore, to erect a lasting monument of their Majesties' goodness in every house in the kingdom, the duty of hearth-money was taken away and abolished." This monument of goodness remains among us to this day; but the prospect of it was somewhat darkened, when, in six years afterwards, by statute 7 W. III. c. 18. a tax was laid upon all houses (except cottages) of 2s. per annum, and a tax also upon all windows, if they exceeded nine, in such house. Which rates have been from time to time varied." (1. Comm. 325.)

contagion must spread, and a plague be the consequence. That part of the city of Dublin which was occupied by the poorer orders, had become extremely unhealthy from the constant devices to evade the tax, by stopping the windows, and excluding the light and air, so that the interior of their dwellings was dark and noisome, and when crowded by fever patients were as so many nurseries for contagion. The danger became so imminent, that the government took the alarm, and the right hon. gentleman, who for so long a period had conducted the administration of Ireland with equal firmness, temper and talent, acted in a manner worthy of himself. Abandoning all minor considerations of revenue to the paramount object of the health and general safety of the community, that right hon. gentleman gave orders that all the windows which had been hitherto closed up, and that were necessary for ventilation, should be thrown open for that purpose, without subjecting the owners to any additional claims on the part of the excise. That order, followed up as it was by the prompt, liberal, and decisive measures of the administration for the removal and accommodation of all fever patients, had preserved Dublin, under Providence, from an impending plague. For the repeal, then, of a tax so universally odious to the citizens of Dublin, he had now to move on their behalf, and in obedience to their unanimous instructions. He could sincerely assure the house, that upon this question the people of Ireland had but one sentiment—they were all as one man against the tax. They thought it unjust in principle, severe and unequal in its pressure, unconstitutional in its levy and in all its practical effects upon the poorer orders, and dangerous to the health of the community. But above all, they felt, and felt strongly, that the faith of the government was pledged to the repeal of this tax, and that the exaction of it in a season of universal peace was a continued violation of that engagement. For every reason, therefore, they thought themselves entitled of mere right, justice, and good faith, to the total repeal of this tax. They had looked for the repeal of it, and the disappointment of last session was certainly felt with great and general bitterness. He never knew the citizens of Dublin upon any other question so solicitous, and, at the same time, so unanimous. He was sure that the voice of the second city of the British empire, and, indeed, he might say of all Ireland, would never be heard in that house upon any subject with indifference. He had stated the grounds upon which they asked for this repeal, and, considering it in a mere financial point of view, what would it cost the public revenue to comply? Why, a sum not exceeding annually 300,000*l.*, a drop in the ocean, compared with the vast income of the empire. He thought they would be the more entitled to it, when a view was taken of the ordinary and extraordinary resources of the two countries at the end of the war, by which it would appear, that Ireland had contributed much more than her proportion according to their respective means. By the finance returns before the house, for the year ending the 5th of January, 1816, the last year of the war, the nett public income applicable to national objects, and to payments into the exchequer for England, exclusive of loans, amounted to 79,948,670*l.* 0*s.* 2¼*d.* while that of Ireland for the same period amounted only to 7,405,324*l.* 17*s.* 7½*d.* Indeed, he believed it was now perfectly well understood, and candidly admitted by those who took the most active part at the time of the Union, that two seventeenths formed, considering the comparative resources of the two countries, a larger contribution than should, in fairness, have been assigned to Ireland; and according to the scale of their respective incomes, which he had just mentioned, the ratio of Ireland should not be so much as two seventeenths, but rather two twenty-second parts. So that the quota of Ireland's contribution even now to the taxes of the empire, ought not to be measured by the proportion which appeared to have been unfairly struck at that time. The capability of Ireland to pay taxes was, indeed, but too evidently upon the decline. This appeared from the returns upon the window and hearth tax. In the year 1816 the produce of the hearth tax was 75,000*l.*, of the window tax 370,000*l.* In 1817 the former was 55,000*l.* the latter 356,279*l.* But in 1818 the former fell to 43,000*l.* and the latter to 302,000*l.* Thus, in three years, the falling off in both the hearth and the window tax was very considerable, so considerable indeed, as should dissuade the house from calculating upon the future produce of those taxes, or making that calculation a ground for maintaining them against the will of the whole people of Ireland.—The hon. member concluded with moving, "That a select committee be appointed to consider the expediency of repealing the act of the 56th of his present Majesty, so far as respects the taxes upon windows and hearths in Ireland, and to report their opinion thereupon to the house."

The *Chancellor of the Exchequer* said, it was with extreme regret that he felt himself compelled to object to the motion. The hon. member rested his claim upon two distinct grounds. First, that the faith of parliament had been pledged that the window tax should continue during the war only; and, secondly, the oppressive nature of the tax itself. To the first of these grounds, there was this direct answer, that although the tax, when originally proposed, might have been contemplated as a war tax, it had since been, from time to time, pledged as a security for loans raised, and, therefore, it could not be repealed without acting unjustly to the public creditor. It was well known, that, at the time of the peace of Amiens, Mr. Corry, the same chancellor of the exchequer who imposed the tax, never applied for its repeal, which shewed that he did not consider the faith of par-

liament pledged for its removal at the end of the war. Since that period, the two exchequers had been consolidated, and no Irish member had at that time grounded any such claim as was now made. It was painful to say so, but the taxes of Ireland were not equal to the interest of the consolidated fund. Ireland had brought to this country a [illegible] addition to the national debt. At the consolidation of the two treasuries, her expenditure was 6,500,000*l.*, and her revenue 4,500,000*l.*; so that there was a deficiency of 2,000,000*l.* and that deficiency she was bound to make good. The supply for Ireland was raised by loan, and considerable taxes were pledged as a security. In this part of the kingdom, 2,000,000*l.* were raised on additional taxes, without touching that part of the revenue pledged for the public service; and to this day, the people of this country paid between 3 and 4,000,000*l.* of war taxes, under the head of excise. This formed a manifest distinction between the two countries as to the repeal of taxes. God forbid that Ireland should therefore be refused relief when relief could be extended to her. It would give him as much pleasure to afford relief to Ireland as to Yorkshire, or any other part of the empire. The two kingdoms were now consolidated. Their interests and feelings were intimately and indissolubly united. (*Hear, hear, hear.*) With respect, then, to the second ground on which the hon. member had founded his argument, he admitted that the assessed taxes, and especially the window tax, had indeed pressed heavily on Ireland. They had increased with such rapidity as to be at once rendered unproductive and oppressive. (*Hear, hear.*) In saying this, he laid no blame on his predecessor in the office which he had now the honour to hold; he had been obliged to adopt the English scale of taxation in imposing the Irish taxes; and this had occasioned much inconvenience and distress. The temporary difficulties occasioned by the sudden termination of war, and the scarcity of provisions, had lately increased this distress, and rendered the taxes still more intolerable. He therefore thought, that it was proper to extend some degree of relief from this tax. He had accordingly prepared a scale of reduction, by which 25 per cent. could be reduced on the whole produce of the tax, and applied to the parts of it where its severity was most felt. The distress of Ireland was now coming to an end. The prosperity of the country was almost restored; the comforts and consumptions of the people were increased. The exports were of greater value, according to official report, than at any period on record. The consumption of coffee, tea, wine, and sugar, had greatly increased since the last year. The reduction he proposed would give relief much more immediately than the proposed committee. The petitions were entitled to be heard with patient attention, to be investigated with great care, and to be attended to, so far as the state of the nation would admit. But when many applications were made from both parts of the kingdom for the repeal of several taxes, he thought it would well become parliament to make a firm stand, and to grant relief only in the most urgent cases.

Mr. *Plunkett* was sorry that the right hon. gentleman had not acceded to what had been pressed with so much moderation and propriety by his hon. friend. To prove that parliament was pledged on this subject, he observed, that the tax was first introduced in 1799, and then quoted the 40th of the king, chapter 4, and chapter 52, to shew, that it was to continue only during the war. He was astonished that these could have escaped the researches of the right hon. gentleman; but the error could not pass the limits of his mind to make any impression on the house. It was to be presumed that, but for this unfortunate error, the right hon. gentleman would have been in the greatest possible hurry to repeal the tax. (*A laugh.*) The income-tax, he was going to say, had not been repealed on occasion of the peace of Amiens; but the fact, he found, was otherwise. However, if the Irish window tax was not repealed then, it would be an extraordinary inference, that because the people paid the tax then, they ought to pay it now; that because they suffered an injustice for a short period, their submission to the sacrifice was, now that their eyes were open, to be converted into an argument for the continuance of the severity. As to breaking faith with the public creditor, the right hon. gentleman completely abandoned that ground, by the proposed reduction of 25 per cent.; for it appeared that he was thus ready to break one fourth of that faith. (*A laugh.*) This tax they were pledged to repeal. Let the right hon. gentleman find another, if that were necessary, for it was his business. (*Hear, hear, hear.*) The more he considered the subject, the more reason he saw for the appointment of a committee. The proposed object was the repeal of the tax, but they could recommend a modification if they thought fit. The hon. and learned gentleman here entered into comparative statements of the produce of the tax, which shewed, that the increase of produce was one-third less than the increase of the tax ought to have produced. Ireland could not, since the Union, pay her charges, because her burdens were beyond her resources and strength. She now paid three times the amount of taxes that she had paid at the Union, and yet her debt was increased fivefold since that period. Her exertions had been far beyond her means; and now they came to sober realities, it was found that Ireland could not be taxed beyond her strength, and could not produce beyond her means. Every part of the empire was bound to bear public burdens according to its means, and he would not shrink from inculcating that duty on his countrymen; but this tax, universally odious and oppressive, could not be wrung from them. Seventeen millions had been remitted to England. Remission to the extent

of 300,000*l.* or 400,000*l.* was all the relief given to Ireland. He would press upon the attention of the right hon. gentleman, if it did not interrupt the business in which he was engaged (the Chancellor was then turning over the leaves of a ponderous volume, which he hastily closed,) that he was compelled to give up the income-tax with much reluctance, as a war-tax; and then he came down to the house, and voluntarily surrendered the malt-tax. (*Hear.*) How could he, after having thus yielded to the sense of the people of England, resist the sense of the Irish people? Although he spoke with warmth, it would not, he hoped, be imputed to any personal feeling towards the right hon. gentleman: he was satisfied that he was desirous of giving relief to Ireland. Let him, then, remit 25 per cent. immediately, and the committee would take care to throw no impediment in his way in doing so, but they would proceed with more alacrity in repealing the remainder of the tax. (*A laugh.*) The right hon. gentleman in his late visit to Ireland must have seen that difficulty and distress were felt by all classes, but he would be more sensible of the evil, and the necessity of a remedy, if, like him, he returned often to that country. He felt affected and distressed at every visit to Dublin, when he saw the wretched beings, with pale and famished faces, that every-where presented themselves: and not less was he grieved to observe the melancholy despondency of the better orders, who could not, with all their attention and industry, encounter the pressure of the taxes, or conceal the misery of their circumstances. (*Hear, hear.*)

Mr. *Peel* declared, that it would afford him infinite satisfaction if he could find it possible to admit the force of the reasoning employed by the hon. and learned gentleman; but it was not enough to shew that a great and substantial benefit would be conferred by the repeal of a particular tax, without attending at the same time to those public obligations which would render it necessary in such a case to impose the burden elsewhere. Some topics of a peculiar nature had, indeed, been urged upon this subject, which seemed scarcely to leave to parliament any option in the decision which it had to form. The question had been argued as one of parliamentary faith, and it might be useful to refer to the origin of the measure, with a view of fairly understanding whether any and what pledges had been given at the first imposition of the tax. It was imposed by Mr. Corry, then chancellor of the Irish exchequer, for the first time in the year 1799, as a war tax. But the house must be well aware of the distinction between war taxes, commonly so called, and those, the abolition of which at the end of the war was one of their conditions. Here the right hon. gentleman quoted the speech of Mr. Corry, to shew, that the continuance of the tax was originally left to the future discretion of parliament. In the following year, 1800, two acts passed, the one for continuing, and the other for regulating the collection of the tax. Application had been made for an extension of the privilege enjoyed in England of shutting up those windows for which the householder wished to be released from paying duty; and it was declared by the act of continuance, that this indulgence should be granted at the expiration of three years from that period, if the war should continue so long. This brought him to the year 1803, which was one of peace, when the same Mr. Corry again proposed the tax, and it was kept up till 1807, when the right hon. baronet opposite (Sir J. Newport) brought in a bill for making perpetual all the annual war duties. Under these circumstances, he did not think he was over-stating the fair principle, when he contended, that the question as to the continuance of the tax was entirely open to the consideration of parliament. Undoubtedly, however, the proposition of his right hon. friend, that the abolition of this tax would amount to a breach of faith with the public creditor, of whose security it formed a part, must be understood to imply, that it was impossible, at this moment, to transfer the burden to other shoulders. His right hon. friend, in giving up a fourth of the duty, gave up no part of the principle; for he calculated upon the arguments of those who opposed it altogether, that this reduction in the amount of the tax would render it ultimately the more productive. One argument indeed, urged by the hon. gentleman who brought forward this motion, would, if well founded, carry irresistible weight with it. If it could be shewn that the operation of the tax was, however remotely, to extend contagious fever in Ireland, he should at once admit that all considerations of revenue ought to be sacrificed. He had, however, upon his own responsibility, directed the Board of Revenue in Ireland to remit the duty, whenever a medical certificate should be produced, declaring that the cure of the disease might be promoted by the opening of additional windows. It was surprising to observe the effect of this order—it, in fact, produced no more than seven applications from the whole of Ireland. The tax, it should be recollected, did not apply to houses with fewer than seven windows, and three hearths. In England it extended to houses with six windows. When it was considered what a vast proportion of houses in Ireland fell within the description which was thus exempted from the duty, he thought it must be evident that contagion could not be much extended by the inability of the sufferers to pay for the advantage of windows. He well knew that all taxation on the higher, must be felt in an almost equal degree, although indirectly, by the lower orders; but the circumstances which he was now stating were important, as applied to the argument which represented one of the evil effects of the tax to be the propagation of infectious disease. He argued, that there were still stronger reasons for a remission of taxes in Ireland than in England, because such a remission would operate as

an inducement to the gentry of that country to reside at home. There was, however, some fallacy in stating the amount of the comparative remission which had taken place in the two countries since the conclusion of the war, to be 17,000,000*l.* in England, and but 400,000*l.* in Ireland. Ireland had never been subject to the property-tax, and by the act of union either country was enabled to raise a larger proportion of its supplies within the year. Ireland had paid her contributions chiefly by loans; and the whole of the debt thus created had been adopted by this country. He thought this proceeding both wise and just, but it ought to be fairly stated. When he looked, therefore, at all the circumstances of this question, the urgent demands for the repeal of other taxes, and, above all, the necessity still existing of raising the supplies by additional loans, he was reluctantly led to conclude, that no greater remission than that offered by his right hon. friend was practicable during the present year.

Sir *John Newport* contended, that the remission now asked for would operate to favour a very large proportion of the poorest classes in Ireland—he alluded to those who resided in lodging-houses. The practice of stopping up windows, in consequence of this tax, had been a prevailing cause of the extended ravages of contagion. In proof of this, the first medical authorities might be adduced, and among others, that of Dr. Barry, of Cork, who had stated, that he found, in the same house, the distemper raging in rooms without windows, whilst those which had them were perfectly healthy. Could such a statement be repelled by saying, that a public order, ambiguously worded, had not been more operative? Ireland had been taxed to the full extent of her capacity, and far beyond it. In 1808, her revenue was 1,1[illegible]0*l.*, since which time additional taxes had been imposed to the estimated amount of 3,700,000*l.*, the whole actual produce of which did not exceed 50,000*l.* It was thus evident, that if Ireland had not paid more in taxation, it was not from any indisposition to tax her, but from her utter inability. In proportion, indeed, as the taxes in Ireland had been increased, had the revenue diminished. The people of Ireland had been told, that the union would cause a diminution of taxation, instead of which it had occasioned an augmentation. By this system the great number of Irish absentees was kept up; the gentlemen of Ireland being unable to enjoy in that country the comforts of life. He would state one simple fact to the house. It appeared by the papers on the table, that there was in the neighbourhood of Coventry a piece of land, to the extent of 450 acres, in the possession of a noble lord, who had immense property in Ireland. For those 450 acres he paid 1000*l.* in poor rates, while, on the revenue of at least 40,000*l.* which he derived from Ireland, he paid neither to the poor, nor to the state, one tenth of that sum. He strongly recommended to parliament to lessen the taxation on Ireland at present, that she might be better able to bear it at a future period. This would be the soundest policy with respect both to Great Britain and to Ireland, whose interests were, in his opinion, inseparable. There was but one opinion in Ireland with respect to the tax under consideration, namely, that it was a tax peculiarly appropriated to the support of the war, and that it was to be remitted on the return of peace. The hon. baronet concluded by giving his hearty approbation to the motion for a committee.

Sir *N. Colthurst* argued in favour of the repeal of the tax; and corroborated the statement of the hon. baronet with respect to the city (Cork) which he had the honour to represent; declaring it to be the universal and decided opinion of the medical men in that city, that the contagious fever had been in a great measure occasioned by stopping up the windows to avoid the tax.

Sir *F. Flood* said, he had not anticipated that any objection would be made to the motion for a committee to inquire into this interesting and important subject. He had no hesitation in saying, that the tax was intolerable—it was mortal; for the medical men declared, that hundreds and thousands of lives had been sacrificed to it. No less than 3000 persons had been infected with the fever in the capital of Dublin. The fact was, that from their inability to pay the tax, many of the poor inhabitants of that city, by blocking up the greater portion of their windows, had turned their habitations into graves. Nothing could be more certain, than that in the parliament of Ireland, in which the tax was originally imposed, it was distinctly understood that it was to be merely a war tax, to be repealed on the return of peace. Had the parliament of Ireland continued to exist, he had no doubt that they would have redeemed the pledge given on that occasion, and he hoped that the parliament of the united empire, in which the Irish parliament had been absorbed, would do so in their stead.

Mr. *Grattan* said, that every thing he had heard from either side of the house demonstrated the necessity of going into a committee. The question was, whether parliament had kept faith with Ireland in continuing a war tax during peace? This was a fit subject for the investigation of a committee. Another reason for going into the committee was, the contagious fevers to which the tax gave rise in the principal cities and towns of Ireland. The fact of government having issued an order, to dispense with the law, was another argument for going into a committee. Objections had been taken to the petitions praying for the repeal of the tax, but the question was, not whether all the parts of the petitions were right, but whether any parts of them were deserving of the consideration of the house? It was true, the petitioners objected to all commutation; but it did not follow that parliament could find no substi-

tute for the tax because the petitioners could find none. He conceived that Ireland might be relieved without injuring the empire. "Ireland (said Mr. Grattan) must be nursed; you must treat her like a child. You must not lay too heavy a burden on her, otherwise you will destroy her future strength. You will find it your interest at present to encourage the trade of Ireland; and by imposing moderate taxes on her, suited to her ability, you will produce present harmony and future strength. By increasing your taxes, you will find that you will diminish your revenue instead of augmenting it." For one, he should vote for going into a committee; but he could not forget, that, even if the committee should be lost, the right hon. gentleman had professed his readiness to consent to a diminution of the tax; and he hoped that, at all events, some regulations would be devised for rendering its operation less oppressive.

Mr. *Parnell* apprehended that a pledge had been given, sufficient to justify the public expectation, that, on the cessation of the war, the tax would be repealed. He was sorry to hear the right hon. gentleman urge, as a reason for not repealing the tax, that Ireland had failed to contribute her proportion to the taxation of the empire; thus making her poverty a reason for taxation. He objected to the criterion which had been assumed for judging of the wealth of Ireland—her exportation, so far from being an evidence of wealth, was an evidence of her poverty. Look at the face of the country—there was not a two hundredth part of the wealth to be seen which existed in this country. He was surprised that the Chancellor of the Exchequer should take her exportation as an evidence of her wealth. The whole of the corn exported went out to enable her to pay her taxes. One great advantage would result from rescuing this tax from the hands of the Chancellor of the Exchequer—it would oblige him to economize. (*Hear.*) It was an extremely oppressive tax. Ireland had been taxed to make up an imaginary proportion of the taxes of the country. He was fully persuaded, that if the right hon. gentleman would cast about in his mind, he would find some means of providing a substitute. The citizens of Dublin were not allowed to light their own streets, but an expensive board was kept up for that purpose, which ought, as a measure of economy, to be abolished. The hon. member concluded by saying, that the state of Ireland was not owing to its poverty, but to the present mode of governing that country.

Mr. *May* said, he considered the tax to be very oppressive. He attributed the dangerous prevalence of the fever to it, which, he thought, was evident from the relaxation of the government. He concluded by voting in favour of the committee.

Mr. *Carew* said, it was notorious that the contagion was attributable to this tax. He thought that it ought to be repealed; but, at all events, the Chancellor of the Exchequer should consent to the appointment of a committee to inquire into the facts.

Mr. *W. Smith* observed, that a principle was followed in collecting this tax in Ireland, which he hoped would never prevail in this country. An officer was allowed to enter every house, and go into every room, to see whether it was liable to be taxed or not. This was a most unconstitutional mode of proceeding, and he hoped that Ireland would not submit to it any more than England. He trusted that the Chancellor of the Exchequer would allow the tax to be assessed in the same way as in England—by surveying the premises externally. This, he conceived, would not only tend to diminish the tax, but shew a respect for the feelings of the people, to which they were entitled, and which ought to be cherished and protected. If the tax were given up, he hoped that the right hon. gentleman would find a resource for it in his economy.

Mr. *P. Moore* wished to express his opinion on this subject. The whole tax did not exceed 250,000*l.* Now he thought, that the right hon. gentleman ought to find resources of economy equal to that amount. The health and lives of 4,000,000 of people were of more importance than double or treble the income which arose from this tax. He hoped, that the Chancellor of the Exchequer would allow the committee to be appointed.

Mr. *Calcraft* said, the question before the house was, that a committee should be appointed to inquire into the window tax of Ireland. He was not fully acquainted with the state of that country, but he thought that this question stood on so narrow a ground that he was perfectly master of it. He thought that the question ought to go to a committee; but if it were for a bill to repeal the tax, he should vote for it. How many individuals from that part of the country had declared that the health and lives of the people were affected by this tax! Sufficient ground had been raised for an inquiry at least. He was, indeed, so satisfied by the medical opinions which had been given of the injurious consequences of this tax, that, if no other grounds were stated, he should be induced to vote for the repeal. The house ought to get rid of this tax altogether. The right hon. gentleman had frequently granted committees on much slighter grounds, and yet, in this instance, he resisted a committee for inquiry. He could really go no farther into the subject; but if the Chancellor of the Exchequer thought fit on this occasion to resist the inquiry, he should feel it his duty hereafter to come down and propose the repeal of this tax.

Mr. *Shaw* briefly replied. He thought, that sufficient grounds had been laid for the appointment of a committee; and, therefore, he should feel it his duty to take the sense of the house.

The house then divided.

Ayes, 51—Noes, 67.

Majority against the motion, 16.

LIST OF THE MINORITY.

Mr. R. Gordon	Mr. Talbot
Lord Althorp	Mr. Dickinson
Mr. J. Martin	General Mitchell
Mr. Bennet	Sir F. Flood
Mr. R. Smith	Lord Folkstone
Mr. Ord	Mr. Lamb
Sir C. Monck	Mr. Fazakerley
Mr. Ponsonby	Mr. Plunkett
Mr. J. Smyth	Mr. H. Hamilton
Mr. F. Douglas	Lord Compton
Mr. Grattan	Sir W. Burroughs
Mr. P. Moore	Mr. A. Chichester
Mr. Lefevre	Mr. J. Latouche
Sir J. Macintosh	Mr. R. Latouche
Mr. B. Shaw	Mr. Babington
Mr. Wm. Parnell	Mr. S Cooper
Mr. J. P. Grant	Mr. Calcraft
Mr. Forbes	Mr. W. Wilkins
Mr. Hornby	Mr. Carew
Mr. Birch	General Archdall
Mr. Sharpe	General Hart
Mr. Tierney	Mr. W. Smith
Lord Stanley	Lord A. Hamilton
Sir J. Newport	Lord Nugent

PAIRED OFF.

Mr. Curwen	with	Mr. Calvert
Lord Sefton		Mr J. Blackburne
Mr. Brougham		Lord Dufferin
Mr. Lambton		Mr. Patten Bold
Mr. D. North		Mr. W. Bootle
Lord Duncannon		Mr. Egerton
Mr. J. Abercromby		Mr. Buxton
Mr. Robarts		Lord Cranbourne
Lord W. Fitzgerald		Mr. Wm. Peel
Sir R. Fergusson		Mr. Chute

THE FOLLOWING MEMBERS VOTED AGAINST IT.

Mr. Wellesley Pole	Mr. Dawson
Colonel Barry	Mr. M'Naughton
Sir G. F. Hill, Bart.	

HIGH BAILIFF OF WESTMINSTER.] Mr. *Marsh* rose, and moved that an order which had been made by the house, for an account of the income of the high bailiff of Westminster should be discharged. He observed, that the high bailiff had not applied for a remuneration (see page 1063.) on the ground that his profits were inadequate: he merely stated to the house, that, in consequence of an act of parliament, which made it imperative on him to erect hustings, he applied to be indemnified for those profits which he enjoyed when he took the office. The high bailiff, before this act, would have been released from providing the hustings, unless he had obtained the promise of the candidates.

Mr. *Bankes* wished to have an account of the profits, and how derived. In coming for a grant of public money, the first question should be, what is your present income, and what are your claims for more? This question was asked with regard to the princes, and he did not know why it should not be asked on the present occasion. In 1811, and 1814, reports were made by committees appointed to inquire into the claims of the high bailiff when an account of his emoluments was produced. Why, then, should it be withholden at present?

Lord *Althorp* did not see how the question of the profits of the high bailiff could be connected with his present claims of indemnity. Whether his emoluments were great or small would not decide his right to remuneration. An expense had fallen upon him which it was never intended he should incur, and the question was, whether he should be indemnified against it. This question was quite distinct from a demand for a higher income, which it depended on the house to grant or refuse; and there was no reason, therefore, for inquiring into his present emoluments, with a view to determine whether his claim should be allowed or rejected.

Mr. *Tierney* said, that if there had been any question of an additional income, he would have called for the account of the present emoluments of the high bailiff, but this was not the case. An unforeseen expense had been thrown upon him by the interpretation of an act of parliament, and, therefore, the question of his present emoluments had nothing to do with his claim of remuneration, which was simply one of justice. He knew nothing about the high bailiff personally; but as he applied not for an increase of income but for indemnity for a loss, he did not see how the question of his present emoluments could arise upon his claim.

Mr. *Calcraft* was sorry to differ from his right hon. friend, but he thought that parliament could not be called upon to indemnify persons for losses in offices which they had purchased, without making inquiry into their incomes. The house should deal with this office as with other offices, and as it had dealt by the princes of the blood. He saw nothing in the office of the high bailiff that should exempt him from giving an account of his emoluments now as he had formerly done. He had formerly produced these accounts; and if he now refused, he thought the relief prayed for should not be granted.

Mr. *Tierney* said, the case of the princes was entirely different. This was not a claim for a new grant, but a demand for indemnity.

Mr. *Money* supported the motion for rescinding the order. The expense was incurred by the neglect of parliament, and indemnity from parliament was, therefore, a matter of justice, not of favour.

The *Chancellor of the Exchequer* could not see why the high bailiff should not produce an account of his profits, as he had done so formerly. It was no more than common respect to the house to comply with their order.

Sir *J. Macintosh* said, that if the house made the order, the high bailiff must comply; but the question was, whether it was just to make the order, and whether it ought not now to be rescinded? The order was a demand for producing the amount of his profits, in consequence of a claim of indemnity which he made for an expense incurred by the interpretation of an act of parliament, which was not intended to possess the meaning which the court had thought

themselves bound to put upon it. The amount of his present profits had no connexion with such a claim, as their magnitude or smallness could not determine the justice of the demand. The refusal of the high bailiff to produce that account should not operate against him, nor should any unfavourable inference be drawn from his former consent. If he had twice produced the account, that circumstance proved that he had no sinister motive in now objecting to it, and likewise shewed, that the house did not require it for information. His reason for refusing it might arise from a fear that by compliance he might compromise the rights of his office, and be submitting to a precedent injurious to those who might succeed him.

Sir *J. Newport* supported the motion, as he had formerly opposed the order.

Sir *E. Brydges* was likewise in favour of rescinding the order.

Sir *W. Burroughs* supported the motion. The high bailiff, he said, was entitled to an indemnity.

Mr. *Forbes* asked, whether one of the members returned at the election was not liable, as a candidate, though both were not, as one of them had not canvassed?

Mr. *J. P. Grant* replied in the negative: the court of King's Bench had decided otherwise. He thought that the question of the emoluments of the high bailiff had no connexion with his claim, which was as clear and straight-forward a demand for justice as any he had ever known.

Mr. *R. Smith* opposed the motion, on the ground, that if the high bailiff had been better advised, he might have obtained redress in a court of law, by making lord Cochrane, who certainly was a candidate, pay for the expenses incurred on account of the return of both members.

Lord *Folkestone* said, that even if the high bailiff had obtained the whole of the expenses from lord Cochrane, his lordship would have had the same claim to indemnity that the high bailiff had now preferred. It was a claim of pure and simple justice, and ought therefore to be complied with. The court of King's Bench had held, that, under this act, one candidate was not liable to the whole expense, and that, as the other member was returned without having canvassed, and was bound to serve, he was not liable to any part of it*.

The house then divided:

Ayes, 46.—Noes, 46.

The numbers being equal, Mr. Speaker gave a casting vote to the Noes.

EAST INDIA DOCK COMPANY.] Mr. *B. Shaw* rose to move, that the East India Dock Company should give, in pursuance of an act of parliament, a proper account of their profits to the house. In 1803, an act had passed to form that company, and to compel all ships coming from the East Indies to discharge in their docks. He should not then inquire into the expediency of that act: it was sufficient that it stood on the books. But since it was passed, a great change had taken place in the East India trade by its having become open: ships of a smaller size were now engaged in it, and owned by persons who, being unconnected with the trade when the act was passed, had no opportunity of opposing it in its progress: all they now asked was, that the house would compel the Dock Company to render their accounts in a manner to be understood, and according to the provisions of that act. The house was the guardian of the people's rights, and if it conferred exclusive privileges, would so guard them that they should not be oppressive. By a clause in the act, it was provided, that after all expenses were defrayed, and the company had divided 10 per cent., the surplus, if any, should be applied to the diminution of the rates on shipping. It was incumbent on the house to enforce this clause, to see that the accounts were rendered annually, and that the charges were reduced, if the receipts were greater than would pay all expenses, and give the company 10 per cent. He would not say that the receipts had been greater, but that the ship owners ought to have the opportunity of investigating them. They complained, that in the accounts submitted to the house, only one item had been made of the money expended in labour, for unloading and loading, labourers, taxes, incidental expenses, and for the amount of extraordinary disbursements made for additional improvements and accommodations, not provided for by the increased capital, up to September 1817. This item amounted to 41,931*l.* 13*s.* 2*d.* Why was it charged on the income, when the company had been empowered to raise an additional capital of 100,000*l.* of which they had yet raised only 58,000*l.*? Another item was, "By balance in hand, 7,005*l.* 17*s.*;" and different balances thus kept back every year had amounted to 68,000*l.* which had never been accounted for. He was far from saying that the money had been improperly expended, but the public had a right to the account, and the house would see that justice was done. He could not conceive on what ground this motion could be opposed; and if it

* On the 2d of March, 1623, it was agreed, "That a man, after he is duly chosen, cannot relinquish." Serjeant Glanvylle, in his report of this case, says, "The question was, whether Sir Thomas Estcourt was eligible, against his own consent, and contrary to his desire? and it was held clearly, that he was; and that no man, being lawfully chosen, can refuse the place; for the country and commonwealth have such an interest in every man, that when, by lawful election, he is appointed to this public service, he cannot by any unwillingness, or refusal of his own, make himself incapable; for that were to prefer the will, or contentment, of a private man, before the desire and satisfaction of the whole country, and the ready way to put by the sufficientest men, who are commonly those, who least endeavour to obtain the place." (Glanvylle's Reports of Election Cases, p. 101.)

were opposed, he must put a bad construction on the business, and conclude, that a fair account had not been rendered. It was not now a question with the ship-owners, whether they should go into the dock or not, though they complained, that they should be compelled to pay 16*s*. a ton, while, at the out-ports, they could have the same service performed for 4*s*. a ton, and in the port of London itself for 3*s*. They believed that the act was compulsory on them, but they desired an account, that they might see whether the charges could be reduced. He therefore moved, "That the East India Dock Company be required to return an account distinguishing the amount of the extraordinary disbursements incurred for improvements of, and accommodations at, the East India Docks, not provided for by the increased capital, which are stated in the account presented to this house (on the 2d of March) to be included in the sum of 41,931*l*. 13*s*.2*d*."—Also, "an account of the appropriation of the several balances appearing by the accounts of the directors of the East India docks (presented to this house) to have been in hand at the end of different years between 1808 and 1816 inclusive."

Mr. *Astell* opposed the motion. The charge per ton was not 16*s*.: it was only 14*s*., with a drawback of 2*s*. if a ship did not go into the outward bound dock; and this rate of tonnage was taken not on the real but on the chartered amount. This was the first time that any objection had been made to the mode of the company's accounts, which had been pursued since 1806. The sum of 13,000*l*. the real sum in dispute, had been expended on improvements. The first dividend of the company was in 1807, five per cent.; for the five succeeding years six per cent., for one year seven and a half, and last year seven, on a capital of 450,000*l*. On an average, the dividend was only six per cent., and though the balance this year was 7005*l*., it was not always in the company's favour, but frequently against them: many charges had not been included in the account, and his hon. friend ought to look to the average of the balances.

Mr. *Marryat* thought that the provisions of the act had not been performed by the company. Last year they had lumped many articles into their account, which they ought not to have done, so that in the end the rates could not be lowered according to the account. Their conduct on the balances was still more indefensible; there was now 68,000*l*. unaccounted for. No notice had been taken of this before, because the ship-owners at large had not had an interest in the trade till lately. The dock was built for large ships that could find no other accommodation; but small ships required no such assistance, and yet, they were compelled to pay 14*s*. a ton, while at Liverpool they only paid 2*s*. 6*d*., and would not pay more here, but for this monopoly. These high charges drove trade from the port of London to the out-ports, and even to foreign ports; and it was notorious, that no vessel could freight for London, except at a higher price than to other places. He trusted, therefore, that if any alterations were made in the dock-charter, government would not share in the profits; for if so, the charges would never fall. The docks were in themselves very useful, and capitalists had only been led to engage large sums in their very expensive construction with the view of making their profit in the tolls: but when those profits were fairly made, the tolls ought to be lowered. Hume had clearly shewn, that trade must decay if vested in exclusive companies. In speaking of the conduct of Elizabeth, in respect of these matters, he had observed, that, "had she gone on during a tract of years, at her own rate, England, the seat of riches, and arts, and commerce, would have contained at present as little industry as Morocco, or the coast of Barbary." Being informed, however, that the commons considered these monopolies as so many breaches of the people's privileges, she annulled most of her grants, and, upon that occasion, she received the thanks of the house*. In the time of

* The following is the reply which the Queen made to the members who were commissioned to return her thanks.—"Gentlemen, I owe you hearty commendations for your singular good-will towards me, not only in your hearts and thoughts, but which you have openly expressed and declared, whereby you have recalled me from an error proceeding from my ignorance, not my will. These things had undeservedly turned to my disgrace (to whom nothing is more dear than the safety and love of my people), had not such harpies and horse-leeches as these been made known and discovered to me by you. I had rather my heart or hand should perish, than that either my heart or hand should allow such privileges to monopolists, as may be prejudicial to my people. The splendour of regal majesty hath not so blinded mine eyes, that licentious power should prevail with me more than justice. The glory of the name of a king may deceive princes that know not how to rule, as gilded pills may deceive a sick patient: but I am none of those princes; for I know that the commonwealth is to be governed for the good and advantage of those that are committed to me, not of myself to whom it is intrusted; and that an account is one day to be given before another judgment-seat. I think myself most happy, that by God's assistance I have hitherto so prosperously governed the commonwealth in all respects; and that I have such subjects, as for their good I would willingly leave both kingdom and life also. I beseech you, that whatever misdemeanors and miscarriages others are guilty of by their false suggestions, may not be imputed to me: let the testimony of a clear conscience entirely, in all respects, excuse me. You are not ignorant, that princes' servants are oftentimes too much set upon their own private advantage; that the truth is frequently concealed from princes, and they cannot themselves look narrowly into all things, upon whose shoulders lieth continually the heavy weight of the greatest and most important affairs." (See Rapin, sub anno 1600.)

On this occasion, the East India company's char-

Charles the First, it was attempted to raise money by means of charters granted to exclusive companies; but the house considered this illegal, and, according to Rushworth, expelled many members for supporting it. It was clear, that such companies only should be encouraged as afforded conveniences at the cheapest rates, and that was the only way in which the port of London could be sustained. The rates charged by the East India Dock Company were higher than was necessary, and he hoped that the house would see the propriety of ordering the accounts.

Mr. Alderman *Atkins* said, that the building expenses of the dock had exceeded the estimate, and that the company had never received a larger dividend than seven per cent.

Mr. *Thompson* said, that he belonged to the dock company of Hull, and should have been ashamed to have put his name to accounts like those presented from the East India docks.

Mr. *Protheroe* hoped, that the directors of the East India company would not oppose the motion, for the sake of the character of the establishment.

Sir *W. Curtis* did not believe that it would be resisted. He was himself a director, and he should support the motion.

The motion was agreed to.

FORGERY OF BANK NOTES.] Mr. Best from the Bank of England presented an account of the number of persons committed or prosecuted for forging Bank notes in 1816 and 1817; and also, an account of the number of persons convicted for forging notes, or of uttering such forged notes, in fourteen years preceding February 1797, and since that time.

Sir *James Macintosh* then rose to make his promised motion on this subject. He said, he should detain the house as shortly as possible, though the question was one upon which it would be necessary to enter into some details. Two months ago he had moved for the returns which had been laid on the table; and he had now other propositions to submit for further papers, to which he understood no objection would be made, except to one of them, namely,—the expenses incurred by the Bank, since the restriction, in prosecutions for forging their notes. It was, he understood, to be said, that the document ought not to be furnished, because it would be an interference with the private concerns of the Bank; and the answer to it seemed as obvious as it was convincing; that the affairs of the Bank, as connected with the issue of their notes, and the rapid multiplication of forgeries, which, he contended, had been the consequence of the suspension, could no longer, in any sense of the word, be considered private. The suspension had produced an enormous evil; it had tainted and corrupted the morals of a large class of the people, and had occasioned an increase of crimes with a velocity unexampled (*Hear*). How, then, was it possible to consider the money laid out by the Bank in prosecuting crimes of which they themselves were the real authors, as a private expenditure of which parliament ought to have neither the inspection nor the control? In consequence of the great delay in presenting the returns, the materials out of which he was to make a case to shew that the house ought to interpose were necessarily scanty; but such as they were, consisting of papers produced in a former session, and at various antecedent periods, he trusted he should be able to convince every impartial man, that inquiry was imperiously demanded. It appeared, that for seven years previous to the suspension of cash-payments, the Bank had not instituted a single prosecution for forging their notes, and that for the seven years subsequent to that event, they had instituted 222 prosecutions. (*Hear, hear.*) Was not this a frightful leap, and only to be accounted for in one way? The calculation, of course, excluded the year 1797, as being that in which

ter was confined to the space of 15 years. Cromwell laid open the trade to the East Indies, and it continued open till the year 1657. It has often been asserted, that the adventurers during that period were all ruined. The contrary, however, appears to be the fact. Thurloe, who was Cromwell's secretary, says, in a letter dated at the Hague, 15th Jan. 1654-5, that "the merchants of Amsterdam having heard that the Lord Protector would dissolve the East India company at London, and declare the navigation and commerce to the East Indies to be free and open, were greatly alarmed, considering such a measure as ruinous to their own East India company." (See the 3d vol. of Thurloe's State Papers, p. 80.) And a tract, written in the year 1680, informs us, that "during the years 1653, 4, 5, 6, when the trade was laid open, the English traders afforded the India commodities so cheap, that they supplied more parts of Europe, and even Amsterdam itself, therewith, than ever was done after; whereby they very much sunk the Dutch East India company's actions." It may be asked, then, if the private traders were so successful, why was not the monopoly abolished for ever? Bishop Burnet relates, that, down to the Revolution, it was customary for the East India company to make annual presents, of very large sums, to the King, and to the leading ministers. The King had 10,000*l*. at least, a-year. (See the Hist. of his own Times, vol. 3. p. 199.) Soon after the Revolution, the opposition that was made to their charter was very nearly successful. By large sums, however, they found means not only to buy off some of the principal private traders, but also to corrupt several members of the parliament, and some of the highest officers of the state. Mr. Anderson, in his curious account of this matter, relates, that not less than 170,000*l*. was employed for these purposes. But the affair was, afterwards, brought before parliament, when Sir Thomas Cooke, one of the company's directors, and other of its officers, were committed to the Tower, and the duke of Leeds, lord president of the council, was impeached; but the very seasonable prorogation of parliament put an end to the proceeding. (See the account at large in Anderson's "History of Commerce.")

the measure of suspension was resorted to. In the 14 years previous to the suspension, there had been only four prosecutions. In the 14 years afterwards, there had been no less than 469. (*Hear, hear.*) In the 21 years previous to the suspension, there had been only six prosecutions; while, in the 21 years after, they had increased to the enormous sum of 850. The proportion was, therefore, as 6 to 850; and he would ask, whether the history of the criminal law of this, or indeed of any other country, afforded a parallel instance of such a sudden and permanent augmentation of crime? (*Hear, hear.*) Here, indeed, he might almost close the case, but for something that had been said regarding prosecutions by the Mint. It had been at first contended, that the increase of prosecutions by the Bank had tended to diminish those by the Mint, so as, upon the whole, to make a balance; but, by the returns upon the table, it appeared, that the contrary was the fact, for the Mint prosecutions had also augmented, though not in a ratio so rapid as those of the Bank. Defeated in this position, gentlemen on the other side argued (in direct opposition to their first assertion) that there had been a great increase in the Mint prosecutions, which shewed, that the frequency of the crime of forgery only arose from the same depravity that had occasioned the frequency of the crime of coining. Here, again, however, they were answered by the returns, which proved, that the increase of Mint prosecutions, from 1783, had been gradual and regular, not with those sudden and dreadful leaps so observable in the Bank prosecutions, from 4 to 469: while the offences of imitating the coin of the realm had only doubled, those of forgery had increased nearly a hundred and twentyfold. What cause could be assigned for this singular and melancholy change? What, but the enormous and constant increase of the circulation of Bank of England notes, more especially of small notes, which, at first, had only been issued to the extent of one million and a half, but which had now ascended to the amount of seven or eight millions. Upon this statement, he would make only one single observation to the admirers of capital punishments, an observation which could not be too often repeated, namely, that while the crime was ever visited with the utmost severity, they had not been able to repress it; but, on the contrary, the more the promoters of capital punishments cried, hang! hang! hang! the more the offence was committed, and the more numerous were the offenders executed. (*Hear, hear.*) On the other hand, highway-robbery, which had of late met with greater lenity, had greatly diminished; and though no doubt it was partly to be attributed to the establishment of mails, (a sort of constant guard upon the road), the enclosure of commons and wastes, the erection of turnpike-houses, the improvement of the police, and other causes, yet it was impossible not to allow that a portion of the amelioration was to be attributed to the lenity with which the law was administered. But, to return to the subject of bank-notes. No man could deny, that the subject now before the house was intimately connected with the measure introduced not long since by the Chancellor of the Exchequer to its notice, for diminishing the circulation of country bank-notes. Whatever were the other merits of that bill, the proper title of it ought to be "a bill for the better promotion of forgery;" for it was intended to lessen the issue of those notes which were seldom or never forged, and to increase the issue of those, for the forging of which so many hundreds had within a few years lost their lives. (*Hear, hear.*) It was a bill for the erection and furnishing of gibbets; for it was not true, that forgeries of country notes were frequent, though seldom prosecuted, lest the banker should expose and injure his credit. There was a double motive for imitating the paper of the Bank of England, since it could always be done with greater effect and with more impunity. It must be admitted, that the machinery of the Bank was most perfect for the protection of its own interests; but while it had refused payment of 100,000 forged notes for its own benefit, nothing had been done to guard the public against impositions. In fact, nothing could be more clear, than that a direct tax of 25,000*l.* a-year was laid by the Bank upon the lower orders of society, least capable of detecting the fraud, and of sustaining the loss. If a tax to be so raised were proposed in parliament, there was not a man in the house who would not start from it with disgust and horror; yet the effect upon the poor was the same, and the company of the Bank were the gainers. The crime of forgery was often attended with peculiar aggravations. It had not unfrequently been made the means of seducing the unwary into guilt and its consequences, and women (from their nature weak and dependent, and incapable of the more arduous duties of life) were competent to the commission of this offence, as far at least as the uttering of forged notes constituted a part of it. What made it particularly odious was, that whole families were sometimes involved in the same crime; and instances were not unknown, where a father, his wife, and children, *en masse*, stood at the bar of a court of justice to receive sentence for having committed it. (*Hear, hear.*) The Bank had accepted the plea of "guilty of having in their possession" from many who would have been tried for forgery; and this and other parts of their conduct were necessary consequences of the plan they had pursued. The average number of executions, from 1805 to 1813, was 56. In one year, the persons executed for forgery on the Bank were 13, or one-fourth of the whole number of persons capitally executed. It had, indeed, at last been found impossible to adhere to the ancient rule, and nothing could more mark the increase of forgery, than the relaxation it had produced in that unbending rule of the law. Forgeries

had been pardoned—pardoned through necessity, or the slaughter of men, under the name of justice, would have buried the crime and punishment under common abhorrence. (*Hear.*) It was necessary that some means should be resorted to for preventing such dreadful effects of the system. It was incumbent on the Bank to devise some plan for diminishing the calamities consequent on a paper circulation. If some such scheme were not found out, all industry, all integrity, all character, would be menaced. Most of the ingenious persons whose projects he had perused did not seem to be aware to what perfection the Bank had brought their machinery to protect their own interests. The great difficulty to be contemplated in such plans was, that of making such marks as would be understood by the most ignorant persons, at the same time that they were incapable of being copied by the numerous body of people who might unfortunately attempt to imitate them. The thing would be very difficult to accomplish, but they were bound to endeavour to complete it. It had been his intention to move for a committee with that object, as well as for other purposes connected with it. He did not, however, mean to press it, till after the motion of his right hon. friend (Mr. Tierney); but if the decision on that should render it necessary, he should certainly bring it forward. He should have no objection to have it made a secret committee. His present object was, to be informed of the expenses of the Bank in consequence of forgeries; and the best way to become acquainted with that was, to obtain the expense they had been at in their prosecutions. And, considering the enormous increase of those prosecutions; considering the number of persons employed, who deprived men of their innocence that they might afterwards deprive them of their lives; considering the many instances of this kind, some of them detected and exposed by the intrepid and unwearied benevolence of the hon. member for Shrewsbury, (*hear, hear,*) he thought it desirable that some of the particulars of the Bank prosecutions should be laid before the public. The hon. and learned gentleman concluded with moving, that there be laid before this house " an account of the total nominal value of forged Bank notes presented to the Bank of England from 1st January 1816 to 10th April 1818, distinguishing each year, and distinguishing the amount of those of which payment was refused, from that of the notes which were paid, and which afterwards proved to be forgeries:"—Also, " an account of the number of persons prosecuted for forging notes of the Bank of England, or for knowingly uttering or possessing forged notes, from 1st January 1816 to 10th April 1818, distinguishing each year, and distinguishing the number so prosecuted for forging, uttering, or possessing notes under the value of 5*l.*:" —Also, " an account of the total number of forged Bank notes discovered by the Bank to have been forged, by presentation for payment or otherwise, from 1st January 1812 to 10th April 1818, distinguishing each year, and also distinguishing the number of notes of 1*l.*, of 2*l.*, of 5*l.*, of 10*l.*, of 20*l.*, and above 20*l.* in value:" —Also, " an account of the whole expense incurred by the Bank of England in prosecutions for forging their notes, or for knowingly uttering or possessing such notes, from 1st March 1797 to 20th April 1818, distinguishing each year."

Mr. *Manning* declared, that the Bank directors were most anxious to encourage every means of preventing forgery. He concurred with the hon. and learned gentleman in most of his details, but he ought to recollect that, since the bank restriction had been imposed, there had been 3,099 cases of forgery of metallic currency, and only 998 of forgeries on the Bank. He had no objection to the first motion; but he resisted the last, on the ground, that an account of any other part of the expenditure of the Bank might be required, as well as their expenses in prosecutions for forgeries.

Sir *C. Mordaunt* stated, that all the respectable inhabitants of Birmingham were so shocked at the facilities and consequent encouragement to forgery which the present system afforded, that they intended to present a petition to the house, praying, that some measures might be devised to prevent the progress of an evil so afflicting to humanity, and so injurious to the morals of the country.

Mr. Alderman *Wood* expressed his conviction that nine out of ten of the prosecutions for forgery in London, originated with persons who were paid for exciting others to commit the crime. This he was enabled to state from official experience and authentic information. Was not the present system, then, such as called loudly for the interposition of the legislature? How came it, he would ask, that the brother of the unfortunate female who was sentenced to die on Friday for forgery, was allowed to escape by a police-officer, while his sister, whom that brother had led into crime, was prosecuted and condemned to death?

Mr. *Grenfell*, after eulogizing the able and luminous speech of the hon. and learned mover, asked, how it had happened that the Bank directors never acted upon the invention of Mr. Tilloch, which was submitted to them in 1797, accompanied by a certificate from the most distinguished engravers in the empire, that that invention was incapable of imitation? He thought it was incumbent on the Bank not only to shew their anxiety, but to prove that they had something in hand on the subject. He trusted the house would feel it its duty to do every thing in its power towards coming to a desirable conclusion on that most important business.

The *Chancellor of the Exchequer* conceived that the production of the numbers of prosecutions and convictions would answer every reasonable purpose, and that there would be no necessity for a statement of the expenses which

the Bank had incurred in the conduct of prosecutions, in the view of a just and moral consideration of the subject. It appeared that the hon. and learned gentleman suspected that the Bank had recourse to the abominable practice of employing spies and informers (*hear*) in consequence of the supposed amount of their expenses for prosecutions; and that they paid sums of money for the treacherous practice of inveigling individuals. (*Hear.*) He believed, that such suspicions were wholly unfounded, as far as they related to so respectable and honourable a body as the directors of the Bank. He had the satisfaction of knowing many of them, and from the bottom of his heart he believed them incapable of acts which ought to produce such suspicions. He must, therefore, beg the hon. and learned gentleman to make some explanation as to what had fallen from him, which seemed to imply suspicions of that nature. He thought also that what the hon. and learned gentleman had said respecting judicial proceedings required explanation, and that it was more especially due from him, as he had occupied a judicial situation himself.

Mr. *Bennet* animadverted upon the system of prosecution instituted by the Bank, and especially upon the conduct of the Bank solicitor, who had, it appeared, the discretion of selecting such as should be victims, and such as should plead guilty. According to law, to compound a felony was a penal act, but it appeared that the Bank solicitor had in the system of those prosecutions a special immunity. (*Hear, hear.*) It was an indisputable fact, that a reward of 15*l.* was paid to any person concerned in discovering (which too often meant creating) the crime of forgery. No less than 30*l.* was paid to the police officer who arrested and prosecuted two poor lads who were lately transported to Botany Bay, after having been sentenced to death for a crime, the commission of which that officer might have prevented. But every agent in prosecutions instituted by the Bank was rewarded, while every one they prosecuted was sure to be punished. The punishments were so numerous and so severe as to defeat their own object, for the feeling of the country revolted against them. There had been several convictions for forgery lately, at the country assizes, which were not followed by death. At Kingston, for instance, there was a conviction for forging seamen's wills, but execution was not the consequence. No;—there the Bank was not the prosecutor; for where the Bank prosecuted, no mercy was to be expected, as appeared from their rigour with regard to the unhappy woman who was sentenced to death on Friday. The Bank might think to persevere in its system, but a change must take place; for however the Bank directors might be supported by the right hon. gentleman (the chancellor of the exchequer), the country would not much longer endure such horrible blood-shedding. (*Hear, hear!*)

Mr. *Thompson* observed, that the Bank of England notes were such as any bungling engraver could imitate, though the Bank committee were said to have sat 15 years on this subject. Country bankers had issued notes with impressions on both sides, executed by good artists, and they were very rarely forged. He would appeal to the feelings of the directors of the Bank, and ask them, whether, if there was an increased issue of their notes, which was now very possible, there would not be more forgeries? People in the country were afraid of a Bank of England note. He believed there were many more forged ones in circulation than had been presented for payment, and that the Bank of England had committed great mistakes on the subject. Lately a man was hanged at York, and he heard his confession. He stated, that he had bought the notes at Birmingham, as he had done previously. He (Mr. Thompson) believed, that he had a tolerable good knowledge of a real or forged note, but he must confess that he had great difficulty in ascertaining the notes which that unfortunate man had uttered. The fact was, that at Birmingham there were manufactories of forged notes. (*Hear.*) Devices of different descriptions on both sides of a note rendered the forging of them more difficult; but the Bank of England notes were badly executed, and the Roman candle figure rendered them more easy of imitation.

Mr. *Dickinson* suggested, that the Bank should pay their solicitor a stated salary, instead of paying him according to the number of convictions. He had seen a letter from the Bank solicitor which shewed an eagerness for prosecutions. Long ago, bishop Burnet remarked, that the Bank were getting so much power, that, in a short time, they might not be controlled by the country. If one of their clerks were now committed by the Court of King's Bench for an assault, he received, as a compensation, two or three hundred pounds from the funds of that corporation. (*Hear, hear.*) The Bank said to the chancellor of the exchequer, "Pay us what you owe us, and then we shall consider what we will do." To the public they said, "You may take these spurious notes on our character, and we will not repay them, though we are the cause of their fabrication and issue." (*Hear.*)

Mr. *Babington* said, he knew a country bank in which not one forged note in a year occurred, while the forged Bank of England notes appeared every week. The mischief long sustained by the country by these forged notes, had been stated at 25,000*l.* a-year. He believed it might be estimated at double that sum. A great number of them never found their way to the Bank. After circulation, they were either torn to pieces or put into the fire; and these amounted to more than went to the Bank. A bank in his neighbourhood had issued notes payable at their own office, or in London, and they became plagued with forgeries: but when

they confined themselves to a small circle, and made them payable at their own compter only, then the forgeries ceased.

General *Thornton* approved of the motion, which was conformable to what he had originally proposed.

Mr. *B. Shaw* said, that the Bank should encourage artists to discover the best mode of preventing forgery. A public reward should be offered. No money could be better laid out.

Mr. *Hart Davis* said, the best artists had been employed by the Bank, in vain. With respect to country notes, he begged to observe, that he had seen some, executed by a most distinguished artist, which had been so completely forged, that, when brought before him, he could not distinguish the false from the true one.

Mr. *S. Thornton* contended, that Bank prosecutions had been conducted with the utmost possible moderation. No expenses had been incurred for the purpose of entrapping persons. To prove these assertions, the accounts of the Bank would be presented without any objection. *(Hear, hear.)*

Sir *James Macintosh* said, he availed himself of the courtesy of the house, not for the purpose of reply, but strictly to explain two parts of his speech, which seemed to have been misunderstood by the right hon. gentleman opposite. Of the judges of the land, he felt always disposed to speak, not only in respectful but in reverential terms. If he had used any disrespectful terms, they must have proceeded from the warmth of the moment; he was not conscious of it, and did not believe he had done it. He had merely complained of the severe jurisprudence on this subject. He had also intended to have spoken of the directors with respect, as the managers of a useful public institution. Of them, all he had said was, that if they refused the object of his motion, they would excite a prejudice, a suspicion, that something was concealed. Much was he, therefore, surprised to be charged with disrespect towards them, but much more to be charged with disrespect towards the judges, who must ever deserve veneration, if they should not deserve punishment, for there was no medium. The discussion for the last half-hour had wandered from the object of the motion, to a subject on which he should bring forward a motion afterwards, perhaps that day se'ennight, if, unfortunately, the motion of his right hon. friend for Friday should be rejected.

The several motions were then put, and carried without a division. When the last motion relative to the expenses of prosecutions was agreed to, the opposition benches returned several cheers.

MOCK AUCTIONS.] On the motion of Mr. Alderman *Atkins*, a select committee was appointed, "to take into consideration the laws relating to auctions, and to report the same, with their observations thereupon, to the house."

HOUSE OF LORDS.

Wednesday, April 22.

INCOMES OF THE ROYAL DUKES.] The Marquis of *Downshire* rose to move that the paper, containing an account of the income of the royal dukes, which was yesterday laid before the house, be printed. He wished at the same time to take this opportunity of observing, that in moving for this account, it had been far from his intention to shew any disrespect towards the royal persons to whose affairs it related. His only object was to obtain accurate information on the subject. As a proposition for increasing the incomes of some of the royal dukes had been brought under the consideration of the house, he thought it right that their lordships should have before them a correct statement of the present income of their royal highnesses. Having said this much on the subject of his motion, he could not help, while he was on his legs, expressing his satisfaction at hearing that it was intended to make some modification in the window duty. That tax had proved a severe burden on Ireland, and he was happy that there was a disposition to grant some relief with respect to it. He concluded by moving that the account of the income of the royal dukes be printed.—Ordered.

Their lordships then adjourned till Friday, the 24th instant.

HOUSE OF COMMONS.

Wednesday, April 22.

TYBURN TICKETS.] A petition was presented from the town of Manchester, setting forth, "That the parish of Manchester comprizes twenty-nine townships, and its population is also extremely numerous, wherefore offences do not unfrequently occur; that, within the last four years, fourteen certificates in respect of offences committed within that parish, have been actually sold and assigned at various prices, from 250*l.* to about 300*l.* each, and the immediate object of the purchasers, in these cases, was to obtain their exemption from the very burthensome, though highly important, public offices in the township of Manchester; that gentlemen well calculated, and generally most fit for the performance of the essential duties of the boroughreeve and constables, churchwardens, and overseers of the poor of Manchester, are by these means relieved from all liability to the execution of such offices, but this relief operates seriously to the prejudice of the public interest, and, at the same time, unjustly increases the hardship upon the remaining inhabitants, who are properly eligible for the above appointments; the petitioners, therefore, humbly submit to the house, the expediency of wholly prohibiting the transfer of future certificates of exemption, which will, in a material degree, obviate the evils complained of; and pray that a law may be passed for the purpose of preventing the transfer of all subsequent cer-

tificates of exemption."—Ordered to lie on the table.

CONTEMPT OF COURT.] Mr. *Bennet* presented the following petition of persons confined in the Fleet prison for contempt of the court of chancery. "That the petitioners have been confined in the Fleet prison for a great length of time, some sixteen years; and they beg leave most humbly to shew, that they have done every thing that their lawyers have directed them to do to comply with the terms of the court of chancery, the orders of which they have no intent whatever to oppose; and that they have been the melancholy witnesses of the death lately of six persons confined under similar circumstances to their own, one thirty-four years confined, one eighteen, one four, and one three; and they have no hope of ever regaining the blessings of liberty but through the interference of the house, which they most humbly implore."

Mr. *Bennet* said, it was with the persons who held high legal situations that the remedy of this evil rested. After the indifference that had been shewn to these cases of grievous and disproportionate or unmerited suffering, he almost despaired of a beneficial result; but he had the satisfaction to know that he had done his duty.

The petition was ordered to be printed.

EDUCATION OF THE POOR BILL.] Mr. *Brougham*, on moving that the committee on this bill be deferred till Monday, observed, that some facts had come to his knowledge which proved most strongly the necessity of strictly inquiring into the application of charitable funds, and the inadequacy of any general demands for returns to parliament on this subject. The information was on the authority of a gentleman in Berkshire, a barrister, who was not personally known to him, but who was well known to the members connected with that county. This gentleman stated, that the returns under the act of 1787-8, commonly called Mr. Gilbert's Act, had not been faithfully made—that in Berkshire, where he had made inquiries for a work which he was about to publish, the incomes of the charitable funds had been returned as 7000*l*. a-year; while their real income was 20,000*l*. Of 25 public benefactions in that county, no return whatever had been made. He stated also, that of enormous balances in the hands of trustees, no notice was taken, nor of the balances due by one set of trustees to another. This statement would shew more than any reasoning, the futility of calling for returns, without a strict local investigation.

CONTAGIOUS FEVER IN IRELAND.] Sir *J. Newport*, in rising to call the attention of the house to the prevalence of contagious disease in Ireland, said, that the welfare of so large a portion of the empire—a country containing 19 millions of acres, and at least six millions of people, could not fail to be an object of the deepest interest. Various causes had been assigned for the contagious malady, which now infected that country, and he was most desirous that the house, by the appointment of a committee, should obtain correct information on that subject. On the extent of fever, there was some information to be obtained from the number of patients in the fever hospitals, where those institutions, to which he felt proud that he had first called the attention of the house, existed. In seven months, 10,321 patients had been admitted into the fever hospital at Dublin. In Cork, where the fever had raged dreadfully, 10,040 had been admitted into the hospital in the same time; and in the little town of Boyle 800 had been admitted in five months; and in Waterford 1200. One of his objects was, to prevent the funds which had been bestowed on fever hospitals from being dilapidated or misapplied. He imagined the committee, which he should move for, would find that an efficient cause of fever was the want of employment for productive labour. He wished that the permanent causes of fever in Ireland should be investigated, and that the means of prevention should be considered. The hon. baronet, after giving his testimony and thanks to the Irish government for their exertions to arrest this evil, concluded by moving, "That a select committee be appointed to inquire into the state of Ireland, as to the prevalence of contagious fever in that part of the United Kingdom, and to investigate the causes, temporary and permanent, which have led to the increased progress of this destructive malady during the last and the present year, and to report the same, with their observations thereupon, to the house; and also to report such measures, remedial and preventive, as may seem most efficacious to arrest its further extension, to guard, as far as human foresight can provide, against its recurrence, and to secure adequate means of support to the establishments destined for the relief of the diseased."

Mr. *Peel* said, if the hon. bart. had not brought forward this motion, he should have felt it his duty to do so himself. Perhaps the house might expect from him some information, as he had certainly an opportunity, officially, of receiving more than many others, both as to the extent and progress of the contagion. He could not, however, then enter into any minute particulars, but would make a few observations generally, from the different reports from places where the disease had assumed peculiar features of malignity. The period at which this took place was early in September, though the disease had existed in many places three or four months previously. In fact, a low fever had prevailed in Ireland for three or four years past: but, in the beginning of last September, it became peculiarly alarming. He then took proper measures to ascertain the opinions of skilful medical men, and he had received reports from them, from the four provinces of Ireland. The fever first prevailed in the province of Ulster. All the medical men, in their reports, referred its origin to the same lamentable causes—the extreme po-

verty of the lower orders, the defective quality of their provisions, the depression of mind resulting from want of employment and the unpromising prospect before them. Besides, there had previously been a very wet season, which greatly deteriorated the quality of the food they generally subsisted upon, and also deprived them in a great degree of another necessary of life, by preventing their laying in a stock of fuel. These accounts had concurred from all quarters. Many attributed one cause of the spreading of infection to the great number of wandering beggars, rendered so by want of employment, and who went about begging from mere poverty. Another peculiar cause was said to be the practice in that country, of assembling in great numbers at funerals, where a deceased individual might infect all that were present. It was also a consideration, lamentable and affecting, that the contagion was actually spread in some degree by the kindness and hospitality of the lower orders in Ireland, who would not shut their doors against the unfortunate and wandering mendicant, whose sufferings they sympathized with and deplored; to which they would sacrifice their own personal security. The conduct of the Irish people in this respect was very remarkable, under their calamities and dangers. It reminded him of a passage in Lucretius, in his description of the dreadful effects of the plague at Athens. Athens was, like Ireland, strongly attached to ceremonious attentions to the dead, which the horrors of the plague suspended:

> Nec mos ille sepulturæ remanebat in urbe,
> Quo prius hic populus semper consuerat humari.

But the people of Ireland could not depart from their ancient custom of honouring the memories of their deceased countrymen, even in the midst of infection and death*. He had already observed, that the greatest malignity commenced in September. From thence to February, upwards of 7000 were admitted to the Dublin fever hospitals. On the 28th of February the numbers were 1001. There was an increase, from February to March the 14th, of 73, the number being at the latter period 1074. The total of deaths in six months was 466, and the proportion of deaths to admissions was 1 to 16. The average of daily admissions in Dublin was 39 at the hospitals. The proportion of deaths in the different hospitals varied from 1 in 13 to 1 in 19. Means were promptly taken to extend accommodation as far as was possible, and the city of Dublin was divided into four districts for inspection; but he thought he should not be too sanguine in saying that since March the 14th, there had been a considerable abatement of the calamity, both in its character and its extent. He was desirous of referring such details as he was in possession of to the consideration of the committee. He had great hopes of the abatement of the contagion, not only from the general returns, but from accurate accounts kept in Dublin. In the last month, 224 patients had been dismissed, and the proportion of the deaths had been decreased. In the hospital there had been discharged 1839, and 89 deaths, up to last month. The accounts received also represented the western districts as much improved with respect to the influence of the disorder. He was glad to find that the hon. baronet did not mean to devolve on the committee, at the commencement of their inquiries, an examination into the causes of the calamity, as arising from the non-employment of the poor. He had deeply and anxiously considered the important subject of the employment of so large a population. It must be seen by gentlemen, that to attempt creating artificial labour for the people by the interference of the government would, in its consequences, be, in fact, only deferring the evil day. Nothing was more common in Ireland than for government to receive suggestions from individuals for the employment of labourers by means of the public purse. Some individuals had found much improvement by what they had done in their own immediate neighbourhoods. No doubt, from such measures, some partial temporary good might accrue; but the funds for such a purpose must be taken from the great national reservoir of the public means, which should be the regular and natural promoter and cherisher of labour. It was said, that it was easy to apply 5000*l.* or 6000*l.* to such or such an establishment of a charitable description, as such sums were comparatively small when compared with the whole of the expenditure and revenue. Other suggestions, of a more objectionable nature, were submitted. It had been proposed, by persons of good principles and character, that applications should be made to government to supply loans; some of these were connected with the manufactures; and it was in vain to tell them, so as to convince them, that if they could not find customers for the articles they might under such circumstances manufacture, they would be increasing the evil, by increasing an unsaleable stock on hand. There were undoubtedly many difficulties attending the subject, and the evils were much to be lamented. He should second the hon. baronet's motion, and wished to give the committee all possible information.

* The practice of "watching the dead" is very common among the Irish. Watching with a corpse was an ancient custom of the church, and every where practised. They were wont to sit by it, from the time of its death to its exportation to the grave, either in the house it died in, or in the church itself. It is called the Lake-wake; a word derived from the Anglo-Saxon Lic, or Licc, a corpse, and Wæcce, a wake, vigil, or watching. It is used in this sense by Chaucer, in his Knight's Tale.

> Ne howe that Arcite is brent to ashen colde,
> Ne howe that there the lyche-wake was holde
> All that night long. Fol. 11. Ed. 1542.

See Brand's Observations on Popular Antiquities, ch. 2. p. 21.

Mr. *Bennet* agreed with the hon. baronet who had moved, and with the right hon. gentleman who had seconded, the motion. He rose, therefore, not for the purpose of saying any thing on that part of the subject, but in order to suggest that the Fever-hospital in the metropolis should likewise be recommended to the attention of the committee. It was matter equally of surprise and regret, that, in the metropolis of the British empire, there was no fever institution supported by public contribution. This was a subject deserving of the greatest attention. If patients of this description increased as they had done of late, the atmosphere breathed by the most populous parts of the metropolis would become polluted, the disease would get firmly and incurably established, misery and death would extend the most fearful ravages. (*Hear, hear.*) The effect had often been already, that sick nurses and medical students fell victims to the disease. The rapid increase of contagious fever had some time since given rise to a small institution for its cure. Within the last six months, there were in this institution not less than 700 patients. The annual revenue was not more than 400*l.* An appeal had lately been made to public benevolence, and between 2 and 3000*l.* were collected; but this was hardly sufficient to clear away the debts of the institution. The government had recently given the magistrates 1000*l.* towards defraying the expenses of this institution; but that was a very inadequate grant for the support of fever hospitals in the metropolis of the country. It was the duty of government, in his opinion, to support, if not to establish, an institution of this nature. There were many hospitals, with great funds, in this metropolis, but their regulation and conduct were much inferior to those upon the continent. It could not be unknown to any one acquainted with the hospitals at Paris and Vienna, that those of this country were very inferior. He therefore wished that the state of the Fever-hospital in London should also form a part of the inquiry of the proposed committee.

Mr. *Wilberforce* agreed with his hon. friend as to the necessity of inquiring into this subject, and hoped that a greater supply would be granted by government. He could not but persuade himself, that, upon inquiry, the necessity of giving a more liberal supply would become quite evident. Public liberality must be extended with more satisfaction, when it was found that no institution was more successful or attended with less inconvenience. He remembered when the prejudice against such institutions was so great, as to render any attempts to extend their benefits ineffectual. This prejudice was now happily removed, and none contributed more to remove it than the enlightened and humane Dr. Murray. Contagion was most likely to be prevented by the removal of patients from their own habitations to hospitals. This subject, therefore, well deserved a committee for itself. (*Hear, hear.*) Beneficence was part of our national character. It was the glory of this country, a glory which the most polished states of antiquity could not boast, that there was no form of misery for which there was not an asylum, and relief in some shape or other*. The higher orders never suffered an appeal to be made in vain to their humanity; and among the most active promoters of every scheme of charity, many members of the royal family could be mentioned. Parliament could not surely be backward in co-operating in these good works; yet he believed this was the only country in which government did not defray the expenses of hospitals. (*Hear, hear.*)

Mr. *Brougham* confirmed the statement of

* On examining the ancient history not only of the Greeks but of other people, one is surprised to find how little occurs with regard to establishments for the sick. Anna Comnena gives us a long and elaborate description of a magnificent hospital erected by her father, the emperor Alexius, about the year 1110, which seems to be one of the first endowed foundations of the kind among the Greeks. She says, that Alexius built a new town in a quadrangular form, near the mouth of the Euxine sea; and among the new erected buildings, there were Hospitals, which he founded out of compassion for human infirmities, and for the comfortable subsistence of the maimed and the invalids. One might see there the blind and the lame, as formerly in Solomon's porch, which was filled with the diseased of all kinds. The building was double, and raised two stories high. It was of such a vast extent, that an entire view of it could scarcely be taken in one day. Though the inhabitants of this town, and those placed in this hospital, had neither lands nor possessions, and were reduced to a poverty equal to that of Job, they never failed to receive from the liberal hand of this prince, every thing that was necessary for their maintenance and support. And what is more strange and surprising, the persons who seemed to have nothing, had their receivers and stewards; insomuch that those of the first rank piqued themselves in taking care of their affairs. By which means great purchases were made, and great benefactions continually given to carry on so charitable a work, which she, the author of the History, lived to see finished. But Alexius first made the establishment of it, assigned the revenues for it by land and sea, and ordered that one of the prime ministers should always have the inspection of it. Though there were soldiers, who had been disabled, and old men incapable of any labour entertained here, it was called the *Hospital of Orphans*, because generally there was a greater number of these than of any others. There were letters patent sealed by the Golden Bull, to ascertain and secure the funds and the annual income of it. The receivers were obliged to keep an exact account, in order to justify themselves, that they did not embezzle that money which was allotted for the poor.—Procopius tells us indeed, that Justinian (who reigned in the year 527,) founded several such hospitals; but gives no particular account of them, as he does of the other edifices built by that emperor.—See Freind's Hist. of Phys. v. 1. p. 282.

the hon. member. The hospitals on the continent were managed in a superior way; but then, the expense of those hospitals was defrayed by the government, which, of course, had an arbitrary control over them, while the hospitals of this country were, for by far the most part, maintained by voluntary contributions.

Mr. *Philips* stated, that the hospitals at Manchester were managed with considerable judgment, and especially the establishment for the cure and prevention of fever. But still he concurred with the opinion, that government should interpose to establish hospitals throughout the country for the purpose of guarding against the propagation of contagious diseases.

Sir *S. Romilly* expressed his regret to find, that the Institution in London for the cure of Fevers was so inadequately supported by the contribution of government, as well as by public beneficence. The subject was of such importance, that he hoped his hon. friend, the member for Shrewsbury, who had so laudably called the attention of the house to it, would, in the course of the evening, move for the appointment of a distinct committee of inquiry. The fever which raged in London was, it appeared, very seldom fatal to the very poorer orders; but, when communicated to those who were better fed, many instances of mortality had occurred. It was obviously necessary to provide every possible guard against the propagation of contagion. He was sorry to understand, that every effort to maintain the Fever Institution by public subscription had failed. But it was the duty of government to erect an establishment of this nature, and he was confident that no objection would be expressed or felt in that house or throughout the country, against any expense that might be incurred in the construction or support of such an establishment. Government, he understood, contributed 1000*l.* annually to the assistance of the Fever Institution; but some years ago between 2 and 3000*l.* were advanced at a time when the fever was by no means so dangerous or prevalent.

The motion was agreed to, and a committee appointed. And, on the motion of Mr. Bennet, a committee was also appointed "to examine into the state of contagious fever in this metropolis, and into the condition of the institution for the cure and prevention of the same, and report the same, with their observations thereupon, to the house."

SLAVES IN THE COLONIES.] Mr. *Wilberforce* said, he had to apologize to the house for having delayed so long to bring this subject before them, but he had not been able to proceed otherwise. He was now only to move for certain West India papers, which would lay the foundation of some farther steps. After the abolition of the direct slave trade, the next great object was, the alleviation of the miseries, and the improvement of the condition, of the slaves who had been previously in the West Indies. He could with confidence affirm, that the shutting out of all external supplies of slaves was the surest mode of ameliorating the condition of the slaves who were there. In vain were the best internal regulations adopted, if influxes of fresh slaves supplied the markets, and deranged every attempt at gradual improvement. The morals, the comforts, and the happiness of the internal slaves were sure to be in some measure consulted, if their masters knew of no other supply. It was on this account that he had so strongly approved of the bill introduced by an hon. and learned friend (Mr. Brougham) to whom the cause of the abolition was, on many occasions, so greatly indebted. The act which made the traffic in slaves felony, did great good; but more than this was required. It was necessary to make it so clear, so palpable, so undeniable, that fresh supplies of slaves were not to be obtained; that their masters must look upon it as a thing quite impossible. It was upon this principle that he had two years ago proposed a bill of registration, a measure to which it could not be supposed that he entertained a bigotted attachment, or even a parental feeling, since it was not his own offspring, but that of an hon. and learned friend. He entreated the house, however, to consider whether any other measure was likely to prove so effectual, and whether it was possible to accomplish the end which all now professed to have in view, without guarding in the strictest manner against every variety of evasion. Perhaps it might be thought by some that he felt an unreasonable jealousy on this subject. He was not much disposed to controversy, but when he recollected what had always been the declared sentiments of those on the other side of the water, and that not only the general voice in the West India Islands, but the opinions of all their historians and legislators had uniformly been, that no arrangement of naval search could prevent continued importations, he could not regard himself as appearing singular in entertaining his present apprehensions. If he found this opinion now changed in the West Indies, was it not, under all the circumstances, a source of natural suspicion? With respect to the argument that the prosecution of the work had better be left to the colonial legislatures, he had not, when it was brought forward, felt so sanguine as many others in his expectations from that quarter. He had, notwithstanding, assented to the propriety of leaving it to them to make the experiment, and of waiting to see the result of their several endeavours. The object of his motion now was, to obtain information as to what had been done in conformity with this arrangement. It might be said, that these proceedings ought still to be left to the voluntary zeal and to the efforts of the affluent and liberal members of the West-India body; but it had ever been to him a subject of deep regret and continued disappointment, to see that more enlightened portion of the colonial interest making common cause with classes of a different description. He had always distinguished, in his own mind, these separate

orders of that great society; he had always ascribed many of the evils he deplored to the absence of the larger proprietors; and had earnestly wished to see them acting and thinking for themselves, in the introduction of reform and gradual amelioration. When, however, it was known, that the recommendations of such men as Mr. Ellis and Mr. Barham had failed to make any impression on the colonial assemblies, he could place no firm dependence, except on the legislation of the mother country, and could put his trust in no other guarantee than one which should render the commission of the offence impracticable without detection and punishment. This, he thought, would be the operation of an act for establishing a registry of slaves in our West India colonies by authority of parliament. The house would see, when the papers for which he intended to move were presented, what had been done; and he hoped they would remember, that it was their duty to watch over the interests of a million and a half of beings who were at length recognized as their fellow-creatures. Their condition and their claims were entitled to the most serious consideration, and required the exercise of the utmost attention to the question, whether it was possible to prevent illicit importation by any other means than the measure he had recommended. He should conclude by suggesting, that our own exertions in this cause, in our negotiations with the other powers of Europe, imposed upon us the additional task, with a view of completing the work in which we had so meritoriously engaged, of preventing, in future, all this improper intercourse between Africa and the West Indies.—He then moved, "that there be laid before this house, copies of all laws passed in or for any British colonies since the year 1812, and not already presented to this house, respecting the condition and treatment of slaves, or the prevention of the illicit importation of slaves; and also respecting the condition of the free coloured population."

Mr. *Goulburn* said, that no duty could be more gratifying to him, than to afford every support to those enactments of the legislature, in the passing of which his hon. friend had acted so humane and enlightened a part. Whenever he differed from him, it was not, he assured him, as to the object, but as to the means best adapted to arrive at their common end. To the measure of a registration he was not hostile, but he believed the object could be best accomplished by first conciliating the good disposition of the colonists to its introduction. It were better, in his judgment, to have a measure less perfect, with the acquiescence and cordial support of those who were to execute it, than a more perfect measure, opposed by their prepossessions against it. He had ever thought that the abolition of the slave trade must be the first point from which an amelioration in the condition of the slaves must flow. The sense of their own interest would induce them to look to the well being of their slaves. From the ruin in which the planters, during the commercial embarrassments of the last war, were involved, it was actually impossible to pay the attention that was due to that part of their interests, but now that the fortunate change of circumstances promised the most prosperous results, he believed that the day was not far distant, when such a change would take place in the condition of the black population of the colonies, as would be most beneficial to them, and highly honourable to the character of this country.

Mr. *Marryat* said, that circumstances were now proving, that, in opposition to all the inflammatory language, and calumnies of the last thirty years, the colonists were disposed to perform every thing that the country could expect from them. It was in the nature of things, that when the supply of foreign negroes was cut off, the planters must, as well from interest as inclination, attend to the improvement of the condition of their slaves.

Mr. *W. Smith* thought the hon. gentleman might have spared his reproach, even if it were well founded, at a time when all sides were disposed to congratulate each other on the prospect of success in their endeavours on this subject. In reviewing the conduct of himself, and the other abolitionists, who persevered to the accomplishment of that great measure, he never would accept, or acknowledge, the imputation of having dealt in either inflammatory or calumnious languag

The motion was then agreed to.

Mr. *Wilberforce*, before he proposed his next motion, was anxious to state, that he felt as strongly as his hon. friend (Mr. Goulburn), the beneficial effects of having allied to their cause the good-will of the masters of the slaves. But he should not act honestly, if he did not declare his jealousy on that point. He was an old soldier in this warfare. His hon. friend was much younger, and youth was the season of confidence. It was under the influence of experience also, that he received with indifference the imputations of the hon. member, to which his hon. friend had adverted. Indeed, when he heard such observations advanced in that quarter, he always attributed them to the situation which the hon. gentleman held. He could not, however, agree with him, that the supply of foreign negroes was entirely cut off in the West Indies. He believed he could point out instances of recent importation. It was never his opinion that the simple abolition of the slave trade would afford a sufficient remedy. Neither did he now think that the registration, important and necessary as it was, would wholly remove the abuse. He knew that he had been considered too moderate by many. Indeed, his deceased friend, the late Mr. Dundas, had gone the length of proposing to emancipate all slaves born after the year 1800.—The hon. member concluded with moving, "that there be laid before the

house, copies or extracts of such accounts as have been received from the said colonies respectively since 1807, and have not been hitherto laid before this house, shewing the increase and decrease of the number of slaves; and also of the free coloured and white population; also, the present numbers of the above classes; and as far as the same can be given, the changes in the relative proportion of males and females in the slave population."

This motion was agreed to.

Mr. *Wilberforce* next moved for "copies or extracts of all acts passed in furtherance of the objects of the address of this house, of June 19, 1816, 'That his royal highness would be pleased to recommend in the strongest manner, to the local authorities in the respective colonies, to carry into effect any measure which may tend to promote the moral and religious improvement, as well as the comfort and happiness of the negroes."—Also, "copies of all executive and judicial proceedings held in any of the said colonies, connected with, or in furtherance of the objects of the said address; together with copies or extracts of all such correspondence relative to the said objects, as may be communicated without detriment to the public service."

These motions were agreed to.

Slaves in Dominica.] Sir *Samuel Romilly* rose to submit a motion regarding the state and condition of slaves in the island of Dominica. The hon. and learned gentleman said, his only object was, that the house might be put in possession of information that had come to his knowledge, respecting the state of the law, and the mode in which it was administered in that island. From the inquiries which he had made, he had no doubt of the accuracy of the facts which he was about to state; but if any thing could be proved in contradiction of his statement, he should be ready to pay the utmost deference to it. In the last session of parliament he had moved for a return of copies of the presentment of the grand jury of the island of Dominica, in February 1817, and of the bills of indictment referred to in that presentment. Those papers were laid on the table on the 11th of July, and were ordered to be printed. (See Vol. I. p. 1817.) They did not, however, go far enough; and, therefore, he should now move for copies or extracts of all papers in the possession of the Secretary of State relative to the treatment of slaves in that island. It appeared, that in the spring of 1817 several cases came before the grand jury, and some of them shewed that the greatest cruelty had been exercised on the persons of slaves, by their masters. The first of them was a case in which John Baptiste Louis Birmingham, doctor of medicine, was charged with having violently, cruelly, and immoderately scourged and flogged certain slaves, the property of and belonging to the said John Baptiste Louis Birmingham. If the slaves had been guilty of the misdemeanours with which they were charged, they were liable to 39 lashes; but they were not found guilty, and yet, as soon as they were acquitted, they were brought out into the public market-place and underwent the penalties limited by the law. This bill was thrown out by the Grand Jury. Another case was that in which John M'Corry, esq. was charged with having, with cords, whips, sticks, and rods, immoderately scourged and flogged his slave, Jemmy, who, it was stated, had been guilty of drunkenness, quarrelling, fighting, neglect of duty, absence from labour, or absence from the plantation, without a written pass. This bill also was thrown out. A third case was (and a most horrible one it was) that of Alexander Le Guay, of the said island, planter, who was charged with having assaulted his female slave, named Jeanton, and that he did confine the said Jeanton in an iron chain, by affixing and fastening the same with padlocks in and upon the neck, arms, and legs, of the said Jeanton, such punishment not being prescribed in and by a certain act of that island in such case made and provided; and it was further charged, that the said Alexander le Guay maimed, defaced, mutilated, and cruelly tortured the said Jeanton, by fracturing, and causing to be fractured, her arm. This bill likewise was thrown out. But, not contented with this, the grand jury thought fit to declare, that these several indictments were nothing more nor less than nuisances. Their words, as appeared by the return made to the house, were these: "The grand jury have further to present the dangerous consequences which are likely to occur from the number of indictments for unmerited punishments inflicted on negroes by their owners, managers, or employers, which have been laid before them this day, unsupported by any evidence whatsoever; on the contrary, it appeared from the evidence, that in some of the cases the negroes merited the punishment they received." This presentment was dated Dominica, grand jury room, the 4th day of February, 1817: and was signed by John Gordon, foreman. In consequence of these proceedings, the attorney-general (W. W. Glanville) thought it expedient to have recourse to informations, considering it not right to trust to grand juries again. (*Hear, hear.*) The house had heard the nature of the offences with which the parties were charged, but in each case the persons were acquitted. Now it was well known that, in England, the information of an attorney-general was regarded as an odious proceeding; but it appeared that, in Dominica, the attorney-general deemed it an expedient measure for the protection of the black population of the island. (*Hear, hear.*) He was sure that the house could not but be sensible of the necessity of affording the greatest encouragement to the government of these islands to take the slaves under their protection. The laws were beneficent—but what availed the laws, when the unhappy slaves could not derive protection from them? Neither the slave, nor his family, nor friends, could obtain any redress

against the cruelties of his master. The slave was cruelly treated, and the public sympathized with the master. (*Hear, hear.*) It was the duty of the government to protect the laws, and, without that protection, no security could be afforded. He was disposed to speak kindly of the West-Indian legislatures; but he would ask again, to what purpose were such laws enacted, if they were not observed? There was a general concurrence in opinion in the West India islands, that nothing was more improper than to interfere between master and slave: it was thought to have a tendency to excite a disposition on the part of the slaves to revolt. This, he believed, was the general impression; but he should be glad to find that he was mistaken. The object of his motion was, to confine the inquiry to the island of Dominica; and he was sure that such an opinion prevailed there. In Dominica, there was a species of punishment called "The Public Chain;" and, if any master thought that his slave had offended, he had a right to send him to that punishment. Men, boys, and even girls of the most tender age, had been subjected to this mode of torture; and the governor found that he could not interfere. The governor, willing to alleviate the sufferings of these wretched people, consulted the attorney-general, who gave an opinion, that he had no right to remit the punishment awarded by the master. It appeared that, in the island of St. Domingo, the slaves were liable to be sent to the public chain, and from a work which he then held in his hand, the cruelties inflicted by this kind of punishment were described as follows: "the slave who has been found guilty of any misdemeanor shall be put into the workhouse, where his labours are much harder than in the usual course of employment; he is employed to dig, and to perform other difficult duties, with a chain fixed about his body, and attached to other culprits, leaving him merely room to walk, whilst he is driven on to work by cattle whips, and other modes of castigation." (*Hear, hear.*) If the evils that existed in the administration of the laws in the colonies could be remedied, it should be done without delay. If it were possible that any check could be given to grand juries and to petty juries in Dominica, it should be given with the utmost promptitude. He confessed that he was not able himself to suggest any remedy, and he was disposed to think that no remedy could be procured but by the interference of the British legislature, and by their imposing a duty upon persons in the island, unconnected with the island, having no local tie to it, and comparatively without interest in it, to cause them to maintain the laws. The only effective remedy, in his opinion, would be that which had been recommended by Mr. Burke to Mr. Dundas, which was, to constitute the attorney-general in every island guardian of the slaves, to make it an essential part of his duty to interpose between the master and the slave when there should be a necessity. By such a regulation, it would become his duty to see that the slaves were properly treated.—There was another thing which he thought necessary, though he did not say that it would be resorted to; he only thought it his duty to mention it, and that was, the legislation of this country for the colonies. The idea of that had excited great discontent; it had been said, that this country had not properly the power of legislating for her colonies. It was needless for him to state, that that had been already done in numerous instances. He might only mention, that it had been done in the act by which colonial property was made liable as assets for debt. He might refer to that series of political controversy that had taken place during the American war. It had been said, that England could not legislate for her colonies on the very principles of her own constitution, and that they ought to enjoy that constitution. Taking the matter, however, seriously into consideration, no man could for a moment imagine that the constitution could immediately apply to any of these colonies. The constitution should be taken in every part; it should be taken as a whole. It held, that all men stood in a state of equality; that all men stood equal by the law; and that was talked of where it could not possibly exist. The moment an individual set his foot upon the British shore, he became as free as any other individual *. But what could be more inconsistent than the conduct of those

* See Salk. 666.—Hence it may be said, that the spirit of liberty is rooted in our very soil. When an attempt was made to introduce slavery, by statute 1 Edw.VI. c. 3, which ordained, that all idle vagabonds should be made slaves, and fed upon bread, water, or small drink, and refuse meat; should wear a ring of iron round their necks, arms, or legs; and should be compelled, by beating, chaining, or otherwise, to perform the work assigned them, were it never so vile; the spirit of the nation could not brook this condition, even in the most abandoned rogues; and, therefore, this statute was repealed in two years afterwards.

It is true, however, that a state of slavery formerly existed in England. The villeins, who resembled the Spartan helots, were either *regardant*, that is annexed to the manor or land, or else they were *in gross*, or at large, that is, annexed to the person of the lord, and transferable by deed from one owner to another. They could not leave their lord without his permission; but, if they ran away, or were purloined from him, might be claimed and recovered by action, like beasts or other chattels.—A villein, in short, was in much the same state with us as that of the boors in Denmark, and the *traals* or slaves in Sweden, which renders it probable that they were monuments of the Danish tyranny. In a former note (page 881,) it is observed, that the last claim of villeinage which we find recorded in our courts, was in the 15th of James I., about which time the race of persons, who were once the objects of it, was completely worn out by the continual and united operation of death and manumissions. It may now be added, that sir Thomas Smith, who was secretary

who talked of establishing that principle in the West India islands? The constitution would be then reversed and destroyed. What was recommended would be, under the auspices of British liberty, rendering slavery worse than under the most arbitrary government. Arbitrary governments, indeed, did make laws for their colonies. But that the principle, that no man could be bound by laws to which he had not consented, could be applied to islands so situated, no man could imagine any thing more absurd.—He should now call the attention of the house for a few moments to another subject—he meant to the laws that had been passed in Dominica on the subject of manumission, which had not been attended to. A slave born on the island could not obtain his liberty, without paying a tax of 16*l.* 10*s.*; others, not born on it, were obliged to pay 55*l.* A man of colour, though a freeman of another island, became, by law, a slave, if he did not pay a tax on his arrival at Dominica. So that, a slave once landed on the British coast became a freeman; but a free man of colour, the instant he touched the soil of Demerara, became a slave! There was another law, by which all men of colour found on the island were liable to be taken up as runaways, and then, if they were not claimed by their masters, which could not be if they had no masters, they were sold for the benefit of the public. If a man was not claimed, it was nevertheless taken for granted that he was a slave, and he was sold. These laws were certainly made upon an oppressive principle. Since the abolition, there ought rather to be some measure in favour of manumission than a restraint upon it. There was no man who did not entertain hopes that the time might come when there would be no slavery in any part of the world; but slavery could not be destroyed instantaneously; it could only be done by gradual manumission, by religious instruction, by alterations in the state of marriages, by improving the condition of the slaves. The abolition, he was sorry to say, had not had all the effect that had been anticipated. It was by laws to be made, and by laws to be enforced as well as made, that that object was to be attained. There was very high authority to shew that, with respect to many laws that had passed, it had never been intended that they should be executed. He begged to call the attention of the house to what had been stated by governor Prevost, in a letter to lord Camden, in 1805. He said, "that the act for encouraging the better government of slaves appeared to have been considered, from the day it was passed till this hour, as a political measure, to avert the interference of the mother-country in the management of the slaves." He might ask, whether there remained a doubt that such had been the intention of those laws? It was a duty which this country owed to that part of her dominions; it was a duty of government to take the affairs of Dominica seriously into consideration. It should be recollected that the slaves were subjects of the King; they owed him allegiance, and would be as severely punished as any other men, nay, more so, if they were to violate that allegiance. The King, then, was bound to afford protection to them, as well as to other men; they were as much subjects as Englishmen were. He would not take up the time of the house, but should merely observe shortly upon facts that had taken place on another island; and he should only

to Edward VI. says, that, in all his time he never knew any villein *in gross* throughout the realm; and the few villeins *regardant* that were then remaining were such only as had belonged to bishops, monasteries, or other ecclesiastical corporations, in the preceding times of popery. (See his Commonw. b. 3. c. 10.)

The love which the people of England cherish for the spirit of liberty, and the beneficial consequences resulting from it, are eloquently described by Mr. Burke in one of his speeches. After having observed, that America would not be taxed to support corruption, but that she would bear any useful or constitutional burthen to support the parent state.—"For that service, for all service," said Mr. Burke, "whether of revenue, trade, or empire, my trust is in her interest in the British constitution. My hold of the colonies is in the close affection which grows from common names, from kindred blood, from similar privileges, and equal protection. These are ties which, though light as air, are as strong as links of iron. Let the colonies always keep the idea of their civil rights associated with your government, they will cling and grapple to you, and no force under heaven will be of power to tear them from their allegiance. But let it be once understood, that your government may be one thing, and their privileges another; that these two things may exist without any mutual relation; the cement is gone; the cohesion is loosened; and every thing hastens to decay and dissolution. As long as you have the wisdom to keep the sovereign authority of this country as the sanctuary of liberty, the sacred temple consecrated to our common faith, wherever the chosen race and sons of England worship freedom, they will turn their faces toward you. The more they multiply, the more friends you will have; the more ardently they love liberty, the more perfect will be their obedience. Slavery they can have any where. It is a weed that grows in every soil. They may have it from Spain, they may have it from Prussia. But until you become lost to all feeling of your true interest and your natural dignity, freedom they can have from none but you. This is the commodity of price, of which you have the monopoly. This is the true act of navigation, which binds to you the commerce of the colonies, and through them secures to you the wealth of the world. Is it not the same virtue which does every thing for us here in England? Do you imagine then, that it is the land-tax which raises your revenue? that it is the annual vote in the Committee of Supply, which gives you your army? or that it is the Mutiny Bill which inspires it with bravery and discipline? No! surely no! It is the love of the people; it is their attachment to their government, from the sense of the deep stake they have in such a glorious institution, which gives you your army and your navy, and infuses into both that liberal obedience, without which your army would be a base rabble, and your navy nothing but rotten timber."

state those facts to shew the general feeling. It had been said, that cases might be cited of great enormity, and by that means imputations might be thrown upon a whole community. It was by no means his intention to estimate the British or any other character from cases of particular cruelty, but he should mention the case on which he was about to enter, merely for the purpose of shewing what was the general feeling on such subjects. In that case, the same Mr. Huggins who had been formerly the subject of conversation, was materially concerned; that person was still, he believed, a man of considerable opulence and influence in the island of Nevis. He had been before brought to trial for cruelty to slaves of his own, and there had been a general opinion against him. He had been lately brought to trial for cruelty towards the slaves of another. A Mr. Cottle had appointed him his attorney when he left the island. The case was, that he whipped two boys very severely who were charged with theft; they were two very young lads, who had been accused of receiving a pair of stockings that had been stolen. They were stated to be very young, and not to have suffered any punishment before. Huggins ordered them to have each 100 lashes. By law, 39 lashes was the utmost punishment of the kind that was permitted; but Huggins, as Mr. Cottle's attorney, by his own authority, sentenced the boys to receive 100 lashes each, and they did receive them. He related the facts from notes taken on the trial, on the accuracy of which, he believed, he could depend. There were present at the infliction of the punishment two female slaves; one was the sister of one of the boys, and the other a relation who had been treated with great kindness by Mr. Cottle. For no other offence than their having shed tears, he ordered them, the one 30 lashes, and the other 20. Huggins was brought to trial by the senior king's counsel, exercising the duties of attorney-general; the facts were established, he was acquitted, and it was thought a most odious interposition on the part of the attorney-general. If such a prejudice existed against interference between the master and the slave, he thought it ought as soon as possible to be destroyed. The opinion of the attorney-general, to which reference had been made on the subject, he should take the liberty of reading. The hon. and learned gentleman then read the opinion, the substance of which was, that the governor could not pardon a slave who had been condemned to labour by his master for any offence, to be assured of which it was only necessary to examine the definition of slavery. The opinion then defined slavery, and shewed that a slave could have no civil rights, but was the exclusive property of his master, equally transferrable with any other possession.—The hon. gentleman concluded by moving, that an humble address be presented to his Royal Highness the Prince Regent, praying that he would be pleased to order to be laid before the house "copies or extracts from all despatches, letters, and papers, in the office of his Majesty's principal secretary of state for the colonial department, which in any manner relate to the cases of John Baptiste Louis Birmingham, Alexander Le Guay, and John M'Corry, against whom bills of indictment were preferred by his Majesty's attorney-general for the island of Dominica, and to the presentment made by the grand Jury of the same island on the 4th day of February 1817, and to any presentment made by the grand jury at Dominica at any subsequent period, which in any manner relate to the power of the owners of slaves in the same island to send their slaves to be kept to hard labour in the public chain, and to the right which the governor may have, by virtue of the royal prerogative, to remit the punishment of slaves so condemned by their masters to be kept to hard labour."—Also "Copies or extracts from all despatches, letters, and papers, in the office of his Majesty's principal secretary of state for the colonial department, which in any manner relate to the case of Edward Huggins the elder, tried in the island of Nevis, in May last, for cruelty to certain slaves under his charge."

Mr. *Goulburn* said, that, as on the one hand, it would not be supposed that he should give credit to accusations without complete evidence, so, on the other hand, he could not be expected to stand up in his place to defend cases of the deep hue which the hon. and learned gentleman had made the subject of his speech. It would not be expected by that house, or any individual in it, that he should defend persons, either the principals in, or accessory to, acts such as had been described. All that he wished was, that, in considering the subject, the house would guard against forming any opinion till they heard the other side of the question. He might appeal to the hon. and learned gentleman himself, whether, in the larger islands, there were not the most beneficial legislative enactments for the protection of slaves; and he might also appeal to him on the subject of the feeling and temper in their favour. He might appeal to the improvements that had been made in agriculture, which materially diminished their labour, and the improvements in the estates. In the islands to which he alluded, the principles there laid down were not intrenched upon. In Jamaica, there were slaves possessed of considerable property; there were, indeed, instances in which they had bought their freedom by the earnings of their own industry. He appealed to the hon. member for Stockbridge (Mr. Barham), who had stated, that he himself had been the purchaser of considerable property from slaves, and he had declared at the time that that was not the only instance of the kind he had known. In judging of the case before them, the house could not come to any conclusion without having upon the table the whole of the evidence. With respect to the case in the island of Nevis, he could say nothing; as, having been ignorant

of the hon. and learned gentleman's intention to allude to it, he had not collected the necessary information. Indeed, he was not sure whether such information had yet reached the office to which he belonged. If it had, he should have no objection to produce it. He hoped the house would do him the credit to believe, that he would not stand forward to defend any criminal, or to palliate any cruelty. The best means of exposing the one, and of preventing the other, was to lay full information before parliament, to keep a watchful eye on the transactions of our colonies, and to express an utter abhorrence of all cruel and unjust treatment, like that detailed by the hon. and learned gentleman, if the accounts of it were supported on proper evidence. He had no objection to produce the papers moved for, so far as he could; but he begged that the house would excuse the imperfect state in which it might be in his power to grant the requisite information.

Mr. *Smyth* was happy to hear such sentiments as those uttered by his hon. friend, and to learn his readiness to communicate the desired information. It was with great satisfaction he likewise heard that the state of society in the West India islands was improving, and that it was not nearly so bad in the larger and more populous as in the smaller islands; but while this progress towards amelioration was calculated to give satisfaction, it was not sufficient to warrant the house in withdrawing its superintendence or relaxing its vigilance. Much had been done, but much yet remained to be accomplished. When he considered, that in none of the colonies any steps had been taken to encourage the manumission of slaves; when he considered the treatment to which, in all the colonies, they were still subject; when he considered, that the cart-whip was still resorted to as an instrument of discipline; when he considered that slaves were still discredited as witnesses, and that their evidence could not be taken in a court of justice; when he considered, that such a state of servitude as this existed in all our colonies, however modified by the individual humanity of the masters, he could not help thinking it the duty both of this and the other house of parliament to keep a watchful eye over that part of the British dominions, for the protection of those who might be exposed to oppression.

Mr. *A. Grant* said, he did not rise to oppose the motion, or to abet the practices to which it referred. The cruelties stated by the hon. and learned gentleman, if his statement should be found to be supported on proper evidence, had his unqualified abhorrence. As he was ignorant of the grounds on which those statements rested, he could not object to their truth, nor could he complain that they had been brought forward. There were parts of the hon. and learned gentleman's speech, to the spirit and tendency of which he strongly objected. He alluded to those parts of it in which he stated, that in Dominica and Nevis, there was a disposition to enact laws for the protection of the slaves, which were never intended to be executed, and then appealed to the fact asserted of those two islands as a proof of the general spirit and disposition of all our West India colonies. He did not mean to find fault with the general tone and temper of the hon. and learned gentleman's speech, in which he professed a wish to be conciliatory; but he would appeal to his candour, whether such a sweeping inference ought to be drawn regarding the whole of our colonial possessions, from the instance of two of the most insignificant? He did not know the amount of the population of those two islands; but he could say, that it was very inconsiderable when compared with the rest. While they scarcely shipped six hogsheads of sugar to this country, Jamaica alone sent 130,000 hogsheads. How unfair was it, therefore, to apply the language which might be spoken of possessions so insignificant to the state of society and the principles of legislation prevalent in all the other islands? He could assure the hon. and learned gentleman that the legislation of the large colonies was conducted on very different principles from those which he had stated. No law was made in Jamaica which was not enacted on the perfect conviction of justice and policy, and which was not intended to be applied and executed. The hon. and learned gentleman had asked, whether an interference between master and slave was not always discouraged in the colonies, and strongly objected to on the part of the planters. He would answer the appeal in the affirmative, so far as legislation was concerned, and so far as those not sufficiently acquainted with the circumstances of both might wish to interfere; but this admission did not apply to persons within the islands. Nothing, indeed, was more common, as he could assert on his own personal knowledge, than the latter kind of interference. When a slave was ordered to receive punishment by his master, it was a very general practice for him to slip away privately to tell some neighbouring planter, and beg his intercession for a remission or mitigation of his sentence. If a slave were met going on this mission and asked his object, he would answer, that he was going to get a ticket, by which was meant a letter from a clergyman or magistrate requesting a pardon or a mitigation of punishment. This intercession was often effectual, and never objected to. If, then, a master was willing to tolerate the interference of the characters whom he had mentioned, who were clothed with comparatively little authority, was it to be believed that he would object to that of the highest law officer in the colony? The attorney-general in Jamaica might be often, from the great extent of the island, at the distance of 100 or 120 miles, and therefore could not be applied to on all occasions; but was it to be believed that masters who admitted the interference of the minor authority, would object to that of the higher? When he considered this and similar

charges of the hon. and learned gentleman, he must say, without meaning any disrespect, that his speech was conciliatory in its words, but injurious in its tendency. It began by complaining of certain practices in the islands of Dominica and Nevis, and then applied the inference drawn from those practices to Jamaica and all the West India islands. If such a speech went forth uncontradicted to the public, as, from the interest attached to the subject, it certainly would do, he submitted to the house that it might produce very wrong impressions regarding the character of the West India proprietors. Its object was not to misrepresent, but its tendency was. He need mention nothing further to shew this tendency than the reference to the state of St. Domingo, which persons ill informed, or willing to be deceived, might apply to the state of society in the British possessions. To confirm impressions so created, the house, whenever punishment was mentioned, heard of the cart-whip, by which an idea of the severity and cruelty of the treatment of slaves was meant to be conveyed. (*Hear, hear*, from Sir Samuel Romilly, who asked across the table, was the instrument of punishment not a whip?) Most undoubtedly it was a whip; but why use the odious and invidious term of a cart-whip, implying a brutal infliction of severity, instead of a necessary correction? In what the hon. and learned gentleman had said about public chains, there was the same tendency to mislead. He did not deny that forced labour in chains existed in Jamaica. Runaway negroes were put into a workhouse and chained for the purpose of security. Various species of punishments were resorted to on the island, suited to the different kinds of offences. One of these punishments was transportation, and between the passing of this sentence and its execution, the slaves were confined in a workhouse, and compelled to labour in chains. These chains, however, were employed more for the purpose of preventing escape than inflicting punishment; and the work to which they were compelled was rather intended to promote their health, than to gain any thing by their industry in this situation. They neither suffered in this case from their labour or their chains. The hon. and learned gentleman, in speaking of the 100 lashes inflicted in one of the islands, had stated truly that only 39 could be inflicted in Jamaica. This, he had reason to believe, was not regarded by the slaves themselves as a very severe punishment, and he should be glad if circumstances would permit its severity to be lessened. He had never seen the punishment inflicted in his life, but he could judge of it from what he had seen. He had sometimes been applied to for a ticket similar to that to which he alluded, either for a remission or a mitigation of punishment. Slaves were sometimes sentenced to be corrected by the stocks (similar to those used in this country) or by solitary confinement; and in such cases those who applied to him, if they had no prospect of a full pardon, begged that he would interfere to get that species of punishment commuted into the 39 lashes. This preference sufficiently shewed that those lashes did not cause so great suffering as was generally imagined, or were inflicted with that severity which was generally described.

Mr. *A. Browne* said, he acquitted the hon. and learned mover of all intention to mislead; but he certainly had applied his talents to give a colouring to some of his statements, and particularly to the case of Nevis, which was not warranted. With some parts of that case the hon. and learned gentleman was totally unacquainted. The severity of which he complained did not exist. Without any evidence before him, either of the nature of the crime or the extent of the punishment, he had assumed too much in describing the latter as of unparalleled severity. The hon. and learned gentleman was too well acquainted with the law, and too intimate with the rules of that profession of which he was so distinguished an ornament, to have been led into the observations which he had made, if his humanity had not prevailed over his judgment. The only evidence he had was the verdict of a grand jury, who decided that the punishment was not severe, and acquitted the person against whom the charge of cruelty was brought. Yet, notwithstanding this, the hon. and learned gentleman had assumed not only that great cruelty existed in this case, but that a similar spirit of harshness and severity extended over the whole of the West India islands. (*No, no*, from Sir S. Romilly.) If the planters in Dominica or Nevis were guilty of oppressive acts, let the odium fall upon themselves, and not extend to our other possessions where such acts were not practised. The hon. and learned gentleman should remember, that with regard to the case of Huggins, the return of the grand jury who acquitted him was made on oath, and there was not one tittle of evidence to prove that their verdict was wrong. The hon. and learned gentleman did not require to be told that the conduct of men who acted under the solemn obligation of an oath ought not to be arraigned except on very strong grounds. If the present motion should be agreed to, and evidence obtained to prove that the grand jury were wrong, he would not be their apologist, nor oppose any remedy to prevent the recurrence of the abuses of which they had been guilty. He had stated, that a colour had been given to the transactions in the island of Nevis which did not belong to them. He was not acquainted with the facts till yesterday evening, when the respectable agent for the colony waited upon him, and gave the account which, with every claim for indulgence for the imperfect manner in which he should bring it forward, speaking only from memory, he would now detail to the house. He was no apologist for Mr. Huggins. He regretted that he was brought before the country in a way that reflected dis-

grace on himself, and extended suspicion over others; but he did not see how he could be condemned unheard, and without evidence of his guilt. The circumstances were as follow:—A negro belonging to a person for whom Huggins acted as attorney, was concerned in a theft. Two others received the stolen goods. There was no doubt of their crime. They were ordered to receive, so far as he knew, 100 lashes. (*Hear, hear, hear.*) He did not know what was the punishment ordered, but he was sure that what was inflicted was so slight as not to prevent them from going to a negro-masquerade the night after, in which the one supported the character of Buonaparte, and the other that of the duke of Wellington. (*A laugh.*) With respect to the women, the representations of the hon. and learned gentleman, however pathetic, were wrong: they were not punished because they shed tears at the sight of the sufferings of their friends, but for being guilty of yells and cries to prevent that punishment. They were not tears of sorrow, but of obstinacy, to prevent subordination. It was true that one of them was the servant of Cottle, but she had been dismissed for bad behaviour and sent to the fields. For these measures he had received the approbation of Mr. Cottle himself. As for the island favouring this severity, the charge was totally unfounded: the council and assembly had ordered a prosecution, and to give the trial greater solemnity, had sent to the neighbouring island of St. Kitts, for the assistance of the attorney general. This shewed no feeling of kindness towards Mr. Huggins, but a desire to bring him to justice. The jury had acquitted him: and it was too much for the hon. and learned gentleman to say, without any evidence to the contrary, that they acquitted him improperly. The governor had afterwards written him a letter, expressing his approbation of the decision of the jury. He would not speak of Dominica; but if the acts stated by the hon. and learned gentleman existed there, he would join with him in condemning them, and would agree to any remedy to prevent their recurrence; and he was sure that, if such a remedy were found, the hon. and learned gentleman would receive the thanks of the whole slave population, of the planters, and of mankind.

Sir *James Macintosh* observed, that the barbarities of Huggins had not once been denied by the hon. gentleman who spoke last, and he must therefore consider them as an undisputed truth. This, indeed, was the universal opinion concerning them; and, under such circumstances, what was his surprise at hearing the hon. gentleman read a certificate of approbation of Huggins's conduct from a person who was capable of employing him in the management and superintendence of slaves, towards whom he had been guilty of barbarities which had excited universal indignation. So far was such a certificate from affording any presumption of this man's innocence, or any extenuation of his crimes, that it could be considered in no other light than as the testimony of a leading criminal, himself implicated in or accessory to the cruelty: his testimony was presumptive of the guilt of both: it was against the master, and not in favour of the servant. The hon. gentleman had admitted the punishment of the boys for theft, and of the women for sympathizing in their distress, while suffering under the lash. The hon. gentleman, too, had complained, that the hon. and learned mover had put his own colour upon the transaction: but it was the hon. gentleman himself that had put a colour on the business, for he admitted the facts to be the same as those that had been stated. The hon. gentleman had affirmed that the tears of the women were not tears of sorrow, but yells; he (Sir J. Macintosh) might say, that they were yells of horror; but the hon. gentleman said, that they were yells of obstinacy. How was the hon. gentleman enabled to distinguish with such minute nicety between these different species of sound? Undoubtedly, they were violent expressions of emotion from persons who were spectators of a punishment inflicted on those who were dear to them. But the hon. gentleman said, they were yells of obstinacy, were expressions of mutiny! How did he know that? Perhaps this was the only instance in modern barbarity of spectators having been punished for a mere expression of sympathy. Never but once had it occurred even in Roman history; and he had heard Mr. Pitt once repeat from Livy, on a melancholy occasion, as the highest aggravation of infliction, that, *ne gemitus quidem populi Romani fuit liber*. The hon. gentleman had said, that the council and assembly had agreed that Huggins should be prosecuted, and had sent for the attorney-general of a neighbouring island to conduct the prosecution more solemnly; and that they, therefore, could not be implicated in the cruelties, if any, committed by Huggins. But this was a proof at least of their sense of Huggins's enormities; they probably used every means to bring him to account, and it appeared that they went out of their way to further an act of justice: but would they have done this, unless it had been absolutely necessary, and was it not almost conclusive against Huggins? The hon. gentleman had added, that the governor of Nevis had written a letter expressing his approbation of Huggins's conduct. In what part of the performance of his duty had governor Probyn done this? Were we to suppose that the governor had any connexion with this Huggins (*hear, hear*), that he could in any way communicate with one so polluted, so degraded, and so abhorred? The letter could not have been of a public nature, for its contents would then have been known. It could not have been a private communication, for it was not to be believed that the governor could be connected with one who was not merely an object of horror, but whose very touch was contagious, and whose presence was an abomination. What, then, could have been the subject

of that epistle? Was it necessary to heal the wound that had been inflicted on this injured individual? Was it necessary to remove the stain from the name of this spotless character? He had no feeling of hostility to the inhabitants of the West Indies, but he did not think their cause or character would be served by a defence which bore such a character of exaggerated statement. As to the case of Dominica, he had one thing to observe. The hon. gentleman had not adverted to the principal point; that point was, not that the grand jury had in some cases found no bill, or that the petty jury had acquitted in others; they might both of them have acted thus in the exercise of their constitutional functions. The charge against the grand jury was, not for exercising a lawful right, but for overstepping all right; for making the bill presented to be found by the grand jury, a nuisance; and by doing this, they had forfeited all the character of a grand jury. Could any man justify such conduct, or say, that there was so much as the shadow of a pretence for it? The hon. gentleman in omitting this altogether, had observed the rule of an ancient writer—*Quæ desperat tractata nitescere posse, relinquit.* In consequence of the grand jury throwing out the bill, directions were issued by the governor to the attorney-general to prosecute on an *ex-officio* information. That being done, the grand jury which had attacked the right to present by indictment as a nuisance, proceeded next to attack the prerogative of the crown, to proceed by information *ex-officio* as a nuisance also. They thus barred up all the avenues to justice. They had put a negative upon the clause of Magna Charta, which says, *nulli negabimus, nulli differemus, nulli vendemus, justitiam vel rectum.* Not only was no justice done, but it was deemed a nuisance and public offence to attempt the attainment of it. If that were not their purpose, it was not very easy to conceive with what design they had presented the indictment as a nuisance. After all the feeling and heartfelt anxiety with which his hon. and learned friend had brought forward this motion, (a feeling that was infinitely more creditable to him than the mere professional talent on the score of which the hon. gentleman had thought fit to compliment him,) it was to to be hoped that some notice would be taken of conduct which it was intended not merely to complain of, but to shew to have been inconsistent with all law and justice whatever. It was clear that they had heard of a contempt of all authority, of the scorn in which laws had been held, and of outrages against humanity: and it was on those grounds that his hon. and learned friend thought it his duty to inform himself of the state of the island, in order to restore or give to it that blessing of equal law which was the best part of good government, and that for which our political institutions were chiefly valuable.

Mr. *Marryat* thought it unfortunate that there was no one in the house immediately acquainted with the island of Dominica and its laws: not being so himself, he could not enter much into the discussion. The hon. and learned gentleman had certainly quoted laws which seemed to be very barbarous, but we had many in our own statute book that were equally so. But a gentleman of Dominica had desired him to explain the presentment made by the grand jury, and he had it there from the foreman of the jury. On reading the indictment, he had felt the same impression as the hon. and learned gentleman, and as every one else would feel, that the jury had acted illegally; but, on explanation, this impression had been wholly altered. It appeared, that the presentment was made in a very different view from that which would be supposed on reading it: it had not been their intention to present all indictments as a nuisance, but only such as were presented without sufficient evidence to support them. This appeared in the case of Mr. Birmingham. There had been a mutiny among his slaves: they had been indicted, but escaped on a flaw; (for there were flaws in indictments there as well as here;) he was enraged at this, and his slaves refused to serve any longer under a coloured freeman; he then had them secured and sent to the market-place, where they were punished illegally. The grand jury complained that, on an indictment for this offence, there was not any evidence brought forward; the clerk of the market, the only evidence, not being produced, and the jury were obliged to find no bill. The presentment alleging such bills unsupported by evidence to be a nuisance, was so well understood, that the attorney-general was reprimanded for not doing his duty. Another instance of the same sort had occurred, and this sufficiently explained the nature of the presentment, to which he thought there could be no objection on these principles, because nothing tended so much to discontent, as ideas among the negroes that white men were not convicted for offences. There was not the same precision in language in that country as here, or so much legal learning as the hon. mover possessed: and where a body was concerned in the framing of an instrument, every man would put in his word, and it was generally drawn up incorrectly in the end. The printed papers before the house did not give all the evidence that was necessary. It seemed as if juries were unwilling to convict white men; but the same jury had very lately convicted a white man for the murder of a negro: a Mr. Stranach had shot at a female slave in the act of running away; and at such a distance that he could not overtake her. As to the presentment of the *ex-officio* information, he had never seen or heard of it; and he was equally ignorant of the circumstances of the trials that had taken place. But he should be sorry if *ex-officio* informations were substituted for regular proceedings. It had been lately hinted, that ministers meant to set aside trials by jury in this country, by raising a

religious cry against juries; he hoped they would not do this at Dominica. However, the fact that had occurred in that island required investigation, and the papers ought to be laid fairly before the house.

Mr. *Wilberforce* was desirous that inquiry should be made. An hon. gentleman had endeavoured to throw a ludicrous light on the business by talking of negroes going to masquerades; but the state of slavery must still be dreadful, when it appeared that a father had flogged his own son. He had a letter from a person in the colony which stated this fact, and that the writer never saw a severer punishment inflicted. It was, indeed, dreadful, when women were punished for weeping. But the hon. gentleman had been silent as to another fact, namely, that one of these women was in a state which should naturally excite sympathy and compassion, and that her arm had been broken. This had not been denied: however, he almost regretted that so much stress had been laid on individual acts of cruelty. It was not such acts alone, but the slow, grinding, effects of slavery, the moral degradation of man, both master and servant, that was the greatest evil. In Dominica, the slaves were in general better off than in Jamaica; but in Jamaica there were not the same laws to obstruct manumission. Still the great evil of degradation remained. Mr. Burke had said, that what had been done by the West India assemblies was a trifle, because it was destitute of executory principle. Sympathy was the soul of humanity: but there was none in the West Indies, and that constituted the difference between West India slaves, and the slaves of the ancient world, or the villeins of Europe. There was no person in the ancient world who might not by the reverses of war become a slave, and among that class were philosophers and men of genius. This kept up a sympathy between them and their masters*: but, with respect to the West India slave, it had been stated in that house, that he was not our fellow-creature. In Jamaica, indeed, the slaves had the right of giving evidence, but there was no sympathy even then; and in no place were they worse off in this respect than in Barbadoes, the island that had been longest settled, and which so resembled this country, that it had been called Little Britain. After all the parade which the hon. gentleman had made about the crime of theft, the boys mentioned in the present business had stolen only a pair of stockings; and to proceed with violence for such an offence, was indeed a piece of cruelty that would not be tolerated in any other country. It had been said, that those who spoke on this subject in parliament treated the whole people of the West Indies with unnecessary harshness; but, surely, while such an instrument as the cart-whip was ordinarily employed, much more severe in its inflictions than the cat-o'-nine-tails, because it cut even masses of flesh, how was it possible to speak with mildness? One of the greatest evils was, however, the state of moral degradation; the condition of concubinage in which some of the slaves lived, without marriage or any other religious form; so much so, that one of the missionaries who had attempted to unite two slaves by bans, had been prevented from doing so. Another mischief adverted to so strongly by Mr. Bryan Edwards, in his "History of the West Indies," was, the annexation of slaves to estates, who were transferred with them from hand to hand for the payment of debts; yet not a single island had adopted any measure for altering this system, and a sum amounting to 500*l*. had not unfrequently been paid for manumission. Above all, it was important to improve the education and morals of the negroes, to raise them from their present state of degradation, and to advance them by degrees to a condition of domestic competence and comfort. He was well convinced, that the Africans were as capable of improvement, intellectual and moral, as any other uncivilized people.

Mr. *W. Smith* congratulated the house on the change which had recently taken place in the island of Jamaica. Those who were formerly most forward in resisting any interference with regard to slaves, were now the most ready to co-operate with parliament. There was a material distinction between Jamaica and the smaller islands of the West Indies. He had been most happy to hear that night, for the first time, the slaves of the West Indies recognized as subjects of his Majesty. Had this been earlier attended to, 9000 persons in the island of Nevis would not have remained under the control of 500 whites, at the head of whom was Mr. Huggins, with whom, after all that had been said and was

* It is certain, that the most liberal and expanded sentiments are generated by an early acquaintance with the writers of Greece and Rome. And yet, no one can look back to those republics as the patterns of civil liberty, or the seats of just government. In Athens alone there were 400,000 slaves, and only 31,000 freemen. In the small island of Ægina, there were 470,000 slaves. It was common for a private citizen of Rome to have 10 or 20,000. In general, those wretched beings were exposed to every evil that the most wanton tyranny could inflict. At Sparta, the Helots were often murdered in cold blood. At Rome, the slaves suffered every insult and every injury, without redress. (*Cum in servos* OMNIA *liceant*, &c. Seneca de Clement. i. 18.) They were compelled frequently to till the ground in chains, or confined in subterraneous dungeons, and strained to labour beyond their strength. *Catenati cultores, vincti fossores* are expressions which often occur in the Roman authors. It was this degraded condition of by far the greatest part of the inhabitants of Greece and Rome which made Liberty so estimable to their writers. The sense of their own happiness was heightened by contrasting it with the miseries of the slaves, and hence they always mentioned the word Liberty with enthusiastic fondness. —See Dr. Taylor's Civil Law, *passim*.

known, the governor himself did not disdain to associate*.

Sir *S. Romilly* replied; observing, that he had not intended to cast any imputation upon the whole of the West Indies, or to imply, from the conduct of the white inhabitants of two of the smaller islands, that the white population of the rest deserved equal reprobation. He said, that, from the trial, the story of the masquerade must be incorrect. One of the witnesses, a driver, deposed, that, six days after, there were marks of severity on the negroes, such as he had never before observed. The girls who were punished, it was distinctly stated on the trial, did *not* scream; they covered their faces, and shed tears. An hon. gentleman had been offended at the word "cart-whip," but this was the phrase which was used on the trial, and, as it thence appeared, the common word in the island.

The motion was then agreed to, and the house adjourned till the 24th instant.

* The following are extracts from the latest official returns of colonial population, ordered to be printed by the House of Commons, July 12, 1815.

Governor Baines of Dominica reports, that on the 19th of February 1811, there were on the island,

Slaves	24,728	Free persons of	
Whites.		colour	2,980

Governor Bentinck of Demerara states, the population of this settlement to be,

Slaves	71,180	Free coloured	2,980
Whites	2 871		

In the island of New Providence, one of the Bahama Islands, the population was, Dec. 13, 1810,

Whites	1,720	Coloured Slaves	146
Free Blacks	563	Foreigners	100
Free Coloured	509		——
Black Slaves	3,044	Total	6,084

St. Vincent island contains,

Whites	827	Slaves	22,020
Free Coloured	646		

The Grenadines contain,

Whites	226	Slaves	2,000
Free Coloured	76		

Bermuda contains,

Slaves	4,794	Whites	4,755

Surinam contains,

Whites	2,029	Black	3,075
Free Coloured and		Slaves	51,957

Curaçoa contains,

Whites	2,781	Slaves Coloured	690
Free Coloured	2,161	Slaves Black	5,336
Free Blacks	1,872		

Grenada contains,

Slaves	29,381	Free Coloured	1,120
Whites	771		

Martinique contains,

Slaves	77,577	Free Coloured	8,630
Whites	9,206		

The births in this island in 1810 were,

Whites	71	Free Coloured	80
Slaves	1,250		

Berbice contains,

Whites	550	Blacks	25,169
Coloured	240		

The slave population of Barbadoes exceeds 69,000; that of Jamaica, 319,912; and of Antigua, in 1810, 30,568.

HOUSE OF LORDS.

Friday, April 24.

OFFICERS WIDOWS' PENSIONS.] The Marquis of *Lansdowne* rose to move, that there be laid before the house a copy of the regulation of the war-office, of the 17th February last, for taking the usual pension from such widows of officers of the army as have an income equal to double the amount of the allowance to which they would be entitled by their husbands' rank. He made this motion for the purpose of bringing under consideration a regulation, which appeared to him exceedingly objectionable. It would not be necessary for him to use many words, nor to make strong appeals to the feelings of their lordships, in order to convince them of the impropriety, and, he might say, the injustice of this regulation. The reduction contemplated by the regulation applied to a description of persons, and a scale of pensions, which ought, in fairness, as well as in liberality, to remain untouched. The fund from which these pensions were derived, was founded and supported by the army itself. It commenced in the reign of queen Anne: and in the year 1782 the fund had so far accumulated, that 200,000*l.* was taken away from it, and applied to other purposes. In justice, therefore, this sum ought to be repaid before any deduction was made from the pensions. The widows of officers were at least entitled to their pensions on the usual scale to the full extent of that sum, so far as it might go. The sum allowed to widows was, for those of superior officers 120*l.*, for widows of captains about 50*l.*, and for ensigns' widows about 30*l.* Now, he would ask their lordships, whether the circumstance of a colonel dying, and leaving property to the amount of 200*l.* a-year, should be considered a reason for depriving his widow of her pension? If a captain left only 100*l.* a-year, the case was still harder, as according to this regulation, his widow would be deprived of the small pension to which she would otherwise have been entitled. It was worthy of remark, too, that very little could be saved by this measure of severity, for it appeared, that it would not require more than 90,000*l.* to pay the pensions of the persons who came within the scope of the regulation. It appeared to him, that, whether their lordships looked to the origin of the fund, to the justice of the claims upon it, to the great inconvenience of instituting a strict inquisition into the property of the claimants, or to the temptation to fraud which that inquisition would create, it would be impossible for them to consider this regulation as one which was fit to be persevered in. He was, however, happy to hear that it had been resolved to make the regulations undergo some modification, which would be, in a certain degree, satisfactory, though they would not altogether remove his objections. He concluded by moving for a copy of the regulation, and also for an account of the number of

officers' widows whose pensions would be reduced by enforcing it.

The Earl of *Liverpool* did not mean to object to the production of the papers, but wished to explain what had been the view of his Majesty's government. It was perfectly clear that these pensions, from whatever source they originated, were never considered as a matter of right. It had been the practice, both with regard to the army and the navy, to make provision by pensions for the widows of officers: but those pensions were always granted on a memorial being presented, stating the individual to be in necessitous circumstances. In the navy, the nature and amount of these pensions were strictly defined, and a person applying had to make an affidavit, stating that she had not been left property to the annual amount of double the pension for which she applied. With regard to the army, a different rule had prevailed. No sum was defined, and the memorialist merely stated, that she had no pension from the government, and no property left by her late husband, capable of affording her a reasonable maintenance. The statement being thus quite indefinite, the practice with regard to pensions became liable to considerable abuse. It was true, as the noble marquis had stated, that a fund had been established for widows' pensions at a very early period. It was first created out of the appointments of two troops of horse which were reduced. After the institution of that fund, the words respecting necessitous circumstances of the parties had, by neglect, been omitted in the warrants granting pensions; but they were restored in 1770, and after that date all warrants stated the grant to be made in consequence of the death of the husband and the distressed circumstances of the widow. It was evident, therefore, from the very form of the warrant, that the circumstances of the widow were always understood to be taken into consideration in granting the pension. No definite sum, however, being mentioned, a practice had prevailed of granting the pension without a strict reference to the circumstances of the claimant, and it was the object of the regulation to correct this abuse. The arguments urged by the noble marquis on this question must apply to the navy with as much justice as to the army, if he found the right to the pension money withdrawn from the pay of the officer. A rate is paid on the pay, half-pay, and pensions of naval officers towards the widows' fund, and yet the pensions for the widows of these officers were regulated by a scale similar to that laid down in the regulation of the war-office. It was certainly desirable that the two services should be placed on the same footing, and this was the sole object of the regulation complained of. It had been thought right to remove all doubts with respect to the army, by adopting a regulation similar to that which governed the pensions for the widows of naval officers. It had, however, been represented to him, that many individuals, conceiving that their widows were of right entitled to the pension of their rank, had ensured their lives to enable them to make a further provision for their families, and had, perhaps, undergone considerable privations in order to accomplish that object. He was therefore of opinion, that the regulation ought to be modified so far as to prevent it from having any retrospective effect with regard to cases of this description. But as a prospective measure, he considered it highly proper, because it placed the two services on an equality. The words which were formerly admitted as sufficient in the memorials for pensions to widows of military officers, were far too loose and indefinite, and it was proper to introduce the precise form of the naval affidavits. At the same time it had been thought advisable to make another alteration, leaving to the widows both of naval and military officers the power of receiving the pension if they had not an income equal to four times its amount. He trusted this modification of the regulation would be found to be dictated by that liberality which was due towards the individuals who were its objects, while it would at the same time perfectly assimilate the two services with regard to widows' pensions.

The Earl of *Rosslyn* was happy to hear the statement which the noble earl had made. The modification he had mentioned would remove many of the objections to which the regulation was liable. But, notwithstanding all that had been said by the noble earl, he still considered the pensions to officers' widows a matter of right. He considered that the purchase of commissions placed the right of officers of the army on a stronger footing than those of the navy. The sale of commissions was a saving to the government: for they were first permitted to be sold as a means of providing for old and disabled officers. If, however, an officer died without selling his commission, or was killed in battle, the whole money he had laid out in the purchase of rank was lost to his family. Nothing then remained for his widow but the pension, which she ought, therefore, to be considered as of right entitled to, whatever might be her circumstances.

Lord *Exmouth* approved of the arrangement proposed by the noble earl, which he considered fair and liberal towards the navy.

The Marquis of *Lansdowne* expressed his satisfaction at the explanation which the noble secretary of state had given; and the question being put, the motion was agreed to.

HOUSE OF COMMONS.

Friday, April 24.

PARLIAMENTARY REFORM.] Mr. *Hornby* presented 26 petitions of inhabitants of Preston, praying for reform and universal suffrage, signed by 20 persons each.—Ordered to lie on the table.

LUNATIC ASYLUMS (SCOTLAND) BILL.] Lord *A. Hamilton* presented a petition of Commis-

sioners of Supply, and others, of the county of Argyll, against this bill. Also, a petition of noblemen, freeholders, and others, of the county of Lanark.—Ordered to lie on the table.

Breach of Privilege.] Mr. *Wynn* brought up the Report of the Committee of Privileges respecting the complaint of the letter written to a voter of the county of Lanark, to influence his vote in the election of a member to serve in parliament, by Thomas Ferguson, in breach of the privileges of this house, as follows :—" That Thomas Ferguson hath admitted himself to be the author and writer of the said letter, and that it was addressed to William Dykes, a freeholder of the county of Lanark, with the intention of influencing his vote for the said county, but that he hath also expressly stated that his assertions therein contained " that he had communicated Mr. Dykes's application for a situation under government in behalf of a friend to the lord Douglas, and that his lordship had authorized the offer contained in the said letter," were perfectly false and groundless, and that he had never had any communication with the lord Douglas on the subject.—The house then resolved, " that the said letter is a corrupt attempt to subvert the freedom and independence of election, and a high breach of the privileges of the house ;" and Thomas Ferguson was ordered to be taken into the custody of the serjeant at arms.

British Museum—Dr. Burney's Library.] On the order of the day being read for going into a committee of supply,

Mr. *Bankes* moved, " That the report respecting the purchase of the late Reverend Dr. Charles Burney's library of manuscripts and printed books, be referred to the committee."

Mr. *Bennet* asked, whether the proposed grant had the consent of the crown ?

The *Chancellor of the Exchequer* said, it had.

Mr. *Bennet* said, he wished to ascertain this point, as that consent had been refused to a claim of justice, which was now given to a grant of munificence.

Mr. *Curwen* said, that if the hon. member pressed the motion for referring the report to the committee, he should feel it his duty to divide the house upon it. He had, for the same reason, opposed former plans. Whatever might be the actual value of this collection, it could only be expected to be useful to a few. They had lately refused grants to the royal family; and, in the present circumstances of the country, they ought to pause before they agreed to vote away such sums.—The house divided.

Ayes, 79—Noes, 35.

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LIST OF THE MINORITY.

Brand, Hon. T.	Duncannon, Visct.
Bennet, Hon. H. G.	Fergusson, Sir R. C.
Brougham, H.	Fitzroy, Lord J.
Colthurst, Sir N.	Folkestone, Visct.
Calcraft, J.	Guise, Sir W.
Gascoyne, Gen.	Ossulston, Lord
Graham, Sir J.	Odell, William
Heron, Sir R.	Protheroe, Ed.
Hornby, Ed.	Parnell, Sir H.
Keene, Sir J.	Parnell, W. H.
Lambton, J. G.	Pelham, Hon. C.
Lloyd, Sir Edw.	Symonds, J. P.
Latouche, John	Sefton, Earl of
Latouche, Robert	Wilkins, Walter
Methuen, Paul	Walpole, Hon. Gen.
North, Dudley	Wood, Alderman
Newport, Rt. Hon. Sir J.	White, M.
Osborne, Lord F.	

TELLERS.

Curwen, J. C.	Sebright, Sir J.

Pardons under the Great Seal Bill.] On the motion of Mr. *F. Douglas* the house resolved itself into a committee on this bill, and the report was ordered to be brought up on Monday next.

Poor Laws Amendment Bill.] The house went into a committee on this bill, which was read clause by clause.

Mr. *D. Gilbert* proposed an amendment in that clause which enabled parishes to expend a greater sum in one year than one shilling in the pound would raise, in purchasing land, or erecting buildings, for the employment of the poor. The clause, as originally framed, (see page 991) enacted, that in every case where the inhabitants should consent that a greater sum than one shilling in the pound should be expended in one year, for all or any of such purposes and objects, it should be lawful for the church-wardens and overseers, with the consent of such majority as aforesaid, of the inhabitants, &c.—To these words the hon. member proposed to add the following: " And also with the consent of two-thirds in value of the persons possessing the freehold, copyhold, or leasehold interest of the said parish, such leasehold interest not being inferior to a term of 15 years unexpired, or for a longer term, determinable on the death of one or more lives, bodies politic and corporate, whether aggregate or sole, trustees, guardians, and incapacitated persons, being capable of consenting, to be given and signed in the manner hereinbefore directed."

Mr. *Sturges Bourne* said, that he individually agreed with the hon. member, but the bill had been drawn up, not by him, but by a gentleman well acquainted with such matters, and he had no doubt that he had drawn it up conformably to all former bills of the same kind.

Sir *Charles Monck* thought it wrong in principle, and dangerous in its consequences, to burden posterity for the benefit of the present generation. This was to impose permanent burdens on real property, for the accommodation of those whose property was less stationary.

Mr. *Sturges Bourne* replied, that the building of workhouses, according to the act of Geo. I., was liable to the same objections. Workhouses were not for one generation. Yet, if such erec-

tions were made, of which posterity were to have the advantage as well as the existing generation, why should not posterity bear part of the expense? Much advantage had been experienced in many parishes, by applying money secured upon the poor-rates to the purchase of small portions of land upon which industrious paupers might be employed. He thought it right, therefore, that this power should be reserved to them.

Lord *Compton* suggested, that if the land were purchased out of the parish funds, it might be sold under the same authority; at least he did not perceive any provision in the bill to prevent it.

Sir *C. Monck* thought the poor laws the last of all public taxes or impositions that ought to be left subject to mortgage. It was money raised expressly for present uses, and could not be diverted to other purposes, without an abandonment, *pro tanto*, of their original principle.

Mr. *D. Gilbert* defended the clause as analogous to the proceeding usually adopted in assessing the county rate. The evil, against which they had to provide, could not be redressed at one effort, and the only course left them to pursue, was one of gradual experiment.

Sir *C. Monck* observed, that the allusion of the hon. member to the mode of raising county-money for particular purposes, was incorrect. In all ordinary cases, provision was made for the increased expense by an augmentation of the rate; and if the object in view related to the erection of new bridges, or works of a public and permanent nature, application was always made for a special act of parliament.

The amendment was then put and carried.

The next clause was, that the owners of any house or houses, apartments or dwellings, which should respectively be let to the occupiers thereof, at any rent or rate not exceeding 20*l*., nor less than 4*l*. by the year, for any less term than one year, or on any agreement by which the rent should be reserved or made payable at or within any shorter period than three months, should be assessed to the rates for the relief of the poor, for or in respect of such houses, apartments, or dwellings, and the outhouses and curtilages thereof, instead of the actual occupiers.

Sir *Charles Mordaunt* said, that he had introduced a bill in the last session, on the same principle, at the request of the inhabitants of Birmingham. That bill was not approved by the house. When the committee on the poor laws was re-appointed, the inhabitants of Birmingham requested him to bring forward the subject again, but he informed them, that it would be more advisable to state the case to the committee. They acceded to that proposition, and, in consequence of the information which they had furnished, the present clause was inserted in the bill. The hon. baronet thought that it ought to be adopted.

General *Thornton* opposed the clause, and desired to take the sense of the committee upon it. The committee divided. For the clause 54, Against it 0.

The following clause was then proposed and agreed to. "And be it further enacted, that in any parish, not having a workhouse for the poor thereof, or where the workhouse shall be found insufficient or inconvenient, it shall be lawful for the churchwardens and overseers of the poor, by the direction of the inhabitants in vestry assembled, to erect and build in such parish a suitable workhouse, and to purchase or take on lease, any ground within the parish, for the purpose of such building; or such churchwardens and overseers may, and they are hereby authorized, to add to and enlarge any such insufficient workhouse, as the inhabitants of the parish in vestry shall think fit and direct."

The following clause was then proposed and carried. "And whereas it is expedient to discourage that reliance upon the poor's rates which frequently induces artisans, labourers and others, to squander away earnings, which would with suitable care have afforded sufficient means for the support of their families; be it further enacted, that whenever it shall appear to the justices, or to the general or select vestry, or to the overseers of the poor, to whom application shall be made for relief for any poor person, that he might, but for his extravagance, neglect, or wilful misconduct, have been able to maintain himself, or to support his family, (as the case may be,) it shall be lawful for the overseers of the poor, (by the direction of the justices, or of the general or select vestry, where application shall have been made to them respectively,) to advance money weekly or otherwise, as may be requisite to the person so applying, by way of loan only; and to take his receipt for, and engagement to repay every sum to be so advanced, (for which no stamp duty shall be required;) and it shall be lawful for any two justices, upon the application (within one year after any such loan or loans) of one or more of the overseers of the poor for the time being of the parish, to summon the person to whom any money shall have been so advanced; and if upon examination by such justices into his circumstances, it shall appear to them that such person is able, by weekly instalments or otherwise, to repay the whole or any part of the money so advanced to him, and for which he shall have given any such receipt and engagement; it shall be lawful for such justices to make an order under their hands and seals, for the repayment of the whole or of any part of such money, at such time and times, and in such proportions and manner as they shall see fit; and upon every default of payment, by their warrant to commit such person to the common gaol or house of correction, for any time not exceeding three calendar months, unless the sum and sums which shall be due and payable by virtue of such order, shall be sooner paid."

The following clause with respect to pensions was next agreed to. "And be it further enact-

ed, that when any pensioner, or other person entitled to or in receipt of any such pension or other allowance as aforesaid, shall leave his wife or family chargeable, or suffer them to become chargeable, to any parish, it shall be lawful for two or more justices, upon complaint thereof to them made, by any one or more of the churchwardens and overseers of the poor of such parish, and verified on oath, by order under their hands and seals, to direct that the next payment, which shall become due, of such pension or other allowance, shall be made to the churchwardens and overseers of the poor of the parish to which such wife or family shall have become chargeable; and any one or more of such churchwardens and overseers of the poor shall transmit such order to the aforesaid commissioners for the affairs of the royal hospitals at Chelsea or Greenwich, or the secretary of the board of ordnance respectively, in like manner as any assignment is heretofore directed to be transmitted to the paymaster-general of his Majesty's forces, and the paymaster of pensions at Greenwich, and the secretary of the board of ordnance, as the case may be; which said paymaster-general, or paymaster of pensions at Greenwich, or the treasurer of the board of ordnance, shall thereupon, and upon sufficient proof being given that the person whose pension or other allowance shall be directed to be paid, shall have been living when the same shall have become payable, and would have been entitled to receive the same if no such order had been made, cause the said payment to be made to the churchwardens and overseers of the poor of the parish for whose security such order shall have been made; and the churchwardens and overseers of the poor receiving any such pension or other allowance, by virtue of any such order, shall retain and apply the same, or so much thereof as shall have been actually expended for the purposes aforesaid, for the use and indemnity of the parish, and shall pay the overplus (if any there shall be) to the pensioner or person entitled thereto; and upon the receipt of any such order as aforesaid, by which the pension, or other allowance to be mentioned therein, shall be directed to be paid to such churchwardens and overseers as aforesaid, the payment thereof shall be suspended, until sufficient proof shall have been given to entitle the churchwardens and overseers of the poor of the parish, in such order named, to receive the money thereby directed to be paid to them."

A clause was then added, to empower justices to order payment of seamen's wages, for the indemnity of parishes. "And whereas in many instances the wives and families of seamen employed in the merchants' service become chargeable to parishes, while their husbands and fathers are absent on such service, and it is expedient to provide for the indemnity of such parishes, by and out of the wages of such seamen; be it therefore further enacted, that where the wife or family of any seaman employed in any voyage or trip (not being his Majesty's service) shall, during his absence on such employment, become chargeable to any parish, it shall be lawful for two justices, upon complaint thereof to them made by any one or more of the churchwardens and overseers of the poor of such parish, and verified on oath, by order under their hands and seals, to direct the acting owner or owners, ship's husband, or agent of the ship or vessel in which such seaman shall be employed, to pay, out of the wages which shall become due to such seaman, unto the churchwardens and overseers of the poor of the parish to which his wife or family shall have become chargeable, so much as shall have been by such parish necessarily expended for their maintenance or relief (the amount, in case of any dispute, to be ascertained by two justices, whose determination thereon shall be final); and, upon the production of any such order, the owner, ship's husband, or agent, by whom the wages of the seaman therein to be named shall be payable, shall pay to such one or more of the churchwardens and overseers of the poor of the parish for whose indemnity such order shall have been made, as shall demand the same, the sum and sums to be therein specified and directed to be paid, or so much thereof as the wages then due shall amount unto; and the payment to and receipt of any such churchwarden or overseer, shall be a good discharge for so much of such wages as shall be paid to them or him by virtue of any such order; and if any such owner, ship's husband, or agent, shall refuse or neglect to pay to the churchwarden or overseer, producing any such order, the money thereby directed to be paid, or so much thereof as be actually due for the wages of the seaman to be therein named, the same may be levied and recovered, and the payment thereof enforced against the owner or owners, ship's husband, or agent, by whom the same shall be payable, in such and the like manner as poor's rates in arrear may be levied and recovered, and the payment thereof enforced against the parties and persons chargeable and charged therewith."

The house then resumed, and the report was received, and ordered to be taken into further consideration on Tuesday next.

HOUSE OF LORDS.

Monday, April 27.

No public business of any importance occurred.

HOUSE OF COMMONS.

Monday, April 27.

OBSTRUCTION OF JUSTICE—IONIAN ISLANDS.] Mr. *Bennet* rose to present a petition of Count Cladan, of Cephalonia, in the Ionian islands.—The hon. member observed, that whether the charges contained in the petition were wellfound-

ed or not, he could not undertake to say. But the petitioner offered to prove them, and it was to to be recollected, that he was a person of high rank, considerable ability, and good character. He complained of the conduct of General Campbell, and stated, that he had been three years in endeavouring to obtain justice and had failed. His Majesty's government had referred him to the Ionian islands, where he could not expect justice—where no tribunal was competent to try his case, because no tribunal in those islands could take cognizance of the conduct of one of his Majesty's officers who was actually resident in this country. For what control could any Ionian court exercise over General Campbell in England? On one occasion, accounts respecting this case had been sent for, and a very voluminous collection of papers had been transmitted by Sir Thomas Maitland. He respected Sir T. Maitland very much, but he could not approve of his manner of treating the petitioner in his official communication. He had spoken of him as a person styling himself Count Cladan, when he ought to have known well that he was in fact Count Cladan. He was a member of the senate, a councillor of state, and had been sent as ambassador to the court of Russia, as the representative of the Ionian islands. He now came before the house as a person seeking redress for injuries sustained.

The petition was then brought up and read. It set forth, "that three years have nearly expired since the arrival of the petitioner in London, to claim justice from his Majesty's government against the proceedings of Lieutenant-general Campbell, late commanding officer of his Majesty's forces, and commissioner of the liberated Ionian islands, against Lieutenant-colonel Schummelketel, late commandant of the island of Cephalonia; the petitioner's remonstrance is proved partly by documents, by the signatures of the above-mentioned officers, and can be testified by more than one hundred and fifty witnesses, many English gentlemen, some of his Majesty's officers, natives of distinction, and by the ten tribunals, exhibiting measures at once partial and oppressive to the petitioner and other persons: 1st, that by a decree 21st April 1813, General Campbell refused the execution of a law by which the tribunal ruled, assuming thereby a despotic authority and a dispensing power superior to the laws, and in opposition to the faith pledged by the British nation that the island should be governed by its own laws; 2dly, that the said General Campbell caused to be hanged, 13th April 1813, Andrea Mingarde, of Cephalonia, although only sentenced to imprisonment by the legitimate tribunal of appeal, who tried him, preventing the judgment of the definitive tribunal, to which the sentence had been referred; which the petitioner considers to be a proceeding forming a precedent deeply injurious to him as a member of the said tribunal; 3d, that the petitioner, being president of the said tribunal, obtained from the secretary a copy of the sentence, and other documents, in order to make a representation against such excessive violence; and for the compliance of the secretary, General Campbell deprived him of his employments under the local government, although some of them had been purchased, according to custom, sending him a prisoner to the castle of Cephalonia, and mulcting him of a sum of money; 4th, that General Campbell, by his decree, without form of law, deprived Count de la Decima, of Cephalonia, of his feudatory property, which the petitioner considers to be a proceeding forming a precedent deeply injurious to his interests as a feudator; 5th, that General Campbell, by decree, obliged Constantine Corafan to pay to his sister-in-law four times the amount of her demand on him, though this demand had been rejected by the tribunals, and directed the local government to take possession of his houses and property of ten times the value of her demand, and put him under arrest, an act so despotic as not to be equalled; by decree 14th February 1814, contrary to law, he annulled the *fidei commissum*, to which this property was subject, and ordered it for sale, but no purchaser appearing, he directed her to be paid by the government of Cephalonia, and to reimburse itself by the produce of the property; 6th, that, contrary to public faith and law, General Campbell did by decree deprive Spiridion Baratta of the collection of certain duties legally acquired at a public sale made by the government of Zante; 7th, that General Campbell introduced many thousand pieces of foreign coin, obliging the inhabitants to receive them at a certain rate, enormously exceeding what they passed for in the islands, impressing them with the figures of their current amount, and serious consequences have resulted from this arbitrary act; 8th, that, contrary to law and the sentence of the tribunal of Zante, General Campbell, by decree, caused to be sold by auction, the brig Pauline, as may be seen by the redress sought from the colonial department nearly three years ago by Vincenzo Acquilina, the merchant, who was ruined by that decree; 9th, that General Campbell caused to be erected at Zante a pillory, horrible to the inhabitants, previously unknown in the islands, on which he exposed an inhabitant contrary to law, then ordering him to be mounted on an ass, conducted round the city, and to be flogged at certain distances; 10th, that a legal commission having been appointed to give judgment on the proofs of the forgery of the name of the petitioner's father in his last will, also on two false oaths, and the falsification and violation of the seals of government, with other crimes, the verification of which being highly important to the petitioner, and to take cognizance respecting the petitioner's feudatory property, and other important questions connected with the judgment to be given in the aforesaid criminal point, General Campbell, by decree 21st December 1814, ordered the commission to submit to him a plan of their sentence, without

law, or permitting the said crimes to be tried, deciding judgment without a hearing, although remonstranced by the petitioner that the proceedings were prejudicial to him; 11th, also by a second decree 18th February 1814, General Campbell notified, that no appeal should be admitted on the subject; 12th, that the petitioner, thus injured in the grossest manner by these proceedings, did present to General Campbell a memorial on the subject, addressed to his royal highness the Prince Regent, requesting he would transmit the same to London, and to be allowed copies of the necessary documents to verify this memorial, which were deposited in the office of the secretary of government at Zante, but these requests were refused, and the memorial returned; 13th, that on the petitioner's return to Cephalonia, Colonel Schummelketel prevented his departure for four months to London, likewise refusing the authentication of the documents obtained by the petitioner of his cause in Cephalonia, although customary, and which he readily granted to others: the degrading treatment the petitioner received was like to a person outlawed for his crimes, and the doors of justice shut against him; 14th, that General Campbell, by an abuse of his power, did take possession of the country-house and premises of the noble Spiridion Chessari of Corfu, and prevented his access to them by ten military guards, and also hindered him from collecting the products of the adjoining lands; the injured proprietor supplicated General Campbell, praying that his property should be restored, or an equitable rent allowed him; but in disregard to his petition, General Campbell, in abuse of his power, did continue to occupy the said houses and land, and at length leaving the said island, without restoring the premises, or in any way remunerating the unfortunate proprietor; and the petitioner prays the house that they will be pleased to direct such inquiries into his complaints, as may to their wisdom seem meet, and that the laws of the empire may be put in force, so that he may obtain justice."

On the motion, that the petition do lie on the table, Mr. *Goulburn* rose and observed, that, whatever might be the merits of the case referred to in the petition, he submitted that that house was not the proper place for inquiring into or deciding upon it. The petitioner attributed several criminal acts to General Campbell, and, among others, the murder of an individual. If those charges were founded, he appealed to the house, whether that was the proper tribunal to try the accused? He had not himself the honour of knowing General Campbell, and therefore his opinion upon the case could not be influenced by any considerations of private friendship. But he could not allow himself to decide against the character of that officer upon the various charges preferred against him by the petitioner; for what the house had heard from the hon. mover and from the petition did not form a fiftieth part of the charges inserted in the petitioner's memorial to his Majesty's government. Count Cladan, no doubt, alleged that he could prove the truth of those charges; but, if he even could, that was not the proper place to try the case. There were tribunals to take cognizance of such charges as Count Cladan preferred, and to those tribunals it was open to him to make his appeal. The count had stated, that he had a number of witnesses to substantiate his charges; he had, indeed, given in a list of above 100. But all those witnesses were resident in the Ionian islands, and there Count Cladan was told that he ought to try his case. As to the animadversions upon Sir Thomas Maitland, the character of that officer stood too high to require any defence from him, especially against the bare allegation of the petitioner. But he thought it proper to state, that General Maitland always expressed a readiness to go into the petitioner's case, and to have it fully investigated before the proper tribunals in the Ionian islands, where the petitioner would have all the means of legal redress. As to the conduct of government, he could not see what any government could do in such a case; for it was not within its province to institute inquiry, or to inflict punishment, upon an affair of this nature. It was but very lately that Count Cladan objected to the trial of his case in the Ionian islands. He had expressed his apprehension of some interdict to prevent his proceeding; but he was told, that if there were any such interdict, it should be immediately removed, and that he should be at full liberty to proceed.

Sir *C. Monck* expressed his surprise, that while the hon. gentleman observed that General Campbell was in England, he should still refer the petitioner to the tribunals of the Ionian islands for the trial of his charges against that officer.

Mr. *Goulburn* explained, that he only referred the petitioner to the tribunals of the Ionian islands for the trial of that part of his case which referred to questions of property; but as to his charges respecting General Campbell, it was open to him to institute proceedings against that officer before the proper tribunal in this country.

Sir *C. Monck* thought the appeal of Count Cladan to that house extremely proper. He had applied in vain to government for redress—he felt it absurd to look for justice, in such a case, to the tribunals of the Ionian islands, and being without the means of supporting a lawsuit against General Campbell, where else was he to look for any remedy but to that house? The house had heard the most extraordinary language from the hon. gentleman, according to which, it would seem, that the British government was not responsible for the conduct of its officers.

Sir *J. Newport* said, that as no remedy could be had in the courts of the Ionian islands for the grievances complained of, justice in this country should not be refused or delayed.

Mr. *Bennet* said, it was no doubt true that the courts of law were open—but, as it was formerly well observed, (by Mr. Horne Tooke) "so was the London Tavern to those who could afford to pay." But the petitioner was not in a condition to go to law with a general who had made a fortune out of those very islands, the population of which he had most harshly treated. Count Cladan became poor through the very means by which general Campbell became rich. But was it meant to be stated, that when an officer of the government behaved ill, the only remedy against him was in an appeal to a court of law? Such, indeed, appeared to be the doctrine of the hon. gentleman opposite; but this was, he believed, the first time, that, when an officer of the government was charged with murder, with pilloring and flogging, according to his own will,—with breaking into private houses—with appropriating to his own use the property of the people whom he was appointed to govern and protect—with a variety of false and fraudulent acts—an under secretary of state rose in that house to say, that government would institute no inquiry into the conduct of such an officer, but refer the party aggrieved to a court of law.

Mr. *Goulburn* said, he did not mean to assert that persons who acted improperly abroad were not responsible for their conduct. But he could not conceive how government would be warranted in proceeding against or condemning an officer of long service and high rank, on the mere allegation of an individual, after he had, for several years, given up his situation.

Mr. *F. Douglas* expressed his hope, that government would not exercise a greater degree of power in the Ionian islands, than was sanctioned by the treaty of Paris. The influence of the English in the Levant would best be attained by protecting the people, not by oppressing them.

Sir *C. Monck* asked, how it came that letters from the Ionian islands addressed to this country were in general so long delayed? The delay was much complained of by all who had any connexion or correspondence with those islands. He had heard of an instance in which a letter was delayed no less than nine months.

Mr. *Goulburn* said, he was not aware of any other delay than that which occasionally arose from the necessary enforcement of the laws of quarantine.

The petition was ordered to lie on the table, and to be printed.

Breach of Privilege.] The report and resolution of the committee of privileges respecting the complaint of a letter written to a voter of the county of Lanark, to influence his vote in the election of a member to serve in parliament, by Thomas Ferguson, in breach of the privileges of this house being read,

Mr. *Wynn* moved, "that Thomas Ferguson, in writing and sending the said letter has been guilty of a corrupt attempt to subvert the freedom and independence of election, and a high breach of the privileges of this house."—This resolution being agreed to,

Mr. *Wynn* rose again and observed, that in a case of this nature, the motion just agreed to was not, in his opinion, the only proceeding that ought to be adopted. According to precedent and to law, the offender should be subjected to a penalty of 100*l.*; and, if an officer under the government, dismissed from his appointment, as well as rendered incapable of ever again filling any office under government. To this extent the report of the committee did not go; but, as a member of parliament, he felt it his duty, with a view to render the punishment commensurate with the offence, to submit a distinct motion upon this subject. This motion he meant to make as soon as the minutes of the committee were printed, and laid before the house; for, after such an act of delinquency, it would be most unbecoming to allow the prisoner to hold any office under government. He should now move, "That Thomas Ferguson, for his said offence, be committed to his Majesty's gaol of Newgate, and that Mr. Speaker do issue his warrant accordingly." This motion being put, and agreed to, the hon. member gave notice of his intention to move an address to the Prince Regent, for the removal of Thomas Ferguson from the office of surveyor of the taxes in Scotland.

Education of the Poor Bill.] Mr. *Brougham* moved the order of the day for the committal of this bill. He observed, that the unanimous sense of the house had hitherto prevented any discussion upon it; yet great misrepresentations of its objects had gone abroad. A question respecting public charities was often of a very delicate nature. Misrepresentations on the subject, if they spread only for a few weeks, might have a tendency to injure charities by deterring benefactors. It had been said, that this bill was a measure intended to interfere with the management of the funds of public charities. This was a gross misapprehension. It was a bill intended only to interfere by examining and inquiring into, and reporting on the mismanagement of public funds. Nothing could be done under it which could affect the right of any party to defend himself before a proper tribunal. It was a grosser misrepresentation, if possible, to say that it tended to trench upon private property; but a person who held a trust for the public was bound to answer for the due discharge of it, as much as an officer paid by the government. The plan of the proposed commission was framed according to the precedents of former commissions, and especially of those not long since instituted by parliament for inquiring into our naval and military departments. Care was, indeed, taken to render the commission effective for its object, while every precaution was adopted to guard against any irrelevant or improper inquiry.

Mr. *Canning* said, that from the views stated by the hon. and learned gentleman, he should

not propose any alteration in the committee; but he would not hold himself precluded from proposing hereafter such alteration, as might appear to him necessary in the constitution, extent, or duration of the proposed commission.

Lord *Folkestone* was glad the attention of the house was called to the bill in its present stage, as he wished to make some observations before it went into the committee. He must object to the exceptions in the bill in favour of Oxford, Cambridge, Westminster, and Winchester. In consequence of those exceptions, he understood that farther exceptions would be proposed. It seemed strange, that any persons should wish for exemption from inquiry in such matters. One would rather suppose they would think it a kind of insult to them if they were so exempted. He should have expected that the members for the universities would have stood up and desired inquiry, as leaving them out might seem to throw an imputation on their conduct. He happened to know a gentleman, in a county not far off, who had been able to discover, by his inquiries, extraordinary abuses of charitable funds in that county. It appeared, that only one-fourth of the amount of the funds had been returned, and that the returns thirty years ago were 2000*l.* or 3000*l.* a-year more than lately. He hoped gentlemen were sincere in their object; and he thought, that if a commission were appointed, it would be proper to put the gentleman he had alluded to into it.

Mr. *Bathurst* conceived that the bill went much farther than was originally contemplated. Was it intended that the commission should have the inquisitorial power of examining into the funds of the universities? Would the house say, that this should be done, when no objection was stated against their management? He might also speak of the Charter-house, Harrow-school, and other institutions. It was possible, that, by lapse of time, and some inattention, abuses might occur; but that was not an argument why the foundations of the universities were to be put into the hands of a committee, when no imputation existed against them. If Westminster and Winchester were excluded, why should the Charter-house be included in the commission? He hoped the hon. and learned gentleman would give them his own view of the subject.

Mr. *Brougham* said that, undoubtedly, the right hon. gentleman (Mr. Canning) was not committed, by agreeing to a committee *pro formâ*, to agree to either the principle of the bill or to its arrangements. The opportunity would be afterwards perfectly open to him to oppose the bill in its further stages. There had appeared a general understanding in favour of excepting the universities: and without stating that exception, the bill would have extended to them. His noble friend had complained of this exception; and he agreed with him, that if no abuses existed, the universities could have no apprehension or fear from an inquiry. But he thought, that those great bodies would more truly consult their own real dignity, by challenging inquiry, and wishing the provisions of the bill to extend to their institutions. That venerable man, earl St. Vincent, had afforded an example on such subjects, which, whenever they were considered, it was impossible too often to press upon the attention of the house, and to hold up to imitation. He meant his noble example in putting at the very head and front of the inquiry into the abuses in public offices, the offices of the lords commissioners of the admiralty, he being at that time himself the first lord. (*Hear.*) The noble earl said, "let the commissioners come into my office, and examine all papers, and all persons in the office, in all departments, from the top to the bottom." That was the practice of that venerable earl, and the inquiries into the other offices were not the less successful by the example which the noble earl had set. He readily allowed two post-captains, two lawyers, and two laymen, to go into the admiralty and search for information, and thus effected one of the most important reforms in the management of public offices that had taken place since the time of the revolution. He began, in fact, the system of closely inquiring into the uses made of the public money in the offices, which had never been well set about until he procured the appointment of his committee. That was a model for a commission of inquiry. The merits of the present measure might certainly be more advantageously discussed on a future occasion. An instance of the good effects of inquiry was to be found in the investigation which two years ago had taken place into some alleged abuses in the administration of the Charter House, when it turned out that the allegation was almost, if not entirely, groundless.

Sir *John Newport* observed, that similar objections to those urged against the present measure, had been adduced, when he moved for an inquiry into the fees demanded in courts of justice. The prosecution of that inquiry, however, had produced none of the inconveniences which were apprehended. It had supported all his previous statements, and very considerable advantage had attended the publication of the reports of the commissioners.

Mr. *Peel* was of opinion that the hon. baronet had not been very felicitous in his choice of an illustration; for the commission of inquiry to which he alluded had been appointed by the crown, in consequence of an address of that house. His hon. friend's objection was not to inquiry, but to the proposed mode of it. He thought the right hon. baronet justified in taking credit to himself for his exertions in prevailing on the house to take that measure, but the form of the proceeding was as he had described it. It did not appear to him that the hon. and learned gentleman was much more fortunate in his argument on this question, since he had found it necessary to declare, that the suspicions entertained against the public schools now under consideration were without foundation. Was this

any ground for extending those suspicions to the universities, or did any one ever surmise that there was any ground for believing that the funds of those corporations were misapplied? It certainly was his own wish to see the inquiry rendered more comprehensive, and made applicable to all the great free schools of the country.

Mr. *Brougham* observed, that the report of the committee distinctly proved that the funds, both of the Charter-house, and of Christ's Hospital, which were created to provide for the education of the poor, were now directed to the education of the rich. The zeal and activity of Mr. Waithman had been eminently exerted in bringing to light abuses of this nature in the latter establishment. When the committee first commenced their inquiries, the conductors denied that they had any thing to do with the education of the poor; but being called upon to produce their charter, the first three lines shewed that the charity was originally instituted for the benefit of the lower orders, or poorer classes of society. It was the committee, and not those gentlemen, who had a right to complain of what passed on that occasion. They had begun by demurring to the authority of the house, and inquiring, whether the committee were aware of the names and rank of the governors, who were many of them members of the house of peers. The committee replied that they were, and it was on that account they called upon them as stewards to give that information which they had no means of compelling noble lords to communicate. The result was, that the committee were perfectly satisfied with the nature and extent of the information which they received.

The bill was then committed *pro formâ.*

COTTON FACTORIES BILL.] Sir *Robert Peel*, on moving that this bill be now committed, observed, that the proper opportunity for those who had an interest in opposing its further progress, had passed by, but that it was not his desire to take any advantage of this omission. The former bill which he introduced related only to apprentices: the present was of a more extensive nature: it was brought in to protect children of very tender years, who had no protectors, and, therefore, it was to be hoped that those children would be protected by that house. (*Hear.*) The hours of labour during which those poor children were employed were not less than fourteen hours in a day; this was more than their strength could endure, and it was his wish to afford them some relief. A variety of petitions had been presented to the house, representing the hardships under which those children laboured. There had been petitions from the town of Manchester, signed by 30 medical persons of great eminence in their profession, and by 21 clergymen. The persons who signed those petitions had no other interests than the interests of humanity; they had no other object than to protect the children from excessive labour. He believed that the master-spinners themselves thought the hours of labour much too long. It had been said, on a former occasion, that it would be improper to interfere with free labour; but the house should place those children in a situation in which they would be protected against excessive labour. The medical men, the clergymen, in fact, almost all the persons who were not engaged in this particular line of business, had petitioned the house to protect these poor little children from the injurious consequences of exhausting their strength; and, as it was a matter of such serious importance, he trusted that the house would go into a committee, to see if any thing could be done to afford them any relief. He therefore moved, that the house should resolve itself into a committee on this bill.

The question having been put from the chair,

Lord *Stanley* rose and said, it was true that several petitions had been presented by medical men, and other respectable persons, but those petitions ought not to be deemed conclusive. This was a case that involved a very material question, and it deserved the most serious consideration of the house. Abuses had certainly existed in the cotton-manufactories, and, with a view to remove them, the hon. baronet had introduced his former bill. But the bill now before them stated, that that act had become insufficient for its purposes. In what, he would ask, was it so defective? In what way had it proved to be so ineffectual? Had this bill been confined to the regulation of apprentices, he should not have had any objection to it; but, as it went to interfere with free labour, he objected to it most strongly. He knew of no precedent in the laws of this country for the adoption of any such measure. He considered the principle of free labour to be inviolable by the laws; but still he did not mean to say that the legislature had not power to make such provisions as it might deem most expedient for the regulation of a trade which was found to be injurious to health. But this was not a new trade; it had been exercised for a great length of time; and it would require the most satisfactory evidence to shew, that it affected the morals, or undermined the constitution, of those who were engaged in it. The *minimum* of age would have little effect, as the manufacturers did not wish to employ persons of such tender years. But if these children were not employed, their parents could derive no benefit from their labour, and, consequently, their means of providing for their families must be considerably diminished. As to the general opinion, that the cotton-trade was not so beneficial to health as many other occupations—for instance, that of agriculture—those who advanced that proposition ought to shew, that it was not only prejudicial, but he would say poisonous, in its nature, in order to make this bill the object of their experiment. This bill, which its framers intended to secure such important advantages to children, would, he conceived, be very injurious to their parents. It went directly to take away a considerable por-

tion of their profits. It would have the contrary effect from what was anticipated. It would increase the difficulties under which the country laboured in manufactures compared with other countries. Mills worked by steam would have a great advantage over those worked by water. There were many instances in which it would be the ruin of labour, and it would offer a premium to those establishments that were situated in large towns. Under all circumstances, he should move, as an amendment, "that the house do resolve itself into the said committee on this day four months."

Lord *Lascelles* begged to say a few words with respect to the principle of the bill. It ought to be considered, whether the house were justified in regulating every branch of trade in the country, and ordering what degree of labour was to be endured by people in different trades. If it were not for that view of the question, he might say, that any man who stood up to oppose mere questions of humanity, as such, would be run down; but he would say to the house, "be cautious how you proceed in such a business." If that measure should be passed, those who were peculiarly interested were bound to look to what was to come afterwards. It might be to discharge from those factories children under 16 years of age, and then they would be thrown upon their parents, and from their parents upon the parishes. In that case, it would not be bettering the condition of either the children or the parents. It was nonsense, he begged pardon of the house for the expression, but it was really nonsense to say, that the children would be improving themselves in the hours when they were not employed; the event would not be so. The time would be principally spent in idleness. If the children under 16 were discharged, it might be asked would that be a beneficial effect of the bill? The advantage would be thrown into the populous towns. And what, it might be asked, would be the effect on those factories out of the reach of population, where it was possible, that if they were obliged to submit to all the regulations imposed by the bill, they might not be able to carry them on at all? Many mills were obliged to wait for water till other mills had used it, which would not agree at all with the regulations of the bill. Out of 16 factories in a small district of the county of York, 15 were worked upon water. The mode of conducting the business, it had been said, deteriorated the population, and people's limbs were distorted by being occupied in such concerns, so that they were not fit either for the army or the navy. If, however, the limbs of persons were distorted, the whole nature of the business should be altered, and one hour was not sufficient. He did not look upon the bill as proceeding entirely from the hon. baronet; but the share which he had had in it did him great credit. He believed, that it originated with a man who was well known from the public prints, Mr. Owen, who had wished to establish a new system of morals. He had said, that although the number of hours should be decreased, the quantity of material in the course of labour would be increased. That seemed to him a curious doctrine, though Mr. Owen appeared to have experienced the fact at Lanark. If they wished to do justice, they should refer the bill to a committee to inquire into the truth of the facts. He had no manner of interest in the business, either directly or otherwise; but he wished to see the bill proceed upon a proper foundation, and not upon *ex-parte* evidence.

Mr. *Peel* said, that before he proceeded to consider the main arguments of the noble lord, he hoped he might be permitted to notice two facts, by which he had endeavoured to create rather an unfair impression against the bill. The first of them was, that he had objected to the bill, because it was supposed to have originated with a gentleman who inculcated certain speculative opinions on subjects of political economy. Whether Mr. Owen was connected with the bill or not, was a matter of indifference to him, and he called upon the house not to reject a judicious measure because it might have the misfortune to be supported by an indiscreet advocate. The noble lord had then said, that he objected to this bill being passed on *ex-parte* evidence, and he therefore wished the subject to be referred to a committee above stairs. Now, he (Mr. Peel) would limit his defence of it to *ex-parte* evidence—to that evidence furnished by the opponents of the bill themselves (*hear, hear*), and from that evidence he thought it would not be difficult to convince the house of the necessity of applying a remedy to the existing evil. With respect to the principle of interference, to say that it was without a precedent was contrary to fact: it had been constantly acted on where peculiar exceptions from the general rule called for a particular mode of relief. Now, in his opinion, there were peculiarities in the cotton trade which called loudly for their interference; and if the same peculiarities existed in other trades, a remedy ought also in such cases to be applied. One peculiarity in the cotton trade was, that it was carried on in large buildings, in many of which more than 1000 children were kept at work 12, 14, and sometimes 15 hours a day—children of the most delicate form, and the most sickly constitution, working uniformly the same number of hours with the others. It frequently happened, too, that, from accidental occurrences, which stopped the mill, they lost a few hours, which they were afterwards obliged to fetch up by "extra time." Another peculiarity was, that the business was carried on in a heated atmosphere. In some of the finer branches it was necessary that the body should be in such a temperature, that the thread would adhere to the fingers. In many mills the atmosphere was polluted by small pieces of cotton flying about. In a majority of mills the temperature was exceedingly high, such as in the opinion of medical men would be prejudi-

cial to health. The numbers employed in this trade was another of its peculiarities. It had been said that, *de minimis non curat lex*; but that maxim did not apply in this case; for the number of children for whose sake this measure was intended was very great. From the evidence of one of the opponents of the bill, in Manchester alone 11,600 children were employed in cotton factories.—It was objected to this bill, that it was an interference between parent and child, and affected free labour. But every parent told them, that he could not exercise a free discretion—that the only alternative he had, if he did not choose that his child should work the usual number of hours, was to remove it altogether, which he could not afford to do. The noble lord (Stanley) had approved of the apprentice bill; but the master was much less interested in protecting those who were to be protected by this bill than in the case of apprentices. In the case of an apprentice, if he overworked it, he had to maintain it for seven years; but here where the terms of the engagement were either daily or weekly, when the strength of a child began to fail, it could be replaced by another (*Hear, hear*). Mr. Lee, the partner of an hon. gentleman opposite (Mr. Philips), observed in his evidence, that this bill would bear more hardly on the manufacturer in the country, than on him who resided in Manchester, because the latter was near the market of labour—that is, if the child should be overworked, the master had an opportunity of going to this market of labour (*hear, hear, hear*), and procuring a substitute for him. It was said, that the consequence of this bill would be to dispense with the labour of children. But if the supply of labour was so much greater than the demand, that proved to him that the interest of the master alone was not a sufficient security against the overworking of the child. It was said, that in cotton mills great improvements had lately taken place; this was an admission that greater abuses had formerly existed. If this bill were thrown out, what security had they that things would not return to their former state (*hear*)? Among the opponents of the bill was a gentleman of the name of Sandford. He had addressed a circular letter to the masters of the different manufactories in Manchester, to ascertain the number of hours of employment in each. This letter had produced returns from 44 factories. In one factory, the average number of hours was 12½ per day; in another 12 hours 50 minutes; in another 13 hours; in another 12¾; in another 13 hours. But this return assumed another colour, when they took the greatest number of hours any manufacturer employed his people. Out of these factories 28 stated, that the greatest number of hours their people were employed was 14. One company, Charles Richards and Co., employed them 15 hours. A manufactory which employed 600 people, of whom 246 were above 18, and 374 under 18 years of age, kept them, on an average, 12½ hours at work. Mr. Sandford calculated the whole children in cotton factories in Manchester at 11,600. Now, what must be the effects in one town alone where 12,000 children were on an average worked twelve hours a day? He knew that it was impossible to exempt them from the necessity of their condition, which subjected them to earn their daily bread by the sweat of their brow; but necessary as this was in the state and condition of society, it was incumbent on the legislature to see that tasks were not imposed on them which must inevitably impair their health, weaken their frames, and paralyse their future exertions. (*Hear, hear.*) A paper had been produced by Mr. Sandford, which was intended as conclusive evidence against the bill. This was a return of the number of children connected with the cotton trade, who attended a Sunday school. No part of the evidence had more disgusted him. The masters when asked what was the state of the school, answered, "the children of the cotton factories are in as good health as the other children, though they do not look as well." (*Hear, hear.*) It was also said, that "the children from the factories come to school as early as the other children, except in some of the evenings of the winter months." He was not insensible to the blessings of education; but after children had undergone 13 or 15 hours of bodily exertion, after excessive labour had drained from them every spring of action from which intellect or capacity could arise, was it not enough to fill the mind with disgust, to see them transferred to a writing master, to close the day? Education, which was intended to be the greatest of blessings, was thus converted into a curse. (*Hear, hear.*)—It was also to be considered, that if a child were employed fifteen hours in a factory, this was not the whole of its labour. None of them resided in the mill, but all lived at a greater or less distance from it; and they must add, therefore, to the hours of labour, the time taken in going to and coming from it, in all weathers and in all seasons. He called on the house to admit—for he required no evidence to prove—that it could not be requisite to the prosperity of this country, that such excessive labour should be exacted of 12,000 children in one town. An hon. gentleman smiled when he said that he required no evidence. But could no evidence be produced? Was there no evidence before the house? If evidence were required, he had only to refer to the petition which he had himself had the honour to present, signed by 30 medical gentlemen and 21 clergymen. The only answer that had been given to that evidence was, that one of the individuals was a most respectable person, but so guileless and good-natured, that he would sign any thing that was offered to him. But was that man really misled by excessive kindness, who could think it cruel and injurious to employ 12,000 young children for 15 hours every day? (*Hear, hear.*) But the noble lord had taken his principal stand on the impolicy of interfering with free labour, as it was

called. He had admitted, indeed, that, during this session, the house had in one instance interfered with free labour. They had abolished the practice of employing children in chimney-sweeping. (*Hear.*) By that interference the house had, in fact, decided the principle of this bill. It had declared, that neither the interests of trade, nor the humanity of masters, were a sufficient security for the proper treatment of children. Oh! but, said the noble lord, here is the difference. The one bill abolished, the other only regulates. But surely, if it were fit to abolish in one case what was insufferable and pernicious, it was fit in another to regulate what was excessive and injurious. (*Hear, hear.*) Evidence had been adduced to prove, that long continued labour in cotton-mills was most salutary: according to that evidence, cotton-mills were among the most favoured spots on the face of the globe. (*A laugh.*) He should expect from the hon. members who gave this fascinating description of the health of children employed in cotton factories, an application to parliament to establish cotton-mills for the purpose of more effectually providing for the health of his Majesty's subjects. (*Hear, hear.*) Amongst the instances which had been produced of the healthiness of cotton-mills, was that of a mill belonging to an hon. gentleman opposite. It was given in evidence, that, in this mill, 873 children were employed in 1811, 871 in 1812, and 891 in 1813. Among the 873, there were only 3 deaths; among the 871, 2 deaths; among the 891, 2 deaths; being in the proportion of 1 death in 445 persons. When this statement was shewn to sir Gilbert Blane, he expressed his surprise, and observed, that if the fact were not stated by respectable persons, he should not believe it; and being asked why he distrusted it, he said, that the average number of deaths in England and Wales was one in fifty (in 1801 there had been 1 in 44.) There were favoured spots certainly, Cardigan, in which the deaths were as 1 in 74; Monmouth, in which they were 1 in 68; Cornwall, 1 in 62; and Gloucester, 1 in 61; yet in the cotton factories they were stated to be as 1 in 445! That elegant poet, Mr. Thomas Wharton, had addressed an Ode to Health. It began with these lines:—

"Within what mountain's craggy cell,
"Delights the goddess Health to dwell?"

After having described the different spots in which it might be supposed she would be found—"the tufted rocks" and "fringed declivities" of Matlock—the springs of Bath or Buxton—among woods and streams—or on the sea shore—he is at last unable to discover her, and anxiously inquires,

"In what dim and dark retreat,
"The coy Nymph fix'd her fav'rite seat?"

Now, what would have been the surprise of the poet, if he had been informed, that this dim retreat was the cotton-mill of Messrs. Finlay and Co. at Glasgow? (*Much laughter and cheering.*) The salubrity of this mill appeared to be six times as great as that of the most healthy part of the kingdom. This was the sort of evidence which had been brought to disprove the evidence of disinterested persons, of medical men, and even of persons who had an interest opposed to the measure before the house. The master cotton spinners of Ashton-under-Lyne, at a general meeting, had declared that it was highly necessary that the hours of working should be regulated, though they preferred twelve hours a day; they said, they were willing to confine themselves to that number of hours, but that others would not do it, and therefore they should be subjected to unfair disadvantages. The cotton spinners of Halifax had come to the same resolution. With all this evidence, and with a knowledge of the nature of the case, he was persuaded that the house would accede to the principle of confining the hours of labour in cotton-factories to eleven and a half. (*Hear, hear.*)

Mr. *Philips* said, he felt much difficulty in contending against the humane and benevolent feelings of members, especially as they were raised to an unusual ardour by the speech of the right hon. gentleman, and by the means formerly used to excite and inflame prejudice on the subject. If cotton mills were such as they were represented, he should at once say, "Sweep them away altogether." He disclaimed any personal views or interested motives on this question. (*Hear, hear.*) Great pains had been taken to excite prejudice, and out of doors suspicion was at work on this subject. The manufacturers of cotton were objects of hostility to the manufacturers of piece-goods, who were desirous of reducing the productive power of cotton manufactories, in order to increase their own exports. Amongst cotton-spinners themselves, too, there were jealousies and divisions. Some employed children, others employed apprentices; among the latter, the hon. baronet, who brought forward the bill, had himself been. Those who employed apprentices were under the regulation of an act of parliament; and they, conceiving that they were thus disadvantageously situated, in comparison with those who employed free labour, wished to reduce the latter to their own condition. There was an impression created, too, that an act of parliament would reduce the hours of labour without reducing wages. It was necessary to mention these facts, to account for the petitions which had been presented in favour of the bill; and when it was also taken into account, how easy it was to procure signatures to any petition which purported to be for an increase of wages and a reduction in the hours of labour—how easy it was to procure signatures by private *ex-parte* representations, the petitions were not a matter of surprise. The advocates of the bill dealt in general assertions which it was difficult to disprove, but which had been uniformly disproved when they had been founded on tangible statements. It was said that children in

cotton mills were inferior to other children—1. in education; 2. in morals; 3. in health. It had been proved in opposition to this, that the number of children employed in mills, who attended Sunday schools at Manchester, was equal to that of other children; that their morals were as good, and it would have been strange if habits of order, industry and regularity had produced immorality. As to their health, if the house, instead of looking to opinions without any facts stated in support of them, looked to the facts themselves, and to opinions founded on an examination of them, they would find that the statements respecting their health were as devoid of truth, as those respecting their education and morals. Dr. Henry, Dr. Broadsworth, and Dr. Symonds, had borne evidence, that in hospitals there was not 1 in 12 from the manufactories. Even in the female wards there was only 1 in 12. Mr. Ranson, an eminent surgeon, stated, that cases of white swelling and deformity were much more common to weavers than cotton-spinners, the latter being less exposed to changes of temperature. Mr. Morris, another eminent surgeon, had declared that, in the infirmary, cases from cotton factories were less numerous than from other trades. The right hon. gentleman's representations were very far from being all of them founded on fact. The surgeon of the Manchester workhouse had declared himself in favour of legislative interference before he had examined into facts; but he had after a minute examination confessed his error, and had proclaimed the balance to be in favour of the cotton-factories. Those who knew Manchester, knew how difficult it was to get the medical men there to agree in the same opinion. Their disagreement there was proverbial. (*A laugh.*) When he had mentioned to a friend Dr. Henry's opinion, the reply was, "You know that if Dr. Henry thinks one way, Dr.—— is sure to think another." (*Hear, hear.*) Many medical men, who had put their names to petitions, regretted that they had done so since they had made an accurate inspection: certificates, that the factories enjoyed good health, and were well ventilated, were signed by Drs. Henry and Hamilton, who had originally signed petitions for legislative interference. Medical men were now going through all the factories in Manchester, and all authorities were unvarying to shew, that the condition of the people in cotton-factories was better than in any other: this assertion was made on the most conscientious conviction. In other factories, the work and wages were irregular; in the cotton-factories both were uniform, and all were compelled to admit that the labour was light; they were therefore better clothed and better fed than others. The right hon. gentleman had expressed incredulity at the very small proportion of deaths in the factory at Glasgow; but the persons employed there were in the most healthy period of life, and, therefore, there was nothing incredible in the statement. Mr. Sandford's evidence had been referred to, but the most material fact stated by him had been omitted, viz. that when five hundred persons at a Sunday school had clubbed a certain sum for their support in case of sickness, the sum drawn out in the year by those employed in cotton-mills was 2*s.* 0½*d.* the sum drawn out by the others, 3*s.* 1*d.* for each. In one large factory, only 5*l.* had been received for poor-rates for the whole year; and in 1816, a year of the greatest distress, one factory had contributed 24*l.* to a soup society. The right hon. gentleman had complained, that the children were worse off and more under the control of their masters than apprentices; but that was not the case; they could now go home, and be attended to by their parents, an advantage which the proposed regulations would destroy. Taking children from their parents, and placing them under the control of others, had excited a great outcry in the discussion on the poor laws: it was equally impolitic in the present instance to attempt what never could and never ought to be effected. In a country like this, it was dangerous to violate the most perfect freedom of arrangement between wages and labour. It was not enough to act under the impulse of humane feelings alone. To real charity many things were essential, besides almsgiving, which, when indulged indiscriminately, provoked the very evils it wished to alleviate, and caused nothing but idleness and discontent. In the exchange between wages and labour, interference must have a most pernicious tendency. The effect of interfering on behalf of the Spitalfields weavers had been to establish that manufacture in Cheshire. In Cheshire they were now petitioning for the same interference, and the result would be, to drive the manufacture from Cheshire also. The labour of cotton-factories was nothing compared with the labour of other employments, and yet the others, with every exertion, were hardly able to procure a subsistence. Suppose in those cases any one were to say, "Take care of your health; you will hurt your constitution; you will bring on disease." Suppose a *maximum* of labour were fixed in other cases, the consequence would be, that the workmen would be starved into rebellion. The low rate at which we had been able to sell our manufactures on the continent, in consequence of the low rate of labour here, had depressed the continental manufactures, and raised the English much more than any interference could do; and if the legislature interfered now, they would repress the English, and raise the continental manufactures; but if our produce continued to sell on the continent, the increased demand must afford more employment and higher wages for our workmen here. The general hours of work now were from twelve to twelve and a half. The tendency of interference would be, first, to increase wages—workmen would do less and receive more; an increase of population would follow on this comparative case, and the increas-

ed competition for labour must in the end lower wages; while the temporary increase of price, consequent on a temporary increase of wages, would give the continental manufactories a start, by enabling them to sell at a lower price than ourselves, and thus by lessening our sale, lessen the demand for labour, while the demand for employment was increasing. Messrs. Lee and Holdsworth had reduced the hours of labour in their factories, and the people, instead of being better off, had been much worse off, and more discontented, and had withdrawn their subscription from the sick-fund. Here, then, the very experiment had been made which the house wished to attempt. An hon. baronet had said, that there were no petitions against the proceedings of 1802. But the factories of Manchester were as improved at that period as at the present day. And this improvement was not confined to one, but was common to all. Mr. Birley's factory was very well conducted, whatever might have been said of it, and none could be found in which disease was prevalent. There was also a strong fact to shew that the factories of Lancashire were not inferior to any others. By the returns to the committee on the poor laws, the number per cent. who received relief in Lancashire was less than in any other county, except Cumberland; the number was five for Cumberland, and five and a half for Lancashire. In Buckinghamshire thirteen, in Wales seven, &c. The amount too of relief per head was less in Lancashire than in any other county except Cumberland, 10*s.* in Lancashire, 9*s.* 9*d.* in Cumberland; and 20*s.* or 26*s.* in some other counties. These facts were incontrovertible, and the inference was, that the cotton spinners were well off. If the present principle of interference were to be applied, there was no manufacture or employment to which objections might not be made: the farmer was exposed to the inclemency of the seasons, and subject to chronic complaints. Mines were of all places the most notoriously unhealthy, especially lead mines. Potteries were far from being salubrious; and the Speaker himself, sitting in that chair, went through more labour, in a single session, calculated to impair his health, than the people in a well regulated factory endured for a whole year. Confinement, he would allow, must have an effect upon the complexion—it had in that house. They had not within their walls the ruddy complexion of the husbandman, except in a few instances. The temperature of factories, whatever had been said, need not in general be above 63. Some fine spinning, indeed, required 74; but not more than 700 people in the whole kingdom were employed at that temperature. However, nothing could be done by interference but mischief, and it was most dangerous to manufactures, by producing combinations among workmen. (*Hear, hear.*) Gentlemen might cry hear! but he should conceive it his duty on all occasions to speak against combinations so destructive to the happiness and morals, as well as the existence of the working classes, by being ruinous to our manufactures. A spirit of false honour was created which it was most difficult to cope with: the present bill held out a temptation to all such combinations by exciting petitions, and promising little work and high wages. But the house ought to know that these petitions were obtained by disorderly workmen meeting at public-houses, and forming themselves into central committees. The purpose of those who petitioned for the bill was to reduce the hours in order to increase the wages of labour. This, certainly, would be the first of its effects. But he besought the house to consider where they would stop if they interfered in the present instance. Every other class of manufacturers would come forward with their demands, and the regulation introduced in this case could not be refused in others. The principle now introduced would extend to all. There was no peculiarity in the case of the cotton-spinners that did not extend to other manufactories. The linen and the woollen manufactories would require a similar regulation. He had been in some woollen manufactories, and he found no other difference between them and those now under consideration, except that in the former a greater quantity of oil was used, and of course there was a much worse smell. With regard to the linen manufactories, there could be no reason why they should not be regulated as well as the cotton, except that in the latter case the yarn was exported, and in the former not, a distinction which might soon cease by such a violent interference with labour as the present bill would in principle authorize. Any person who considered the subject would see that the same abuses, if abuses existed, were to be found in all our manufactories, and, therefore, that they ought all to be regulated on the principle which would admit an interference with one.

Mr. *W. Bootle* wished to say only a few words. His attention had been long turned to the subject before the house, and he zealously supported the bill. The petitioners for its passing had great weight with him, and should have great influence on the house. Among them were found not only clergymen and physicians, but magistrates. The statements against the bill came from people whose interests were opposed to it, while those who supported it by their petitions and representations from without, could have no other interest to serve than that of humanity. The hon. gentleman spoke of the effect that the measure might have in increasing population, and creating paupers. This was an evil not to be dreaded, or, at least, was to be compensated by the good that it would produce. The 1800 petitioners who supported it were so disinterested as to give it their concurrence, though it might subject them, according to the views of the hon. gentleman, to an additional rate for the poor. Much had been said about the danger of interfering with labour

as a general principle: but the house had already during this session interfered with labour in the case of the chimney-sweepers' bill, which had passed, as it were, by acclamation; and therefore it ought, in consistency, to sacrifice the objections which were brought from this source.

Mr. *W. Smith* said, that he did not wish to drive men to combinations, by refusing them a fair reward for their labour, and as great a reduction of that labour as was consistent with the due interest of the master. He agreed with his hon. friend in the great importance he attached to our cotton-manufactures, but did not think that he was right in his apprehensions of the injury which the present bill would produce with regard to them. He concurred with him, generally, on the impropriety of interfering with labour on indefinite grounds; but here was something tangible and definite, in regulating the age at which persons might enter the cotton-factories, and the number of hours which they should work each day. Into the consideration of what was the proper or the exact number of hours he would not now enter. He would put it generally, ought persons under the age of 12 to be employed from 13 hours and a half to 15 hours a day in a cotton-factory; and was it not injurious to their health and growth to be so employed? He did not object to the employment of children; but was it fitting that they should be confined to labour in a close manufactory, longer than adults in agricultural labour or in other healthy employments? His hon. friend had said, that the care of their children ought to be left to parents, who would not allow them to work longer than it was conducive to their welfare; but, in using such an argument, he had forgotten that the parents confessed their inability of themselves to limit the labour, by applying to the house in their petitions for the passing of the present bill. Much had been said of the means employed to procure these petitions, and of the representations put forth to influence the decisions of the house. But it ought to be recollected, that if representations were made on the one side, they were likewise made on the other, and that, too, by persons who had more weight than those unprotected individuals, and an apparently greater interest to stimulate their zeal. The evidence of physicians and others, who having no personal interest to serve, could not be supposed to have a wrong bias, was in favour of legislative interference. All the members of the faculty, from Machaon down to doctor Solomon, would be found to declare, that children of the age alluded to could not, without injury to their health, work so long in factories as children meant to be protected by the bill now did.

Mr. *Finlay* protested against the introduction of fresh evidence after the inquiry before the committee had closed. The right hon. gentleman had brought forward a most extraordinary witness—the goddess of health; but, unfortunately, she proved nothing in his favour; he had probably found that she could not reside in the factory with which the right hon. gentleman had been connected. He contended, that it was wholly inexpedient to legislate on a matter of this kind—the remedy was worse than the disease, for it would drive people from a healthy to an unhealthy employment. He regretted that the hours of labour were so long; but if they were shortened, as Mr. Owen had done, the superiority of British manufactures on the continent would be at an end. He cautioned the house against being run away with by a mistaken feeling of humanity, of which the statute-book afforded too many instances. In a great many cases the bill would compel the master-spinners to dismiss all persons between the ages of 9 and 16 years, and those poor children would be thrown upon the world without means of support, for no poor-rate could be competent to their maintenance. He insisted, that children employed in cotton-factories were more healthy than in many other employments, and referred to the evidence to shew that this was the uniform opinion of practical men: theoretical speculations were comparatively of little value. He put it to the house, whether, with the contradictory testimony before it, it was prepared to legislate upon the subject—to regulate free labour, and to interpose between father and child? He believed that the hon. baronet, the author of the bill, meant very well, but that he executed very ill; he found no fault with his motives, but with his measure; he had never heard of a bill so full of inhumanity and mischief, and should give it his utmost opposition.

Mr. *J. Smith* supported the measure, referring to the abolition of the slave trade, which, at first, by the planters, was called a measure of inhumanity and mischief, and yet was now admitted to be one of the greatest blessings that had ever flowed from parliament. He contended, that the important allegation in the petition of the workmen of Mr. Owen had not been contradicted, namely, that in the shorter time of work they were able to spin quite as much cotton as when they laboured a greater number of hours in the day. (*Hear, hear.*) In supporting the bill, he acted merely from motives of conscience and conviction, opposing the opinions of many most respectable individuals to whom he was under great obligations, and who had made many powerful representations to him.

Mr. *Robinson* admitted that the question was surrounded with difficulties. Although, generally, it was impolitic for the house to interfere in regulating matters of manufacture and commerce; yet there were cases which set all general rules at defiance. This was, perhaps, one of those cases, and the first doubt he had felt upon the subject was, whether it would not be necessary to carry the measure into other manufactures; but, upon this subject, the publications circulated with so much industry appeared

fallacious. Before he made up his mind, he waited for this debate, and after a full and fair discussion he was decidedly in favour of the bill. (*Hear.*) One main fact operating upon his mind was, that in the cotton factories few men were found much beyond 40 years old, which shewed distinctly that the employment was such as to be injurious to health and longevity.

The house then divided:

Ayes, 91—Noes, 26.

The house accordingly went into a committee, but

Mr. *Finlay* protested against any farther proceeding upon the bill this night, after having been occupied in the discussion for so many hours, and expressed his resolution to avail himself of the forms of the house to give the bill every obstruction in his power.

Mr. *Lambton* observed, that the objection as to the discussion for a few hours, came with a very ill grace from those who were so indifferent about the laborious occupation of children for so many hours each day. (*Hear, hear, hear.*)—After some desultory conversation, it was agreed that the chairman should report progress and ask leave to sit again.

LOAN BILL.] The *Chancellor of the Exchequer* moved the second reading of this bill.

Mr. *Grenfell* observed, that as he understood an agreement had been entered into between the right hon. gentleman and the Bank, by which the Bank were to receive 800*l.* upon each million of money deposited by the subscribers to the loan of 3,000,000*l.* and 400*l.* upon each million of exchequer-bills, he wished to give notice, if this information was correct, that he should oppose this arrangement as an extravagant grant, without any foundation in justice or equity, when the bill should come into the committee.

The *Chancellor of the Exchequer* agreed that the committee was the proper stage for entertaining that motion. It related to a distinct clause, which might, if it should be the pleasure of the house, be struck out, without prejudicing the other parts of the enactment.

Mr. *Grenfell* now wished to put a question to the right hon. gentleman on a point, with respect to which a great deal of doubt and some agitation had lately prevailed. It was desirable that it should be clearly understood, whether the subscribers to the loan would be at liberty to fund any part of their respective portions according to their own convenience or discretion, or whether no option was left but that of funding the whole, or none.

The *Chancellor of the Exchequer* admitted that the question put to him by the hon. gentleman was perfectly clear and intelligible; and he felt happy, therefore, in being enabled to give him an immediate explanation. The provisions of the bill were certainly intended to secure to every subscriber the option of funding either the whole or a part of the proportional amount of exchequer-bills limited by the terms of the original contract.

Mr. *Grenfell* was anxious to obtain some information from the right hon. gentleman on another topic relative to the loan, upon which great uncertainty at present prevailed. The time was at hand for paying in 15 per cent. on the new stock, and he understood that the Bank refused to those who wished to transfer from the 3 per cents., the favour of so doing unless in their own names. Now, it was well known, that many eminent merchants, and other individuals, had large sums vested in the name of their bankers, and it was obvious, therefore, that this regulation on the part of the Bank, must be productive of much inconvenience. What he was desirous of ascertaining was, whether the right hon. gentleman intended to support the Bank in their adherence to this regulation?

The *Chancellor of the Exchequer* said, that a complaint of this nature had reached him shortly before he entered the house. The rule adopted by the Bank was, to require either the actual signature of the proprietor, or a letter of attorney, to the exclusion of a mere representation of a third party. It appeared to him that this principle was quite regular, as the subject now presented itself, but it might be expedient in the committee to frame some provision with a view of meeting this difficulty.

The bill was then read a second time.

HOUSE OF LORDS.

Tuesday, April 28.

WATER COMPANIES.] The Bishop of *Chichester* presented a petition of several of the vestrymen of the parishes of Saint Giles in the Fields and Saint George, Bloomsbury, in the county of Middlesex, setting forth, "That having long experienced the evils of a monopoly in the supply of water, the vestry and many other inhabitants of those parishes, did, in February, 1810, by petitions to the legislature, and otherwise, render all the assistance in their power towards establishing in their neighbourhood a competition in the supply of that necessary article; and that by an act of parliament soon afterwards passed, the company of proprietors of the West Middlesex Waterworks were authorized to extend their works so as to supply those parishes with water from the river Thames; that with the view of protecting the inhabitants of those parishes and the public from another monopoly and its injurious consequences, a clause was inserted in the said act, whereby the said company were restrained from selling or disposing of the privileges or powers thereby vested in them, and were only to take and demand such sums as should be reasonable for the water supplied under the provisions of the act; that, for the greater protection against fire, a clause was inserted in the said act, whereby the company are required to place upon every main-pipe in every square, street, and place, a fire-plug, and to deliver a

key thereof at every house and place where any fire-engine shall be kept; that the competition thus established, however desirable in other respects, has, by repeated, and an almost general destruction of the pavements, for four years, been attended with much inconvenience to the public, and incalculable expenses to the inhabitants of those parishes, during which time a double line of iron pipes has been driven through the squares and principal streets, whereby the inhabitants thereof have, till within a few months last past, not only been served with a plentiful supply of water in any part of their respective houses at reasonable rates, but have also derived a double portion of protection against the ravages of fire; that in the year 1816 a bill was introduced for uniting the interests and concerns of the New River Company and of the said Company of Proprietors of the West Middlesex Waterworks, but the alarming tendency of such a monopoly being apparent, the bill was rejected; that it appears to the petitioners the said two powerful companies have, by private arrangement between themselves and another company, attempted to effect the purposes intended by the bill which was rejected; that the West Middlesex Company have totally withdrawn their supply from those parishes, and it is understood that the York Buildings company will, in a few weeks, also withdraw their supply, whereby the petitioners and the rest of the inhabitants of those parishes must (unless favoured by the aid and protection of the legislature) be supplied with water by the New River company only, in such manner and quantities only, and at such rents or rates, however exorbitant, as the said company shall, from time to time, think proper to demand; the petitioners, therefore, humbly pray that such protection and relief in the premises may be granted to them, as may seem meet."

The petition was laid on the table.

HOUSE OF COMMONS.

Tuesday, April 28.

HIGH BAILIFF OF WESTMINSTER.] The High Bailiff of Westminster came to the bar, and presented an account of his emoluments, pursuant to an order of the house of the 16th of March.—Ordered to lie on the table, and to be printed.

NORTHERN CIRCUIT.] Mr. *M. A. Taylor* presented a report of the select committee on the administration of justice upon the Northern Circuit, which was ordered to lie on the table, and to be printed.—It was as follows:—

"The Select Committee appointed to consider whether any, and what steps may be necessary to be taken, to give to the Counties of Westmoreland, Cumberland, Northumberland, and Durham, and town and county of Newcastle-upon-Tyne, the same advantages of Assizes twice in each year, as are now possessed by all the other Counties in England and Wales, and to report their Observations thereupon to the House; and to whom the Petition of the Mayor, Sheriffs, Citizens, and Commonalty of the City of Norwich; and also the Returns of the Calendars of the Prisoners, and of the Lists of Causes tried at the Assizes for the Counties before-mentioned, were referred; have, pursuant to the Order of the House, considered the same accordingly; and have agreed to the following Report.

"Your committee, on referring to the different papers laid before them by order of the house, find, that, for several years past, persons charged in the four northern counties with offences, not ordinarily falling under the jurisdiction of the general quarter sessions, have continued in prison previous to their trial, for seven, eight, and nine months, and, in many instances, for a longer period of time; and they cannot but direct the immediate attention of the house to so great a failure in the administration of criminal justice.

"The return of causes of the respective counties, with the exception of that of Westmoreland, mark a large and progressive increase of civil business. In the marshal's paper at Carlisle, for the year 1814, no less than 80 records were delivered, of which four only appear to have been withdrawn; in the year 1815, 61 causes were entered; and the two successive years averaged not less than 50. At Durham, in the year 1816, they amounted to 51; and in 1817, to 54. Northumberland (including the jurisdiction of the town and county of Newcastle-upon-Tyne) furnished, in 1816, 42 causes; for five of these causes special juries had been summoned, three of them were made remanets, and consequently went over for 12 months; in the following year 32 actions were entered, only one of which was withdrawn. As the Returns themselves are in their nature too voluminous for publication, a short but accurate abstract is given in the appendix.

"Such being the actual state of business in these three counties, without a well grounded prospect of diminution, your committee cannot form to themselves any satisfactory reason why the trial of civil causes should be thus deferred within these districts, and the custom of holding only one assize in the year continued, subjecting the suitors to serious inconvenience, and, in some cases, to ruinous expense. The practice of bringing actions in other counties, now often resorted to, where they are transitory, compels the attendance of witnesses carried from a considerable distance, kept at the cost of the respective parties, and probably at last dismissed without a hearing.

"It is clear, from the evidence heard before your committee, as to the pressure of civil business at York, that it is now with difficulty gone through, though a greater number of days is allotted in the summer, than was usual in preceding years; and that, of late, two judges

have presided in the spring circuit: it will be found, that at the close of the last commission at that place, six special and three common jury causes were made remanets, yet the court was occupied ten, twelve, or fourteen hours during the day.

"At Lancaster, to a most heavy calendar, are added in general not less than 180 causes, involving in them, as may naturally be imagined from the site and population of the palatinate, questions of the highest importance, as well on commercial as on other points.

"Looking, therefore, to all the circumstances which accompany this view of the subject, and considering it just, that these counties should not be deprived of those advantages which are possessed by all the counties within the United Empire, your committee beg leave to recommend, that such measures should be taken as would divide the present northern circuit into two separate circuits, the one comprehending the counties of Westmoreland, Lancaster, and Cumberland, and the other including those of York, Northumberland, and Durham. No objection could arise, under this arrangement, as to the attendance of an enlightened bar, for, with the proposed alteration, there would still remain to each of these divisions, as much, if not a larger extent of business, than is generally transacted upon every other circuit in England.

"To carry this plan into its full execution, and to give it that weight and authority, which interests of such moment demand, your committee are of opinion, that the duties which belong to it, should only be intrusted to established judges of the land: whether the present limited number of that highly respected body will permit such an addition of labour, must be left to the further deliberation of the house; that head of examination not falling, as your committee apprehended, within the precise limits of their instructions, they did not proceed to any regular course of inquiry which might embrace it, but in looking to the state of the new trials before the Court of King's Bench, as connected with the northern counties, it could not escape their observation, that those who now administer the justice of the country have difficulties imposed upon them, which, with all their zeal and activity, they are in some instances unable to surmount.

"Your committee, in adverting to the substance of a petition from the city of Norwich, which was referred to them by order of the house, are called upon to observe, that the inconvenience there sustained, from the delay of the trial of prisoners, appears to have been so great, that it would be highly expedient, for the sake of public justice, that some remedy should be applied to the evil; and that if it is the pleasure of the house to recommend, in whatever way they shall think best, an augmentation to the present number of the judges, such additional judges might be most usefully and beneficially employed in the respective courts in Westminster Hall, and in the regular tribunals of the country; by this means, an opportunity would be afforded of supplying the defect so loudly complained of on the Norfolk and Midland circuits, viz. of having only one judge on the Spring circuit to preside on the civil and criminal trials."

RIBBON WEAVERS.] A farther report of minutes of evidence, taken by the committee of ribbon weavers, was presented, laid on the table, and ordered to be printed.

OFFICERS WIDOWS' PENSIONS.] Mr. *Lyttelton*, in rising to submit his promised motion on this subject, observed, that he felt himself to be in a situation of considerable difficulty, in consequence of a late order containing a modification of the regulation which it was his object to have recalled; but he felt still, that the question stood not merely on grounds of generosity, but of strict justice to the army. He had, therefore, not thought it right to waive his intention of submitting a motion. If a system of rigid economy were proved to be necessary in all branches, he, for one, was very ready to agree to it; but if it went to shock the common feelings of the country, then, what was not absolutely necessary, was unjust. It was not the question, whether they were to be generous to the army, but whether government ought to keep faith with it. After 50 or 60 years, or perhaps near a century's practice, ought the terms with the army to be altered in a way most galling to the feelings of individuals? Was it not highly desirable that good faith should be kept? By the warrant which had been issued on this subject, it appeared, that any officer's wife who had become a widow since the 25th of December last, was not to receive the pension allowed her according to her husband's rank, if she possessed any annuity from government, or any other income equal to double the amount of such pension. A second order had been lately issued, confining the operation of the rule to cases where the income might be quadruple to the pension, and exempting from it the widows of all officers at present married. But this modification was by no means satisfactory. The total amount of widows' pensions, including Ireland, did not exceed 98,000*l.* and the sum allowed to each individual was comparatively insignificant. The widow of a general officer received 120*l.* a-year—the widow of a colonel 90*l.*—of a lieutenant-colonel 80*l.*—of a major 70*l.*—of a captain 50*l.*—of a first lieutenant 40*l.*—and of a second lieutenant or ensign 36*l.* Thus the widow of a general officer, if her income from other sources amounted to 480*l.* was to have the pension of 120*l.* denied her! It was notorious, in the present state of society, that the condition of a gentlewoman could not be maintained on so small a sum. It was with the noble lord (Palmerston), unquestionably, to offer his terms of service in future, as he might think fit, whether handsomely or unhandsomely, to the

army. But he must decidedly object to any retrospective view of the subject. On that ground he objected to the application of the principle to unmarried men now in the army. He could mention specifically, that there was a stoppage fund in the artillery, which was supplied by officers, married or unmarried, for the widows of officers. In many regiments benefit societies had been formed to secure annuities to the widows of officers. From noble motives many officers made great sacrifices, by insurance of lives and other modes, to provide for widows. Many marriages and settlements had been made by officers on the principle of calculating on the widows' fund. If this fund were now to be reduced, people must say, "Good God! is it possible that it is the officers' widows' fund that government rely on for the retrenchment of expenditure? Is this to form the odious contrast between the way in which the civil servants of the crown, basking in court favour, are to be provided for, compared with the mode of provision for the defenceless widows of those brave officers who have fallen in their country's battles?" The reason originally assigned for this regulation, appeared to him to be no reason at all. There was no ground for it, unless it were preceded by other important regulations in the first instance. When it had been said, that the measure was recommended by the finance committee, he had desired the noble lord to make that assertion good by referring to the reports of the committee. The noble lord could not then, nor could he now, shew it. He (Mr. Lyttelton) did not think the subject was before the committee, when the report was drawn up. He had been told, indeed, that a very respectable member of the committee had put an extreme and almost imaginary case, as to the limitation of widows' pensions; as, for instance, in the case of the duchess-dowager of Northumberland claiming the pension of a general's widow. He expressed, not in a parliamentary sense, but his own individual opinion, that the committee proceeded on the purest motives; but it should not be forgotten that, like other committees, they were chiefly gentlemen in the interest of ministers. Tories they were, and Tories they would be after all; and it was not probable that they would take steps to affect their friends in office. At first, the committee attended to the great officers of state. But afterwards ministers neglected what the committee suggested in several points, and had gone to other matters under the heads of compassionate list, bounty warrants, and pensions for wounds. It might have been supposed that widows' pensions would have been brought into consideration; but they were not; therefore, he must suppose, that the committee had them not in their eye. There was, it was true, a kind of general promise of renewing the consideration of these subjects; for it was clear that the committee made no recommendation relative to widows' pensions. With respect to the great sinecures, let it be remembered, that ministers acted entirely on the prospective principle, and what are called "vested rights." The noble lord too, had agreed that, as to Chelsea-hospital, no steps should be taken to reduce the pension of any one at present in the army. The fact was, that the navy had long complained of the severity imposed by those limitations, and, therefore, the noble lord meditated, by the operation of this warrant, to equalize the two services! (*Hear, hear.*) The total amount of the money distributed in the exercise of this bounty was 98,000*l.*, the highest sum it had ever reached, at the period when our military establishments had been carried to an unexampled extent. It was impossible to estimate the amount of saving to be produced by this regulation at more than 20,000*l.* Was this a sufficient inducement for galling the feelings, or impairing the comforts, of so respectable and defenceless a class of persons? The noble lord, in his argument for economy, appeared to have entirely forgotten the recently proposed grants to the royal family, grants which had been so happily obstructed by the virtuous resistance of some Tory members in that house. It was forgotten that one of those additional grants exceeded the whole amount of the saving projected by the regulation of which he complained. No instance could be adduced from any of the civil departments to justify it; the principle had never been recognized except in the case of the navy, where it ought to have been abated instead of being extended to the military service. The effect of it must necessarily be to encourage improvidence; for it held out to the officer an assurance that if by frugality or industry he possessed himself of the means of providing in some degree for his widow and children, their claim on the public bounty must be surrendered. It operated therefore as a direct tax on morality, disinterestedness, and conjugal affection. The consequences to which it had a tendency to lead after the death of the officer also deserved consideration. The temptation to perjury and evasion was rendered very strong in the case of a helpless woman, incumbered, perhaps, with a large family, when by stating her actual means to be within the limitation prescribed, a pension might be obtained. It was scarcely necessary for him to say, that many instances of this nature were known to have occurred in the navy. He was not aware in what quarter this regulation had originated, but he did not believe it was either at the Horse-Guards or the War-office. He was sure that it could not have received the approbation of the deserving prince who at present presided over the interests of the army. It was not difficult to conceive that the opinion of that illustrious person might be opposed on such a subject by his Majesty's ministers, as a sort of proof how independent they were of royal influence. He doubted whether the noble lord, the secretary at war, had concurred in the propriety of its adoption; but, in other times,

such a circumstance would have led to his resignation. The pretence of economy made but a bad appearance, when it was found that in no other respect was public economy consulted, and that no retrenchments were effected, where they were most loudly called for. He felt confident, that not only the feelings of the army, but the sense of the public was opposed to the regulation; with regard to which, therefore, he should accept no compromise, but move for its total and unconditional revocation. (*Hear, hear.*) He concluded with moving, "that an humble address be presented to his royal highness the Prince Regent, humbly setting forth, that this house, being informed that his royal highness has been advised to issue the following warrant, viz.—" George P. R.—By his royal highness the Prince Regent, in the name and on the behalf of his Majesty: whereas we have deemed it expedient to revise the rules and regulations under which pensions are now granted to the widows of commissioned officers of our land forces, and to confine such pensions to those applicants who shall appear, from the state of their pecuniary circumstances, to be proper objects of our royal bounty; it is our will and pleasure, and we do hereby order and direct, in the name and on the behalf of his Majesty, that no pension shall be hereafter granted to the widow of any commissioned officer of the land forces dying subsequently to the 25th of December last, who shall have any other pension from government, or whose annual income otherwise arising shall amount to double the rate of pension assigned to the rank of her deceased husband. Given at our court at Carlton House, this 17th day of February 1818, in the fifty-eighth year of his Majesty's reign. By command of his royal highness the Prince Regent, in the name and on the behalf of his Majesty. (Signed) Palmerston:"—" This house doth humbly represent to his royal highness, that the pensions heretofore regularly allowed to the widows of the officers of his Majesty's land forces, have never, within the memory of the oldest officer in his Majesty's service, been practically subject to any such conditions as those expressed in the said warrant, and have been relied upon accordingly by the said officers as a certain and unconditional provision for their widows; in consequence of which, many marriages have been contracted, and settlements made, in which the said pensions were calculated upon by all the parties concerned, which parties will be irremediably wronged, and several of them grievously distressed by the operation of the said warrant:—That the sale of commissions being officially permitted in the army, such transactions have been exceedingly numerous, in all of which the unconditional pensions have been taken into account, and it is morally impossible that the purchasers should ever be indemnified for the loss they will have sustained on the difference between the price given for their commissions, and their value as reduced by the said warrant:—That many officers have laid out considerable sums in life-insurances for the advantage of their widows; and that, likewise, in many corps, funds have been raised, by subscriptions among the officers thereof, for the purpose of securing to the widows of the officers of such corps certain small annuities, the benefit of which life-insurances and annuities will in many instances be wholly lost to the said widows if the warrant shall take effect:—And that this house, though deeply sensible of the necessity of curtailing the national expenses at the present crisis, is yet humbly of opinion, that unless all other means of retrenchment are totally exhausted, it is no less irreconcileable with the justice, than unworthy of the generosity and humanity of the state, to restrict, by any conditions whatever, grants of such small amount, to persons peculiarly helpless, which grants have been nobly and dearly earned by the valour and conduct of the leaders of his Majesty's intrepid and victorious troops:—That this house, therefore, doth humbly intreat his royal highness to cause the said warrant to be forthwith entirely revoked, cancelled, and annulled."

General *Dalrymple* seconded the motion, and traced the history of the bounty to officers' widows to the reign of Charles II. At that period 3000*l.* was devoted to that laudable purpose. He had conversed with officers who had been half a century in the service, and who declared that they had always understood the liberality of the country to extend to a provision for their widows. (*Hear, hear.*) It was for the house to judge whether so small a saving was worth the loss of those grateful feelings which the soldier was accustomed to entertain towards the country in whose service he was engaged. It should be recollected that officers of the army were obliged to pay large sums for their commissions, and in discharge of various necessary expenses; and that these commissions on their death became again the property of the public. The first regulation for interposing conditions to the receipt of widows' pensions was issued by a warrant of the crown during the reign of Queen Anne, in the year 1708. By that warrant, the applicants were required to make oath, that they had not a competency without them. This, however, was never acted upon, and probably the victory of Blenheim, and the general success of our arms, had inculcated a sentiment not very favourable to its strict enforcement. A subsequent warrant, somewhat more liberal in its tenour, was issued under George I. in the year 1717. It ordered, that the widows of officers should have no other provision but their pension in England or Ireland, but made no mention of a provision from their husbands. In point of fact, it had remained a dead letter, no widow having ever been called upon to give an account of her circumstances. It was not surprising, therefore, that the officers of the army should have relied on the continuance of the royal

bounty under the circumstances of recent times. The new regulation was not thought of till after those splendid triumphs which had undoubtedly cost the country great sacrifices; but it appeared to him rather an injudicious and inadequate means of repairing them, by a saving extorted from the small allowance promised to the widows of those who had fallen in the contest. (*Loud cries of hear.*) He was fully sensible how necessary economy was in the present condition of the country; but he thought the present a vexatious test of it, when no similar limitations or exceptions were applied to other branches of the public service, whether the pensions had been earned or not. He entreated the house to consider the question upon its own merits, without reference to the case of the navy, and without entering into invidious comparisons. It was sufficient to observe, that in the one service commissions were purchased, and in the other they were not. It was remarkable that the finance committee had not recommended this regulation; the pensions of officers' widows were not even mentioned by them in their reports. He could not avoid thinking that, at the close of an arduous and successful war, the sovereign might have been spared the mortification of interfering with the liberality of his royal ancestors, sanctioned and supported as it had been by the annual grants of parliament. (*Hear, hear.*)

Mr. *J. Smith* observed, that if the officers of the royal and horse artillery contributed a portion of their pay to the formation of a widow's fund, it appeared to him that the late regulation could not easily be reconciled to the ordinary principles of justice. His attention had been directed for several years to the general condition and circumstances of officers' widows, who, he thought, had a peculiar claim upon the sympathy of the country, being in many instances women of rank and education. The considerations of a moral nature which had been alluded to were also deserving of attention.

Mr. *F. Lewis* rose for the purpose of explaining the part which the finance committee had taken with respect to this regulation. It certainly did not originate with them, but there had been much conversation in the committee about it. Their inquiries had led them to a knowledge of the extreme dissatisfaction which prevailed in the navy, as pensions were granted to their widows only where a specific case of necessity appeared; whereas, in the army, the applicant was not bound to shew that any necessity existed. The committee had, therefore, felt it proper that something should be done to remove the constant jealousy and heart-burning that prevailed between the two services; but they had left it to government to make any alteration that might be deemed just.

Lord *Palmerston* said, that the regulation was not to apply to the widow of any officer now married, so that there was no breach of faith. His hon. and gallant friend had shewn, that from the earliest times the widow had been obliged to prove that she had not a sufficient maintenance left her by her husband; and, therefore, the principle of exercising the royal discretion in granting pensions had always existed. With respect to the contributions to which the hon. member had alluded, they could in no case produce to the widow an annuity large enough to debar her from the receipt of her pension. One ground on which the issuing of the warrant had been recommended was, that it would be proper to equalize the two services. For that purpose, the regulations respecting the widows of officers in the navy were relaxed in order to place them on an equal footing with widows of officers in the army, and an order had been issued that very day limiting the amount of income. These regulations, he assured the house, gave no pleasure to those who had to enforce them. (*Hear.*) It was always a matter of painful duty for them to discharge. But the executive government were not to blame for any hardships that were supposed to exist on this subject. These were regulations for which the house must be responsible. (*Hear, hear.*) They were regulations which had been forced on the government by the language that had been held on the opposite side on the subject of military expenditure. (*Loud cries of hear on the opposition benches.*) The new regulation was in strict consonance with the spirit of the order of 1708; and, under all the circumstances of the case, he could not agree to the motion.

Colonel *Stanhope* said it would be more consonant to the character of a great nation, which had been so ably defended by her soldiers and seamen, to give the pension as a reward of past services, and not to make the widow come and plead *in formâ pauperis.* (*Hear, hear.*) If the widows knew that it was a national reward for services, they would receive half the amount with double satisfaction. He was pleading for both services. It must be supposed that he had some professional partialities: but still he must state his belief, that the navy was the right arm of the country. (*Hear, hear.*) The two services, he thought, could not be assimilated—they were totally of a different nature; in the army it was allowed to make purchases, but that was not the case in the navy. He perfectly agreed that economy was necessary; but it was also necessary to provide for the defence of the country, and it was due to our character and reputation to reward such services. Economy, no doubt, was highly desirable; but it was an economy that should diminish the luxuries of the great, and which never should contaminate itself with the crumbs that fall from the table of the poor. (*Hear, hear.*)

Mr. *Croker* said, that originally, the fund out of which the widows of naval officers received their pensions was not furnished by the public, but was formed by contributions deducted from the pay of all classes of the navy. At present, indeed, of every hundred men on the books of

the navy there were only ninety-nine effective seamen; the hundredth was a fictitious man, called the widow's man, the amount of whose pay went to the fund out of which the widow was paid her pension. An hon. member had made some observations on the word charity; but it must not be forgotten, that that was the word used in the charter of George I. The first limitation was, that no widow should receive a pension who had other means to the amount of the pension itself. Notwithstanding that limitation, the fund was so small, that, in several instances, it was unequal to the payment of the pensions in general. Similar regulations at that time attached to the army. All that the warrant stated in the army was, that the circumstances of the case should be inquired into. Formerly, the amount of the pension must be regulated by the fund. But, by Mr. Burke's bill, the fund was destroyed, and the pensions came to be charged on the navy estimates. He had always considered that the army had, of late years, stood in a very different situation from the navy; arising, principally, from the circumstance of purchases being allowed in the former. But the army stood in a much worse situation than the navy. When an officer of the navy died, whether he was at the time on full or on half-pay, his widow became entitled to a pension. That was not the case in the army; but, by a regulation in 1806, it was ordered, that the widows of officers who had served since 1793 should receive pensions, although their husbands had died while on half-pay. He believed that one half, if not three-fourths, of the officers of the navy married when they were on half-pay. The house would understand what an increase of pensions must arise in the navy on that account. Under these circumstances he entertained great doubt whether a real assimilation could exist between the two services. At the same time he was willing to admit, that it was a very complicated subject, and one which merited some inquiry; and he owned that he should be glad to see, either by the investigation of the finance committee, or some other means, what could be done in both services. (*Hear, hear.*) One of the most forcible arguments which he had heard was, that the army and navy were not in the same situation; the army paid for promotion; the navy did not pay for it. Now he thought there should be some inquiry, whether it should be abolished in both services, or in one service, or not at all. (*Hear, hear.*)

Mr. *Calcraft* said, that he had now the honour to be a member of the finance committee; but not having been so formerly, he was no party to the measures which that committee had recommended, nor in any wise answerable for any omissions with which they might be charged. With respect to what had been said by the noble lord, that his side of the house was responsible for these regulations, because they had thought it their duty to press a saving in the department of the army, he felt it proper to say a few words. And first he would say, that he could not restrain the expression of his surprise at this declaration. The noble lord had stated, that they were amenable for a regulation of this sort, emanating from the Prince Regent, over which they had no control. Did the noble lord recollect, that they had ever recommended a niggardly provision for the wounded soldiers? (*Hear, hear.*) Would he point out in what speech delivered by him, or by any of his friends, it had been argued, that this was an item for economy? (*Hear, hear.*) So far from having at any time wished to recommend such paltry economy (for so it was), he had expressly declared, that a proper provision for the widows of our brave defenders was a fit object for the royal bounty, and a proper subject for the consideration of the legislature. But now, it seemed, that when the noble lord, and those around him, could not defend the necessity of maintaining so large a standing force, they came forward and said, that those on the other side were responsible for these retrenchments. The regulations in question were paltry and illiberal, and could not be defended. The army and navy were alike in nothing but in their glorious defence of the country, and we ought to act liberally to both of them. Parliament had the means of doing justice to both parties, and it was with this view that he, for one, had pressed upon the house the necessity of acting upon principles of economy. (*Hear, hear.*) Had not the officers in the army purchased their commissions on the faith of these allowances? He should be sorry, after the very able manner in which this question had been opened to the house, and the ability with which it was supported, to trouble them with any further observations; there could be no argument against the motion—it rested on the purest principles. He would state, however, that he was much surprised to hear, that the country could not support the charge of these allowances? But who were the persons that made that assertion? They were those—and the country would not fail to notice it—that thought 50,000*l.* or 100,000*l.* a-year, if given to the princes, was not more than the resources of the nation could provide; but who now maintained, that 20,000*l.* a-year could not be afforded to the widows of those brave and gallant heroes who had fought for our protection, and whose valour, as ministers themselves had frequently boasted, had secured the independence and tranquillity of Europe. (*Loud cheering.*)

Mr. *Wilberforce* could not help encouraging the hope, that the noble lord would find himself compelled to accede to the motion. He thought that the noble lord, in referring to economy, had made a most unjust, unwise, and uncandid application. (*Hear, hear, hear.*) We ought to encourage every thing in our army that might tend to counteract that which was too natural to a military man—namely, to consider himself

merely a soldier, which too frequently produced dissolute conduct. He wished, that we should enable him to cultivate the private virtues of society, and enable him to act as becomes a father and a man. (*Hear, hear.*) Distinctions had been made between the army and the navy. For his part, he should like to shew a constitutional jealousy of both services; but still he considered that we were most indebted to our navy for protection. But both were entitled to our gratitude and support; and, therefore, he could not but hope, that the noble secretary, would, instead of looking whether there was any difference between them, accede to such measures as would tend to reward their services and exertions. We should give them as much as we could afford to give, and he firmly believed, that the resources of the country were adequate to the accomplishment of the measure now under consideration. (*Hear, hear.*)

The *Chancellor of the Exchequer* said, that what had taken place with regard to these pensions was one of those regulations which formed part of a great system of economy recommended by parliament. (*Hear, hear.*) The house, he thought, would be aware of the arrangements of the army and navy having been the subject of annual complaint and annual discussion, and of what importance it was to be completely satisfied of the precise difference between those bodies, which, in their respective situations, had so well fulfilled their duty to their country. The grants to widows were originally eleemosynary. They stood upon no grounds of right whatever. They proceeded from compassion, and were given as relief to distress. It had now been considered expedient, with a view to economy, to impose some restrictions; but if it should be the disposition of parliament to adopt a more liberal line of conduct, he was sure he might answer on the part of the ministers of the crown, that they would be willing to do every thing in their power towards that object. At the same time, he could not avoid mentioning the inconvenience of taking from the crown the discretion it exercised on subjects relating to the army. The address appeared to him to be of too peremptory a nature, and would appear to dictate too much. As far as he could collect, there seemed to be a strong feeling in the house, in favour of rescinding the present resolution, and with a view to affect that object, he recommended the hon. gentleman to withdraw his motion. (*Hear, hear.*)

Mr. *Lyttelton* said, he had never heard the right hon. gentleman utter any thing that had given him so much pleasure as the few words which had just fallen from him; and, in consideration of that pleasure, he should forbear from commenting on some observations that had been made in the course of the debate. The subject of his motion he considered the just claim of the army. He was most anxious that economy should be fairly exercised; but after what had passed, he should be sorry to introduce any thing that might appear like harshness or opposition, and, therefore, he was willing to withdraw his motion, or to qualify it in any way that might seem most consistent with propriety.

The *Chancellor of the Exchequer* said, he thought that the measure would come with a better grace from the crown.

Mr. *Lyttelton* said, that if the right hon. gentleman would engage to advise the crown to rescind the regulation, he would withdraw his address. (*Hear.*)

The *Chancellor of the Exchequer* thought that, by what he had said, he had engaged himself to represent what he understood to be the sense of the house. (*Hear, hear.*)

Mr. *Lyttelton* then, with the leave of the house, withdrew his motion.

Building of Churches Bill.] On the motion of the *Chancellor of the Exchequer*, the house went into a committee on this bill.

After a minute discussion of several of the clauses, the house resumed, the chairman reported progress, and asked leave to sit again.

Cotton Factories Bill.] The house resolved itself into a committee on this bill.

On the clause that the operation of this bill should commence four months after the 1st of September next, or on the 1st of January, an amendment was proposed, extending the time to eight months.

Mr. *W. Smith* objected to the amendment. By such changes the effect of the bill might be entirely frittered away. For the advantage, and by the interference of the opposers of the bill, the hours of labour, at first proposed to be ten, were increased to eleven; and now eight months were required instead of four by the manufacturers, to prepare for the commencement of the operation of the bill. He strongly objected to such an extensive acquiescence with the wishes of those who had not only opposed parts of the measure, but the very principle on which it proceeded, and who, when they could not carry their point, exacted all that they could hope to succeed in attaining.

Mr. *Peel* did not see that the amendment was so unreasonable as it had been represented, especially when it was considered that the bill was likely to pass at a much later period of the session than had been at first contemplated. He thought eight months not too long for the manufacturers to alter their system of labour. There was another reason for the extension of the time. It was understood that the bill affected differently factories worked by water, and factories moved by steam. This time might be employed by those who used water to erect engines, as the latter would not suffer so much from the bill as the former.

Mr. *W. Smith* suggested that this argument in favour of the amendment might be obviated by allowing only four months from the 1st of September next, for the factories driven by steam to prepare for the operation of the bill, and a further extension of 4 months for those driven by water.

Mr. *Gordon* concurred in the amendment, both because it was not unreasonable in itself, and because an agreement was a symptom of conciliation between the supporters and the opponents of the bill, the latter consenting on this condition not to urge their objections to the principle.

It was then agreed to, that the operation of the bill should not commence till the 1st day of January 1819.

The next clause was, that no child should be employed under the age of nine years.

On which Mr. *W. Smith* proposed an amendment, to make the age ten years.

The house divided—

For the original clause 28
For the amendment 11

It was next agreed that no person under sixteen years of age should be employed in cotton-factories for more than eleven hours in a day.

The other clauses were then agreed to, the house resumed, and the report was ordered to be received to-morrow.

PARDONS UNDER THE GREAT SEAL BILL.] This bill was reported, and ordered to be read a third time to-morrow.

HOUSE OF LORDS.

Wednesday, April 29.

OFFICERS' WIDOWS PENSIONS.] The Marquis of *Lansdowne*, in rising to move that certain papers presented to their lordships respecting the pensions of widows of officers should be printed, stated, that it was not his intention to take any farther steps on the subject, in consequence of what had occurred out of the house. He had learned with great satisfaction, that the intention of abridging those pensions had been abandoned, and that it was intended to continue the allowances free from all deductions, which, if they had been made, would have had the appearance of an unworthy niggardliness, and have been quite contrary to their lordships' usual strain of feeling. He hoped that the pensions to the widows of naval officers would be put on the same footing as those of the widows of officers of the army; and wished to know, whether the widows of naval officers, on the compassionate list, were still obliged, on receiving their pensions, to make an affidavit that they continued single, which was a great hardship, and ought to be removed. He mentioned this, because he thought it might have escaped their lordships' notice: though, if the practice were to be altered, he should rather the amendment came from the side of government than any other quarter.

The Earl of *Liverpool* replied, that the subject would be considered with a view to further the wish expressed by the noble marquis. Whatever his individual opinion might be, as to granting pensions where the widow possessed other property, there could be no possible principle under which the navy ought to be on a different footing from the army. The purchase of commissions in the army ought not to make any difference; for that was not a tax but a boon, and was no argument whatever for establishing a difference between the pensions.

The Earl of *Rosslyn* expressed his desire that the regulations of the two services in this respect should be alike, especially as the officers of the navy made contributions out of their pay.

Lord *Melville* stated, that the contribution out of the pay of the navy did not bear any proportion to the value of the widows' pensions; the contribution was about 3*l.* per annum, for what at the insurance-office would cost 40*l.* However, this did not affect the merits of the case, and the pensions in the navy ought certainly to be on the same footing as those of the army. Such was already the case with the marines.

The Marquis of *Lansdowne* stated, that in the navy the unmarried officers all contributed. He was glad of the agreement on the other side, and should have moved for a return of the affidavit made by widows, if the concessions made by ministers had not rendered it unnecessary.

The papers were ordered to be printed, and the house adjourned till Friday.

HOUSE OF COMMONS.

Wednesday, April 29.

COPYRIGHT BILL.] Sir *Samuel Romilly* presented a petition of Archibald Constable and Robert Cadell, of Edinburgh, in favour of this bill.—Referred to the select committee on copyright acts.

IRISH GRAND JURY PRESENTMENTS.] Mr. *C. Butler* moved for leave to bring in a bill for the more deliberate investigation of grand jury presentments in Ireland. He stated, that, in making this motion, it was not his meaning to interfere with any measure which it might be the intention of a right hon. gentleman then absent (Mr. Vesey Fitzgerald) to introduce, but merely to render it necessary that the house should consider some measure of this description during the present session.

After a few words from Mr. *Cooper*, Sir *J. Newport*, Mr. *Croker*, Sir *F. Flood*, Sir *C. Monk*, Mr. *Parnell*, and Mr. *Chichester*, who severally recommended that some measure should be adopted on this subject, leave was given to bring in the bill.

JOURNALS OF THE HOUSE.] On the motion of Mr. *Bathurst*, a select committee was appointed "to consider of the imperfect state of the General Index to the Printed Journals of this House, and to report their observations thereupon, together with their opinion as to the rate of remuneration for completing the same."

LOAN BILL.] The *Chancellor of the Exchequer* moved the order of the day for the house resolving itself into a committee on this bill.

Mr. *Grenfell* was anxious to take this opportunity of declaring, that, after all the consideration he had been able to apply to the financial arrangements contemplated by this measure, his opinion had undergone no alteration. It certainly furnished him with no reason for complimenting the right hon. gentleman on the felicity of his late efforts. His principal object, however, in now rising was to give notice of his intention to move in the committee, to expunge the whole of that clause which allowed to the Bank a fee of 20*d.* per 100*l.* on the loan of 3,000,000*l.* subscribed in money, and 10*d.* per cent. on exchequer-bills funded, conformably to the provisions of this bill. He was prepared to contend, that no adequate service was performed by the Bank that could entitle them to such an allowance for their trouble in the management of these transactions. This was his opinion, even without reference to the amount of their gains in other respects, arising from their dealings with the public. He had flattered himself, that the entire subject of the accounts existing between the public and the Bank would have been investigated by the finance committee, and that some important recommendations would have resulted from their labours. Since this was not the case, he felt it incumbent on himself to embrace every opportunity of taking up the question, as it were by piecemeal, and of suggesting such variations as appeared to him to be expedient, in the measures that were successively introduced as connected with this subject.

Mr. *J. P. Grant* observed, that as the present was probably the only occasion that would present itself of entering into the general merits of the right hon. gentleman's plan of finance, he would shortly state his objections to some of its details. He must at the same time express his surprise at finding that the right hon. gentleman was, for the fourth time since the conclusion of peace, about to borrow to an immense amount, in order to carry on the service of the year. By the present plan, a sum of 14,000,000*l.* was to be raised by loan; the whole revenue, after discharging incumbrances, not exceeding 6,700,000*l.*, or about a third of the whole expense of our establishments. The means by which the sum was raised consisted in the prolongation of the excise war-duties, annual taxes, and the lottery. This, then, was the extent of the actual resources of the country; and yet the right hon. gentleman had not thought proper to state any thing to the house with regard to the measures he contemplated in future, or as to the prospect of our being under the necessity of still proceeding in the same course. The only means upon which the right hon. gentleman seemed to rely for discharging the interest of these new loans, was by diverting to that purpose the proceeds of the sinking-fund. He could not conceive what was the use of keeping up a fund of redemption, when a larger sum was annually added to the debt than the amount reduced by its operation. If an individual were thus to act in the management of his private affairs, his conduct would be considered as little less than insane. If he redeemed as many annuities as he granted, and the amount was thus fairly balanced, still he would be at the expense of paying for agency. Of this new loan of 14,000,000*l.* the right hon. gentleman had not informed the house how the sum of 11,000,000*l.* was to be raised; but he presumed it was by a new issue of exchequer-bills. Thus, then, we had a loan of 3,000,000*l.* subscribed in money, credit taken for 11,000,000*l.* in exchequer-bills, and the interest upon both to be supplied from the sinking-fund, that interest being considerably higher than the market rate. What could be the object of all this complicated machinery, except to throw a veil, and a very thin veil it was, over the real situation of the country? In his opinion, the best way of meeting the danger was, to expose it fairly; not for the purpose of inspiring fear, but of imparting confidence. He thought it necessary to offer these few remarks, because the right hon. gentleman held out no prospect to the country of any improvement in its financial circumstances, or of the future adoption of sounder principles of policy.

The *Chancellor of the Exchequer* said, it appeared to him, that the objections of the hon. and learned member to the mode of raising the supplies for the public service, during the last three or four years, resolved themselves into a disapprobation of the increase of funded debt: but it was to be recollected, that the house had rejected one plan of finance which he had submitted for the purpose of preventing this evil, and he knew of only two modes of providing the requisite supplies—borrowing and direct taxation. During the last three years there had been an increase of the unfunded debt to the amount of 18,000,000*l.*; but, within the same period, there had been cancelled a sum of 15,000,000*l.* of capital debt, and considering the difference of the money price of stocks since that time, and taking every thing into account, it would be found at the end of the year, that there was a saving to the nation of 40,000,000*l.* In the case of a private gentleman, therefore, who added 10,000*l.* a-year to his debts, for three years successively, and in the same period redeemed 60,000*l.*, he did not think it could be said that there was any unprosperous course of proceeding. By the present plan, although a fresh issue of exchequer-bills would be thrown into circulation, a very large amount would be withdrawn, and converted into stock. At the end of the year he calculated that the result of the accounts would shew a reduction of the funded debt to the extent of 15,000,000*l.*, and of the unfunded, to that of all the addition which it was now receiving.

The house then went into a committee on the bill, and the Chairman put the question on the clause respecting the allowance to the Bank for management.

Mr. *Grenfell* rose to move the omission of this clause. He thought it right to preface his amendment, by acquainting the house with the exact nature of the service for which remuneration was to be granted. It consisted simply in this: the Bank received the deposit of the subscribers to the new stock, for which they gave receipts, which receipts they afterwards inscribed into the books of the new stock. They also took the trouble of calculating the discount on early payments, and this was the whole of the service rendered to the public, for which they were to be recompensed by a fee amounting to 800*l*. on every million of money subscribed, and 400*l*. on every million of exchequer-bills funded. Now, when the committee adverted to the enormous profits derived by the Bank from the public balances deposited in their hands, and recollected the very high rate at which they were paid for managing the public debt, he thought they would agree with him, that the Bank might have been reasonably expected to perform this service for nothing. He held in his hand a statement of the amount of fees received by them, upon the different loans contracted for during the last 17 years of the war, and the committee would be astonished to learn that it was no less than 324,000*l*. paid out of the national purse for this trifling and insignificant service. (*Hear.*) He stated this in the presence of an hon. director, who would correct him if he should be mistaken in his representation. One observation or two he must now make with regard to the wording of this clause. The fee in question, he had reason to believe, was originally given to the chief clerk or accountant, as a compensation for his private trouble. This, however, was when loans were comparatively small; for, as they began to swell in amount, the Bank seemed to think it was better to put it into their own pockets. He must on this occasion repeat what he had before frequently stated, that the only advantageous or effectual mode of investigating the transactions between the public and the Bank, was by directing the inquiries of the finance committee to this subject. He had always understood that the object of appointing that committee was the examination of every branch of the public expenditure. (*Hear, hear.*) What had fallen from different members of that committee had also justified him in expecting that their attention would have been directed to that now under consideration. He should, therefore, on an early day, endeavour to persuade the house to appoint another committee for this specific purpose. The total amount of the charge for managing the present loan was 13,200*l*. a part of which, as he had already stated, applied to the deposit of exchequer-bills, this being the very first time that any charge of this nature had been made. What was the motive or the ground for now making it he could not conceive, but he thought it his duty to move for the omission of the entire clause.

The *Chancellor of the Exchequer* observed, that he entirely agreed with the hon. gentleman in thinking that the accounts between the government and the Bank formed a very proper subject for the investigation of the finance committee. The inquiry had been delayed only in consequence of certain arrangements, with the progress of which it would have interfered. He could not consider the objections of the hon. gentleman, with respect to the clause in question, well founded, or justly applicable to a charge which had been uniformly made almost from the period of the revolution. Allowances had been always paid for the management of public loans; and had been larger when they were conducted by the South Sea Company. The Bank did not merely act as receivers for the public, but as judges of the accuracy of the whole transaction. He objected, therefore, to the amendment, on the ground of immemorial usage, and as not preceded by any formal inquiry or recommendation. It was true, in ordinary cases, that no allowance had been paid on exchequer-bills, because they were always carried to the exchequer-bill office for the purpose of being funded, and the Bank had no concern in the transaction. The present plan consisted of a complicated system for the creation of a new stock, by means of funding exchequer-bills. The trouble and responsibility on the part of the Bank were much increased by the nature of this operation. In addition to all the care required in the management of an ordinary loan, they had to keep the accounts of the new stock, imposing upon them a considerable immediate and annual expense in the opening of a new office, and the employment of an additional number of clerks. The allowance might have been enlarged by applying the same measure to the whole of the new stock, but to this he had objected, and the sum payable on exchequer-bills was only one half of what was payable on the loan of 3,000,000*l*.

Sir *J. Newport* complained, that the effect of this complicated arrangement was to prevent competition, and to throw the whole transaction into the hands of jobbers. The right hon. gentleman, he was convinced, might, by an open loan, have made a much better bargain for the country. As it had been conducted, he had been obliged to alter and modify his terms, according to the dictation of the Stock-Exchange.

The *Chancellor of the Exchequer* observed, that whether a more open loan would have been better or not in some respects, the charge in that case for management would have been considerably greater. With regard to the right hon. baronet's observations on the subject of the jobbers of the Stock-Exchange, and the influence exercised by them on the conditions of the loan, he could fairly state that there never was an operation of this nature effected more completely in defiance of their endeavours. (*Hear, hear.*) He did not wish to speak injuriously,

but the whole difficulty which had been experienced proceeded from the machinations of that class of persons. The modifications which had been introduced into the original proposals had not increased the charge to the public a single shilling; on the contrary, they had caused upon the whole transaction some diminution of incidental expense.

Mr. *J. P. Grant* asked, whether the whole expense attending an open loan would not have been less than what was incurred by the present complicated plan?

The *Chancellor of the Exchequer* did not believe it would have been possible to have negotiated an open loan, without a considerable augmentation of the whole charge.

Mr. *Grenfell* observed, that the right hon. gentleman had stated, that this was a charge established by immemorial usage. Now, if this charge were founded on any thing like equity or justice, let it remain: but if antiquity only could be urged in its favour, he, for one, should object to it. Did not the right hon. gentleman know, that at the rate of 34 millions, there would be a permanent charge of 10,000*l.* per annum on the country? This was a charge contrary to every principle of justice, moderation, and equity; nay, he would say, that it was strongly indicative of that rapacity which had long characterized the whole of the transactions of the Bank. The term 'rapacity' might appear harsh to some, but it was an expression which he had borrowed from a lamented friend, a great ornament of that house (Mr. Horner), and he could use no other word on this occasion. (*Hear.*)

The *Chancellor of the Exchequer* said, that the hon. member had fallen into an error. He had stated, that the charge to the country would be 10,000*l.* per annum; but, as 27,000,000 of stock would be cancelled, on which the Bank would lose their charge, the increase would be only 2,000*l.*

Mr. *Grenfell* said, he did not understand this argument. It was true, that 27,000,000 of 3 per cents. would be converted into 27,000,000 of 3½ per cents., on which there would be no charge; but, then, there was to be funded 27,000,000 of exchequer-bills, which were equal to 34,000,000 of stock; and calculating them at 300*l.* a million, it was evident that the Bank must receive something like 10,000*l.* (*Hear, hear.*)

The *Chancellor of the Exchequer* rather believed that he was wrong in his former statement. (*Hear, hear.*) He had mistaken the 27,000,000 of exchequer-bills for stock. (*Hear, hear.*)

Mr. *Bankes* entirely agreed with his hon. friend that the allowances made to the Bank ought to be investigated, and more particularly the commission to be granted them in the present instance; but he did not think that the finance committee possessed sufficient powers for that purpose.

The committee then divided on the clause:—

Ayes, 46—Noes, 31.

Mr. *Grenfell* then moved, that the chairman should leave the chair, and report progress.

The committee divided:—

Ayes, 25—Noes, 44.

The other clauses were then gone through, the house resumed, and the report was ordered to be received to-morrow.

REWARDS ON CONVICTION BILL.] Mr. *Bennet* moved, that the house should resolve itself into a committee of the whole house on this bill.

Mr. Speaker having left the chair, the several clauses were gone through.

The house resumed, the report was received, and ordered to be taken into further consideration on Monday next.

PARDONS UNDER THE GREAT SEAL BILL.] This bill was read a third time, and passed.

COTTON FACTORIES BILL.] The report of this bill was received, and the bill ordered to be read a third time to-morrow.

HOUSE OF COMMONS.

Thursday, April 30.

LUNATIC ASYLUMS (SCOTLAND) BILL.] Sir *G. Clerk* presented a petition of commissioners of supply of Edinburgh against this bill.

The *Lord-Advocate* said, that Scotland was much indebted to the noble lord who had taken so much pains in bringing in the bill, against which, he believed, much unnecessary clamour had been excited. He had no objection to postpone the consideration of it.

Lord *A. Hamilton* said, that the sense of the country in Scotland was never more clearly expressed than it was against this measure.

Lord *Binning* said, that when the bill came to the second reading, he should endeavour to explain his views more fully: but he must deny the assertion of the noble lord, as to the general opposition to the measure in Scotland. He would admit that a prejudice had prevailed against it to a considerable degree; but there was a growing feeling in favour of some measure on this important subject.

The petition was ordered to lie on the table.

IMPRISONMENT FOR DEBT (SCOTLAND).] Mr. *Finlay* rose to move for a return of the number of prisoners confined for small debts in the several prisons of Scotland. He stated, that, in Glasgow alone there were last year 93 persons confined for sums under one pound. It was easy to conceive what misery and distress this must occasion. The associations unavoidable by such imprisonments produced the greatest evils to the individuals. The whole number of persons thus confined in all the prisons of Scotland amounted, he had reason to believe, to several hundreds, and those confined for sums under 5*l.* amounted to some thousands. They were not entitled to any allowance until ten days after their committal, and then each prisoner received only 4*d.* per day. Yet the creditor could not commit one of them, without expending 10*s.* nor could the debtor be re-

leased without paying 6*s*. He was unwilling to trespass on the time of the house, and admitted that there were difficulties in the way of a complete remedy. But the knowledge and wisdom of learned gentlemen might arrive at the desired object. He should conclude by moving for the following accounts. 1. "Shewing the number of persons imprisoned in the different prisons in Scotland during three years preceding the 31st December 1817, for debts not exceeding one pound. 2. Of persons so imprisoned for debts exceeding one pound and under three pounds, also above three pounds and not exceeding five pounds; distinguishing the number in each class so confined for any period exceeding one month, three months, and six months, respectively. 3. Shewing when the prisoners became entitled to their legal aliment, together with the amount thereof in the highest and lowest cases."

Mr. *M. A. Taylor* said, that some years back a similar inconvenience existed in this country. Persons imprisoned under decrees of courts of conscience had remained in confinement for many months. Having turned his attention to that subject, he had the honour to propose an act to the house, which was afterwards passed, to afford relief, and he begged to recommend its provisions to the notice of the hon. member.

Mr. *W. Smith* hoped that gentlemen would turn their attention to subjects of this nature. If there was any general defect in the system of our laws, he thought it would appear to exist in a kind of exclusive regard to property, rather than to life and liberty. He wished the latter to be more fully considered.

The accounts were ordered.

COUNTRY BANK-NOTES BILL.] The *Chancellor of the Exchequer* rose for the purpose of calling the attention of the house to the subject of a notice which stood at present for Monday next. As it was not his intention to carry that notice into effect, it might be most convenient to move at once that the order be discharged. He alluded to the order for the first reading of the bill for better regulating the circulation of country bank-notes. (*Hear, hear*, from the opposition.) He was the more desirous of making a timely intimation of the intentions of government to postpone this measure, as he had already laid before the house the views and opinions which had induced them to entertain it. It was proper at the same time to state, that it was only abandoned for the present, from a belief that some modifications were necessary, and in the apprehension that the discussions to which it might give rise could not be brought to a close during the present session. (*Hear.*)

Sir *M. W. Ridley* congratulated the house on the determination of his Majesty's ministers to relinquish this measure for the present. He entreated the right hon. gentleman, however, if he valued the tranquillity of the country, not to leave the smallest ground for raising an expectation that a similar measure would be brought forward at any other period. It was of the highest importance to quiet the alarm which prevailed.

The *Chancellor of the Exchequer* observed, that he had already announced his intention of introducing some similar measure, at a future period.

Mr. *Tierney* wished distinctly to understand whether the measure was postponed, merely from a consideration of time, and because it could not be thoroughly discussed during the present session. The house had been put in a certain degree in possession of the right hon. gentleman's plan; but another meeting having taken place at his house, between himself and those immediately interested in it, it was withdrawn, for no better reason that he could conceive, than that it would offend many, and prejudice a particular cause, at the next general election. (*Hear, hear.*)

Lord *Castlereagh* deprecated the practice of assigning motives, according to the fancy of any honourable member, upon the introduction or postponement of important public measures. He could not admit the propriety of such observations, and much less the justice or fairness of putting the least charitable construction on every proceeding of the government. If the right hon. gentleman really thought such a practice calculated to produce an effect, it would be wise in him not to exercise it so frequently.

Mr. *Brougham* trusted that the country bankers would fairly understand how their interests were affected by the present situation of this question. It had been distinctly acknowledged that the principle of the measure was not abandoned, but was to be again brought forward in a shape somewhat different. He entertained not the smallest doubt that a similar measure would be introduced after the next election, and when circumstances would be more favourable to its success.

Sir *J. Graham* was glad to hear that the measure was to be postponed, although his satisfaction was much diminished by the probability of its revival the next session. He believed its tendency to be very injurious to credit, and to the means of securing the regular payment of taxes. He had conversed with many enlightened persons on this subject, and he had not met with one who did not express his disapprobation of it. It had already materially shaken confidence in the country, and caused a considerable run on several banks. He had no interest in any country bank, but he entertained a most unfavourable opinion of the measure, and wished to hear that it was entirely relinquished.

The *Chancellor of the Exchequer* observed, that he should not fail to take the earliest opportunity of informing the house what were the ultimate intentions of his Majesty's government in reference to this subject.

Mr. *Calcraft* said, he understood that the country bankers at a meeting, at lord Liverpool's yesterday, had fairly stated, that their objections were to the principle of the bill, and that

no time or modifications would reconcile them to it.

Sir *M. W. Ridley* said, that as he was one of the few members of the house who had been present at the meeting between the right hon. gentleman and the country bankers, he felt it right to state, that the utmost attention was paid to their representations, and every disposition shewn to inquire fully into the merits of the question. But there was not one individual banker present, who did not protest against the principle, as inconsistent both with their interest and their character.

Mr. *Lyttelton* bore similar testimony to the dissatisfaction and alarm which the introduction of this measure had excited among the bankers in that part of Worcestershire with which he was chiefly connected. He had received the strongest remonstrances against its progress through the house, and doubted not that this was the case with many hon. members. It was desirable that facts of this nature should be stated, that the right hon. gentleman might perfectly know the sentiment universally entertained respecting designs which he had so imperfectly communicated.

Mr. *F. Douglas* observed, that, in future, when the right hon. gentleman had a measure to introduce affecting the interests of a large body of individuals, it would be as well to consult them previously, instead of taking that step after he had announced his measure, and yielding after he had tried the temper of the house.

Mr. *Tierney* observed, that the house was not fairly treated, by being left in ignorance of the reasons that had induced the right hon. gentleman to withdraw a measure which he had previously introduced to their consideration. The right hon. gentleman had since communicated with persons engaged in the trade to which his new regulations were intended to apply; but of what passed on that occasion the house knew nothing. It was possible that he (Mr. Tierney) might be friendly to the plan, and that the objections of the country bankers were founded only on their private interests or convenience. As the matter now stood, the circulation of country paper must be conducted under a full assurance that a similar measure would be brought forward at some future time. The bankers must feel a sort of horror at this state of alarm and apprehension, which would necessarily leave them without any means of knowing how to regulate their issues or their payments. When he coupled this consideration with that of the general state of the currency, the proposed postponement appeared to him to be one of the most mischievous conceits that ever entered the head of a Chancellor of the Exchequer.

The *Chancellor of the Exchequer* believed this to be the first time that any member of the house had been called on to state his reasons for postponing or withdrawing any measure of which he had merely given notice, or which he had obtained leave to introduce. He was ready to admit that many arguments had been urged at the meeting alluded to against the principle of his intended bill. They had not, however, produced any change of his opinion, and he thought some additional modifications would remove every fair ground of objection.

The order for reading the bill a second time on Monday was then discharged; after which, it was ordered to be read a second time this day two months.

ARTILLERY DRIVERS.] Mr. *Bennet* again called the attention of the house to the unequal provision made for the officers of the corps of artillery-drivers, and moved an address to his Royal Highness the Prince Regent, "that he would be graciously pleased to direct the payment of the sum of 3,504*l.* to the officers of the eight troops of the royal artillery drivers, being the difference between the full and half-pay, and to assure his Royal Highness that this house will make good the same."

Mr. *R. Ward* objected to the motion, on the ground that no expectation of such a reward had ever been held out by the board of ordnance, and that the officers in question were in the commissary service, and were disabled by their commissions to exercise any military command. If justice went on the side of the persons for whom the hon. gentleman had made his motion, in God's name let it be granted. Endeavours had been made that arrangements should be come to on the subject; but it was found to be impossible, on account of the general rules which governed the army. The commander in chief had found that to grant such a boon as this would create the greatest discontent. The master-general, however, had consented, that as these officers were out of the artillery service, they should be allowed to hold their allowances, consistently with any other employment under government which they might acquire, without taking the half-pay oath. *(Hear, hear.)*

Mr. *Lyttelton* expressed his satisfaction with what the hon. gentleman had said. At the same time, he could not help observing, that the affidavit in question was a most grievous thing upon the whole service. He could not conceive why an officer should be precluded from acting in any other than a military capacity, except with the loss of his half-pay.

Mr. *Benson* said, that there was nothing in the commission of these officers which held out that the corps would be absolutely annihilated. The late duke of Richmond had written a letter to an officer on the establishment, in which he said, "It was certainly not meant that you should not rise to higher situations in the service." This held out a hope of their attaining higher rank.

Mr. *Calcraft* said, that after the arrangement which had been mentioned by the hon. gentle-

man opposite, he hoped his hon. friend would not press his motion, which, if carried, would create invidious distinctions in the service. He thought that the officers in question had nothing of which they could complain.

Mr. *Bennet* in reply, observed, that the case of these officers was very hard. He considered them as the very sinews of the army, for, without them, the guns, ammunition, and provisions, could not be carried from place to place. It was not, however, his intention to press the question, if the sense of the house should appear to be adverse to it; but he considered them as a body of persons who were entitled to the thanks of the country, and to the full consideration of parliament.

The motion was then put and negatived, without a division.

POOR-LAWS.] Mr. *S. Bourne* rose to call the attention of the house to a subject of great importance. It was a subject, indeed, which claimed the utmost consideration of the house, and he was aware that it had excited a very considerable degree of interest in the public mind. Many able and sensible treatises had issued from the press on this subject, and some of them had displayed a great knowledge on this very important and interesting topic. With regard to the measures which he had had the honour of submitting to the house, he begged to state, that they had emanated, not so much from his own views and wishes on the subject, as from the authority of the committee who were appointed to report their opinions to the house. At the same time he must add, that, according to their opinions, the most beneficial and efficient measures had been introduced; but it was probable, that on some points they might have been mistaken, and their sole object was to legislate for the good of the country. He would now beg leave to direct the attention of the house to some material facts. He was sensible that in so thin a house the subject could not be discussed with so much advantage as in a fuller attendance; but it was important, at this period of the session, that no time should be lost; and although he felt that many persons were better qualified than himself to propose alterations in the present system, still he felt that it had become his duty to offer the result of his investigations to the consideration of the house. *(Hear, hear.)* In the early part of the reign of Elizabeth, the maintenance of the poor was first established by law. Before that time, they subsisted entirely upon private benevolence, and the alms which they received at the gates of the religious houses. The law of settlement also was then for the first time introduced*. By that law, however, none of the poor were obliged to reside in the places of their settlement, but such as were unable or unwilling to work; and those places of settlement were only such where they were born, or had made their abode for three years. That law continued in force until after the restoration, when a different plan was adopted. By the 13 and 14 Car. II. c. 12. a legal settlement was declared to be gained by birth; or by inhabitancy, apprenticeship, or service, for 40 days: within which period all intruders were made removeable from any parish by two justices of the peace, unless they settled in a tenement of the annual value of 10*l.* Under this law, which gave a settlement by so short a residence, several frauds took place; and, therefore, the 1st of James II. c. 17. was passed, which directed notice in writing to be delivered to the parish officers, before a settlement could be gained by such residence. It was afterwards found, that this was not sufficient, as collusions took place; and, therefore, by the 3 and 4 William and Mary c. 11. the doctrine of certificates was invented, by way of counterpoise. Thus, a person wishing to remove from the parish of A. to the parish of B. received a certificate from the parish of A. acknowledging that he belonged to it, by which means he was allowed to reside in the parish of B. till he became chargeable to it. Subsequent provisions made farther alterations, either enlarging or restraining the laws relating to the poor, till, at last, the law of settlements was reduced to the following heads. A settlement might be acquired, 1. by birth; 2. by parentage; 3. by marriage; 4. by 40 days' residence, and notice;

* By the ancient law of the land, the maintenance of the poor devolved on the Clergy. It was one of the purposes for which the payment of tithes was originally imposed; and, indeed, as late as the beginning of the 15th century, express provisions were made for setting apart a yearly sum out of their incomes for that object. By statute 15 Ric. II.c. 6. (Anno 1392), it was enacted, that, in all appropriations of churches, the diocesan bishop should ordain (in proportion to the value of the church) a competent sum to be distributed among the poor parishioners annually; and by statute 4 Hen. IV. c. 12. (Anno 1403), it was ordained, that the vicar should be a secular person, and be sufficiently endowed, at the discretion of the ordinary, for these three purposes,—to do divine service, to inform the people, and "to keep hospitality." And the act of 21 Hen. VIII. c. 13. (anno 1526) which regulated the residence of the Clergy, was made, not only for the increase of devotion, and the good opinion of the laity towards spiritual persons, but also "for the maintenance of hospitality," and "the relief of poor people."—By statutes 12 Ric. II. c. 7. and 19 Hen. VII. c. 12. the poor are directed to abide in the cities or towns wherein they were born, or such wherein they had dwelt for 3 years. These acts seem to be the first rudiments of parish settlements.—Still, no compulsory method was chalked out for the maintenance of the poor till the statute 27 Hen. VIII. c. 25. By statute 27 Hen. VIII. c. 28. the lesser monasteries were dissolved, and by 31 Hen. VIII. c. 13 the greater abbies also. From that time to the 43 of Elizabeth, no less than ten statutes were made for providing for the poor and impotent; but these having been found insufficient, the 43 of Eliz. c. 2. enacted, that overseers of the poor should be nominated yearly in every parish.

5. by renting for a year a tenement of the yearly value of 10*l.* and residing 40 days in the parish, without notice; 6. by being charged to and paying the public taxes and levies of the parish (excepting those for scavengers, highways, and the duties on houses and windows): and 7. by executing, when legally appointed, any public parochial office for a whole year in the parish, as churchwarden, &c. if coupled, in these two cases, with a residence of 40 days; 8. by being hired for a year, when unmarried and childless, and serving a year in the same service; and 9. by being bound an apprentice, gave the servant and apprentice a settlement, without notice, in that place wherein they served the last 40 days; 10. and lastly, the having an estate, and residing thereon 40 days, however small the value might be, in case it were acquired by act of law or of a third person, as by descent, gift, devise, &c. but if a man acquired it by purchase, then unless the consideration advanced, *bonâ fide*, were 30*l.* it was no settlement for any longer time than the person should inhabit therein. He was in no case removeable from his own property, but he should not, by any trifling or fraudulent purpose of his own, acquire a permanent and lasting settlement.—This was the law of settlements till the year 1795, when a bill was passed which made several alterations. By the 35th of George III. c. 101. no person could gain a settlement by 40 days' residence and notice. It was also enacted, that no person should be removed by an order of removal, until he became actually chargeable. Every unmarried woman with child, however, was considered as actually chargeable; as also rogues and vagabonds, idle and disorderly persons, &c. Under this law, the most distressing scenes frequently took place. From the moment that a labourer was afflicted with illness, infirmity, or other incapacity, he was liable to be removed, perhaps to a distant part of the country, which he had not seen for many years, and where he could obtain no employment. This, as it seemed to some, was one of the worst evils of the existing system. The laws that had grown out of the 13th and 14th of Charles II. were so numerous, and had occasioned so much litigation, that they had completely failed in their object. It had been decided, that a residence of 40 days in a parish where a man did not work gave him a settlement, while another person who had worked 40 years in a parish did not gain a settlement in it. In fact, the most complicated cases had arisen—cases that involved both law and equity; and no one could read the reports of decisions in the court of King's Bench, without feeling the utmost difficulty on the subject. At one time, the law appeared to be on this point; at another, it seemed to be totally different. Lawyers themselves were at a loss how to decide, and it was hardly possible to obtain a consistent opinion. In the last year 4,700 cases had arisen of appeal on orders of removal. One of the most fruitful sources of litigation was, the renting of a tenement of the yearly value of 10*l.* The most contradictory evidence was frequently given as to the value. Then, again, came the case of hiring with respect to service. Great difficulties, and numerous questions, had arisen on that head. Questions arose whether the contract had been dispensed with, or whether it had been dissolved. In many places (much, he confessed, to the disgrace of the persons) it was covenanted, that they should not hire a labourer for more than 50 weeks. In short, the house would find that the law of settlement had been much abused. The country at large were sensible of this evil, and it now remained to find a remedy. With this view it had been proposed, to take away the law of settlement altogether, and to relieve the poor in any place in which they might be found. It appeared to him, that it was unfair to call upon any one parish to maintain all that might apply to it. This was a system that would become quite intolerable. It was said, that this might be remedied by granting relief out of a national fund, and several persons of great eminence had approved of this suggestion. But let the house consider to what frauds and impositions this system must give rise. In various instances, which he would not enumerate, many persons thought it not at all disgraceful, nor, indeed, improper, to defraud the revenue; nay, they looked on such cases with a degree of complacency, and, he might add, without any disapprobation. He would leave the house, therefore, to judge of the spirit in which parish officers might be induced to act, when they conceived that it became a matter of humanity. (*Hear, hear.*) In his opinion, it would be quite impossible to have any national fund. We must attach persons to those parishes to which they looked for any relief. If a man were to be settled in the parish in which he was born, it would put an end to litigation. But still, this alone would have its inconveniencies; because it would remove a man to a parish, in his old age, in which he was wholly unknown, or almost entirely forgotten. It would be worthy of the consideration of the house, whether a certain residence should not entitle a person to relief under the poor laws; and he thought, that a residence of three years should be the period in which he should be entitled to that relief. There was, in his opinion, no better principle, than that the place in which the party had resided, and which had received the benefit of his earnings, should be liable to provide for him in his poverty or old age. With the leave of the house, he would now detail the plan which he proposed to introduce. The principle of the measure would appear by the words of the preamble of the bill,—namely, "Whereas many poor and industrious persons are, when no longer able to maintain themselves, liable to be removed from the parishes in which they have resided, and laboured many years, to other and distant places of legal settlement, derived from

their parents, or as being the places of their births, or of their transitory residence in the early parts of their lives, and where they are forgotten and unknown; and great sums are yearly expended in the litigation of the numerous and complicated questions of law and of fact, which arise in regard to such settlements; and it is expedient that a more reasonable, simple, and uniform mode of acquiring legal settlements by residence should be established." To that end, the first clause of the bill would enact, "That from and after the 11th day of October next, every man, and every unmarried woman, who should have resided and continued in any parish for the space of 3 years, without having been absent therefrom more than 60 entire days in any one year, and who, during that time, should not have been convicted of any felony, or imprisoned in any gaol or house of correction, under any conviction or sentence of or for any crime or misdemeanor, and should not have been in any manner chargeable to any parish, should by such residence gain and acquire a legal settlement in the parish in which he or she should have so resided.—Provided always, that the term of such residence should not in any case commence, for the purpose of gaining a settlement, until after the party claiming a settlement thereby should have attained the age of 16 years, and should have been separated and emancipated from his or her parents or surviving parent, and that no person should gain a settlement in any parish by his or her residence in any hospital, or almshouse, or any building founded, settled, or applied for charitable purposes, as an object of the charitable purposes thereof; nor as a patient in any place licensed for the reception of lunatics or insane persons; nor as a prisoner in any gaol or prison, nor in any turnpike or toll-house on any road, navigation, or bridge, as the collector of any tolls or duties imposed by parliament; nor by residence under any military order in any barrack or quarter for his Majesty's troops."—This provision, he conceived, would obviate the present restrictions in hiring servants, and would create that feeling of attachment between master and servant that must be most beneficial to themselves and to the country at large. Another benefit that would result from it was, that persons would not be rash in applying for parochial relief. Knowing that their residence in a parish did not entitle them to relief, they would exert their industry, and suspend their application to the parish officers, till the required period should have elapsed; and, by doing so, they might, in many cases, become able to dispense altogether with parochial aid. Thus the provision would in all respects, so far as he was able to anticipate, prove favourable to morals and good conduct. The limitation of the age to 16 years would, he hoped, remove any disinclination to taking boys and apprentices.—The bill would then enact, that it should be lawful for every person who should claim to have gained a settlement in any parish, by such residence therein as aforesaid, and who should continue to reside therein, without having become chargeable to the same, or to any other parish, to make oath of such residence before two justices, who should thereupon cause one or more of the overseers of the parish in which such settlement should be claimed, to appear before them, and should, in their presence or in their absence, upon proof of their having been duly summoned, examine the person making such claim, and such witnesses as might be produced on the part of the claimant, or of the parish, touching such residence and settlement; and if it should be proved to the satisfaction of such justices, that the claimant had been *bonâ fide* resident in the parish in which he or she should claim to be settled for 3 years, it should be lawful for such justices to adjudge the settlement of the claimant to be in such parish; and to certify such adjudication under their hands and seals, and to cause such certificate to be forthwith delivered to the person whose settlement should be thereby adjudged, and a duplicate or copy thereof to the overseers, or to one of them; and if the churchwardens and overseers should think the parish aggrieved, it should be lawful for them to appeal to two or more other justices, in any petty session to be holden within two months after such adjudication, causing notice in writing to be given of such appeal to the party whose settlement should be in question, eight days at the least before the petty session to which the appeal should be made; and the justices in such petty session, upon proof or admission of such notice, should receive such appeal, and examine the parties and such witnesses as should be produced, on oath, and should confirm or quash the adjudication appealed against, according to the merits of the case, and by writing under their hands and seals, to be indorsed on the original adjudication, should declare and certify their determination thereon; and when upon the hearing of any such appeal, the adjudication appealed against should be confirmed, or upon proof that notice of any such appeal had been given by the churchwardens or overseers, though they should not afterwards prosecute such appeal, the justices who should hear the appeal, or who should be present in the petty session to which notice of appeal should have been given, should order the churchwardens and overseers of the appellant parish to pay to the respondent party, such costs and charges as such justices should in their discretion think fit; and the same should be levied and recovered, and the payment thereof enforced, in like manner as costs awarded by justices in their quarter sessions, upon the determination of appeals against orders of removal, might be levied and recovered, and the payment thereof be enforced. And, every such adjudication, against which there should be no appeal to the petty session, or which should, on appeal, be there confirmed, should be, at all

times thereafter, *primâ facie* evidence of such settlement.—The next clause of the bill would provide, that every domestic servant who should continue in the same service for the space of 3 years, and should, during that time, reside with his or her master or mistress in more than one parish, in which such master or mistress should have a house or residence for which he or she should be assessed to the poor's rates, should gain a legal settlement in the parish in which he or she should have so resided for the last 60 days of the term of 3 years, subject, nevertheless, to the like rules and restrictions, as if such servant should have resided 3 years in the same parish; so as that every servant claiming to have gained a settlement by residence in more than one parish, should, within one month after the time at which he or she should claim to have acquired the same, make oath of such residence before two justices of the division in which the parish where the settlement should be claimed was situated, who should thereupon cause one or more of the overseers to be summoned before them, and should inquire into such claim in manner before directed, in cases where the party claiming a settlement by residence should make oath thereof, in order to the adjudication of justices thereon; and the parish in which such settlement should be adjudged, should have the like appeal as in other cases of the adjudication of settlements by virtue of this bill.—The next clause would provide, that every person capable of gaining a settlement by residence in any parish, by virtue of this bill, who should serve on board any ship or vessel, in respect of which the owners or any of them should be rated to the poor's rates in any parish in England, should, for the purpose of such settlement, be adjudged and considered to have been, during his service in such ship or vessel, actually resident in the parish where the owner or owners of such vessel should be so rated for the same.—And, in order to restrain the unnecessary removal of poor persons, before the places of their legal settlement should have been finally determined; it would be enacted, that the justices who, on the complaint of the churchwardens and overseers, should order any poor person to be removed to any other parish, as the place of his legal settlement, in their discretion to suspend, by writing under their hands (to be endorsed on the order) the removal of the person whose settlement should be thereby adjudged; and to direct that a duplicate or copy of the order, and of the endorsement thereon, and a copy of the examination on which the order should be founded, should be delivered to one of the overseers of the parish in which the settlement should be adjudged to be; and all persons who should think themselves aggrieved by any such order, might appeal against the same to the general quarter sessions of the peace, to be holden for the division in which such order should be made, next after 28 days from the delivery thereof to any of the overseers of the parish in which such settlement should be adjudged to be (giving such notice of appeal as aforesaid;) and the justices in such session should receive such appeal, and proceed to hear the merits thereof, in like manner in all respects, as if the person whose settlement should by such order be adjudged should have been actually removed by virtue thereof; and if notice of such appeal should not be given within the time for that purpose limited, or if the appeal should not be prosecuted with effect, or the order appealed against should be confirmed, such order should be final and conclusive, and the person thereby ordered to be removed, should be forthwith removed and delivered to the churchwardens and overseers of the parish in which his settlement should by such order have been adjudged to be.—Provided always, that it should be lawful for the churchwardens and overseers, giving notice of appeal against any such suspended order, to require that the poor person therein named should be actually removed, and the suspension of such removal should thereupon cease; and the churchwardens and overseers of the respondent parish should cause such person to be, within 3 days after they should be thereto so required, actually removed to the place by such order directed; provided that it should be lawful for the justices in quarter session, upon the determination of any such appeal against the respondent parish, to allow or to disallow, as they should see fit, to the appellant parish, by whom the actual removal of the poor person in any such suspended order named should have been required, the expense of maintaining or relieving him, from the time of the removal to the determination of the appeal; and it should also be lawful for such justices in quarter session, if they should find that the removal was unnecessary, and that the same was frivolously or vexatiously required, to order the churchwardens and overseers of the appellant parish to pay to the churchwardens and overseers of the respondent parish so much as should be by such justices thought reasonable and just for the charges of such removal, to be levied and recovered in like manner as costs and charges in the law, ordered by justices in quarter sessions to be paid upon the determination of appeals against orders of removal of poor persons to their settlement:—Provided that nothing in this bill contained should extend to alter or affect the manner or circumstances, in, by or under which settlements might be derived by children from their parents, or might be acquired by birth or by marriage.—In the last place, the bill would enact, that its clauses, in relation to parishes, should extend to all townships, vills and places, having separate overseers of the poor; and that all acts to be done, and all notices to be given to or by churchwardens and overseers, might, in townships, vills and places which have no churchwardens, be executed and given by and to the overseers, as fully as if in every such clause they were severally named and repeated. And

that the bill should extend only to that part of the united kingdom called England.—By those alterations he hoped to simplify the law of settlement, and to remove many sources of litigation and expense. This measure might be thought a bold one; it might be thought daring to make so great a change in the law of the land: but he begged to observe, that it was not an innovation; it was only bringing back the law to its ancient and original character. If he erred in this measure, it was at least satisfactory to know, that he erred with the greatest authorities. Both Mr. Pitt and Mr. Whitbread had proposed to alter the law in this respect, although he could not agree with the remedy which they had proposed, and which he thought complicated and inadequate. But there was a greater authority on this subject, to which he begged to refer,—it was the authority of Dr. Burn, who had written on the poor laws, as well as on the duties of justices of the peace. The house were aware, that no law could be made in which no difficulties would occur: that legislation could not be perfect, but must accommodate itself to the changes and variations of human life: at the same time, he fully concurred with the learned writer whom he had just mentioned, that the law of settlements should be brought back "to its ancient and, indeed, most natural standard." (*Hear, hear.*)* The right hon. gentleman concluded with moving for leave to bring in a bill "to amend the laws respecting the settlement of the poor."

Sir *C. Monck* apprehended, that this measure would not remove the evils of the existing system. It did not prevent litigation, as to which of several parishes was under the stronger obligation to support the poor, in cases where the residence had not been three years in any one of them. A. B. and C. were equally bound, as far as residence was concerned, to maintain a pauper. Which of them was to be liable? This was the great difficulty to be removed. The law of maintenance was sufficiently clear—the pauper must be maintained. But the question respected the law of settlement, who was to maintain this pauper? There was another provision which he considered liable to objection. The acquisition of settlement was to be vitiated by any crime committed by the pauper. If the pauper committed a crime in one parish, why should another parish be therefore punished? The parish in which the crime was committed ought rather to be punished. It was agreeable to the law of the land, and the ancient custom of England, that the neighbourhood should be responsible for crimes committed amongst them.

Lord *Castlereagh* deprecated any discussion on the measure in its present stage. He thought it would be more satisfactory to wait till the bill should be printed.

Sir *S. Romilly* said, he was certainly not prepared to discuss the principle of the bill; but he did not see why an opinion should not be now given upon the measure. At the same time, he felt by no means disposed to make any objections to the proposed measure. He conceived it to be a great improvement, (*hear, hear, hear,*) and one that would prevent much inconvenience, much expense, and much suffering. (*Hear, hear.*) This opinion he now gave, having had considerable experience in former years of the operation of the poor laws. The distress occasioned to the wretched paupers by sudden removals, and to a great distance, was extremely painful to every mind of reflection and humanity. It was monstrous to suppose that it was a matter of indifference to the pauper where he should be maintained. It was often of the utmost importance to him. On a sudden illness, depriving him of the power to work at his employment, he was removed to another parish, perhaps far distant, where, when he recovered, no employment was to be found for him. He had known a journeyman printer to have been so removed to a place where no printing was done, and where he could consequently obtain no employment. He, therefore, thought the proposed alteration most beneficial, most

* It is certain, that the most just laws have some mixture of injustice; insomuch, that Plato says, "They undertake to cut off the Hydra's head, who pretend to purge the laws of all inconvenience." And Tacitus observes that, "Every great example of justice has in it some mixture of injustice, which recompenses the wrong done to particular men, by its public utility."

The existing system of the poor laws is one of the greatest evils of the present day, and Dr. Burn is not singular in his opinion, that we should return, as nearly as possible, to the plan formed in the reign of Elizabeth. Sir William Blackstone (Comm. 1. p. 365.) observes, that "The laws relating to the poor, by the resolutions of the courts of justice thereon within a century past, are branched into a great variety. And yet, notwithstanding the pains that have been taken about them, they still remain very imperfect, and inadequate to the purposes they are designed for: a fate, that has generally attended most of our statute laws, where they have not the foundation of the common law to build on. When the shires, the hundreds, and the tithings, were kept in the same admirable order in which they were disposed by the great Alfred, there were no persons idle, consequently none but the impotent that needed relief: and the statute of 43 Eliz. seems entirely founded on the same principle. But when this excellent scheme was neglected and departed from, we cannot but observe with concern, what miserable shifts and lame expedients have from time to time been adopted, in order to patch up the flaws occasioned by this neglect. There is not a more necessary or more certain maxim in the frame and constitution of society, than that every individual must contribute his share, in order to the well-being of the community: and surely they must be very deficient in sound policy, who suffer one half of a parish to continue idle, dissolute, and unemployed; and at length are amazed to find, that the industry of the other half is not able to maintain the whole."

advantageous in its consequences, and altogether the most beneficial regulation on the subject during the present reign. He had often viewed it as the greatest cruelty to an unfortunate pauper to be removed, on account of a temporary illness, to a place where he would be surrounded with strangers, and where, if he recovered, no employment could be found. The distress to the pauper was very great, the expense of removal was great, and the ultimate burden to the public was often much increased by this cruel law. He would take another opportunity of considering the details of the measure, but he could not now avoid saying that he thought it the greatest improvement that could possibly be made.

Mr. *Lockhart* stated instances of the increase of litigation which he had lately remarked at two quarter-sessions. In one instance, the increase was from 1 to 20; in another from 1 to 16. He also mentioned instances of fraud and imposition by paupers having apprentices, and by men having property in one parish and removing to another parish, and taking houses rented so low as to come under the law of settlement. These evils required correction, and he hoped that this measure would be rendered effectual.

Leave was given to bring in the bill.

LOAN BILL.] Mr. *Brogden* brought up the report of this bill.

Mr. *J. Martin* asked the right hon. gentleman opposite, whether the subscribers of exchequer-bills were allowed to pay up in full, whether any discount were to be allowed to them, and when the stock was to be delivered to them?

The *Chancellor of the Exchequer* said, as to the question whether the subscribers were allowed to pay up in full, they certainly were allowed. No discount was given, that being contrary to the practice respecting exchequer-bills. As to the third question, when stock should be delivered, it would be delivered as soon as the forms of the Bank would allow. He felt confident of the speedy consummation of that measure, having received offers from most respectable quarters.

Several clauses and amendments were then added to the bill, on the motion of the Chancellor of the Exchequer, and it was ordered to be read a third time to-morrow.

BUILDING OF CHURCHES' BILL.] The *Chancellor of the Exchequer* moved that the house resolve itself into a committee on this bill.

Sir *F. Flood* observed, that one million of money was to be taken from the consolidated fund for building churches in England. Was nothing to be done for Ireland? The fund was the common fund of both countries. Ireland contributed 120,000*l.* to this fund. Since the Union, Ireland was burthened with a greater proportion than she ought or was able to bear. Let justice, then, be done according to the articles of the Union. He approved of the reason for building new churches; it was in consideration of the increase of population. But the population was increased in Ireland too, and, therefore, he hoped, that the benefit of this measure would be extended to that country.

The *Chancellor of the Exchequer* assured the hon. baronet, that parliament and the English people were sensible of the merits of their Irish fellow-subjects; and if more accommodation were necessary for the congregations in Ireland, which he was happy to learn were upon the increase, the house, he had no doubt, would provide it most cheerfully. He begged to observe, however, that this was not to be a grant from the consolidated fund, and that the exchequers of both countries were now consolidated.

The house then resolved itself into a committee.

Sir *W. Scott* objected to the clause which enabled twelve well-disposed persons to build a chapel, and appoint a minister with the consent of the bishop, as tending to disturb the tranquillity of the church by the introduction of dogmatical sectaries, and by infringing on the rights of patrons. It was unworthy, too, in the church, to depend on private funds for its increase or support. He objected also to the language of the clause; the expression "well disposed" was loose in the extreme, and no certain construction could be put upon it. Their being householders of the parish was no protection; for strangers who did not belong to the parish might join with them; and if the bishop refused his consent, he would be exposed to a degree of odium which he might be very unwilling to encounter. A clause of this nature could not fail to encounter opposition in another place, and might endanger the success of the bill altogether. He, therefore, moved its rejection.

The *Chancellor of the Exchequer* defended the clause, and thought that the church should avail itself of all sources of assistance from private liberality. He could state, in answer to an apprehension that had fallen from his right hon. friend, that this clause would not endanger the bill in another place. Those who were most interested had been consulted, and had expressed their acquiescence in it. The clause would not enable strangers to introduce sectarians; it mentioned only that twelve well-disposed "householders" of the parish, and others, might build, and have two presentations. As the law stood already, nothing could prevent parties from building, and preaching as long as they liked, doctrines the most opposite to those of the church. With respect to patrons, the clause did not interfere with their right of presentation; and as to its being unworthy of the church to profit by private munificence, the right hon. gentleman must be aware, that a great proportion of the churches at present existing had been founded by private patrons. He could not, therefore, consent to abandon the clause.

Mr. *Wrottesley* opposed the clause, as likely to make a serious inroad on the rights of the established church. He hoped it would be withdrawn, or brought forward in a separate bill.

Mr. *Bathurst* was willing to give the clause his support, because he did not wish to endanger the success of the bill, but he would consent to it only with some modification. It allowed twelve persons, who might provide the necessary funds for the building of a chapel, to apply to the bishop for that purpose, and having obtained his consent to proceed in the erection of the chapel. The subscribers were then to appoint life trustees, who might nominate clergymen for the first two turns, the subsequent nominations to be in the incumbent of the church of the parish, or extra-parochial place in which such chapel should be built, unless in case of such chapel being made a district church, in which case such nomination should be in the patron of the church of the original parish. Now it might so happen, that the greater part of the funds might be raised without the parish, and of course that the nomination might rest with people not belonging to it. To the clause, as it thus stood, he could not agree. He could not consent to the nomination being placed in the hands of extra-parochial subscribers. He would therefore propose, when the proper time came, some modification, making it necessary for the majority of the subscribers to be resident parishioners. No person unconnected with the parish could have a personal interest in appointing a christian instructor. General subscribers should not therefore be allowed to exercise the right of presentation. He did not wish to check the liberality of individuals which came in aid of the liberality of parliament to promote so laudable an object as the erection of places of worship, but he did not see how the limitation he proposed could have that effect. The society which had been formed for promoting this object had subscribed without any condition, and had even gone before parliament in raising funds for the purpose. As no plan had been laid down by the legislature on which to proceed, and as no faith had been pledged, there could be no faith broken with them under whatever regulations they were allowed to expend their subscriptions. In the case of parishes which received the aid of parliament, that aid could be extended on any conditions parliament chose: and one of those conditions ought to be, to limit the right of presentation, which might be given once or twice as an inducement to co-operate to a majority of resident subscribers.

The *Chancellor of the Exchequer* said, that there was not such a difference between himself and his right hon. friend as might at first sight appear. It was to be supposed that the majority of subscribers would be resident parishioners, and a discretion was allowed to the bishop to grant or withhold his consent, as he saw how the funds were raised. The incumbent and patron likewise were to be consulted, and it was not likely that they would agree to any proposition by which an extra-parochial influence would be created. The incumbent himself might be a subscriber. He would not object to the introduction of some words by which the evils apprehended might be prevented, and the objections stated obviated.

Mr. *Bathurst* said, that the objection was not answered [illegible] to the power conferred on the bishop by the bill. The bishop was only allowed to judge of the expediency of erecting an additional place of worship, and of the sufficiency of the funds raised for that purpose. He had no right to inquire whence those funds came, or into whose hands the right of presentation might devolve.

Mr. *Peel* expressed his entire concurrence with every observation which fell from his right hon. and learned friend (Sir W. Scott). The objectionable clause did not seem necessarily connected with the rest of the bill, and might easily be detached from it, to be made the subject of a separate discussion. It, therefore, ought to be introduced in a separate bill, and determined on its own grounds. If right, it might be voted by itself; if wrong, it ought to be rejected without injury to what was right. The consent of the house ought not to be purchased to an objectionable measure by its union with what was desirable, nor ought the regulation of the latter to be hazarded by being coupled with the former. The bishop was not allowed to judge by the bill of the source from whence the funds arose. If twelve "well-disposed persons" agreed to raise the necessary funds, they might apply to him and have his consent to the erection of a place of worship, to which the trustees elected by the majority of subscribers wherever they resided, would have the right of presenting twice. This description of persons appeared to him to be as indefinite as the result of their operations might be injurious to the rights of the church. What was meant by "well-disposed persons," when the term was introduced into an act of parliament? Crime was defined by law, but he never yet heard of a definition of morality in a statute. How were we to measure good dispositions, or ascertain the character of well-disposed persons, by an act of parliament? He was confirmed in his objections to this clause of the bill by the very concessions that had already been made, and the amendments introduced. In the original proposal of the measure, the subscribers were to have the right of nominating thrice. His right hon. friend, the Chancellor of the Exchequer, had now reduced this right to two turns of nomination, and another right hon. friend (Mr. Bathurst) spoke of one. Why was the original proposition abandoned, if it were right? In the bill there was no description of the kind of fabrics to be raised, and no provision made for their repairs. They might only

be of a kind to last so long as the original subscribers had an interest in the nomination of the clergyman; and might devolve to the patron or the incumbent when unfit for use. He opposed the clause, and wished it separated from the bill.

Dr. *Phillimore* supported it, on the ground that the law ought to be a little relaxed, to encourage persons to engage in undertakings that were so necessary to supply religious instruction to the growing population of the country.

Sir *M. W. Ridley* opposed the clause. If it were necessary, it ought to be embodied in a separate bill; but he thought it calculated to introduce dissensions in parishes.

Lord *Castlereagh* doubted, in the present state of the growing population, whether the amazing void of religion could be supplied without some collateral aid. He should therefore vote for the clause.

Mr. *V. Fitzgerald* regretted that he was compelled to vote against the measure proposed by his right hon. friend; he feared that the bill would be endangered if the clause were introduced.

The committee divided.—For the clause 22.—Against it 47.

The chairman then reported progress, and asked leave to sit again.

Cotton Factories Bill.] This bill was read a third time and passed.

Spanish Slave Trade Treaty Bill.] The house went into a committee on this bill, and the report was ordered to be received tomorrow.

HOUSE OF LORDS.

Friday, May 1.

Cotton Factories' Bill.] This bill was brought from the Commons and read a first time.

Pardons under the Great Seal Bill.] This bill was brought from the Commons and read a first time.

Proceedings in Chancery.] Lord *Holland* said, he had a petition to present relative to proceedings in Chancery. He had no knowledge of the circumstances stated by the petitioners, but it was a principle with him, that their lordships' doors should always be open to complaints of the people on every subject. The petition was from Abraham Doubleday, of Nottingham, and John Dawson and his wife. The petitioners complained of having had a cause in the Court of Chancery for ten years, whereby they had been put to vast trouble and expense, greatly to their injury; that they saw no prospect of any termination to the proceedings in the Court of Chancery; and finding all their endeavours to obtain a decision unavailing, they had resolved to petition their lordships, confident that no petition would be rejected by that house which had for its object the obtaining of justice. They therefore prayed, that their lordships would be pleased to grant such redress as the case required.

The *Lord Chancellor* said, he knew nothing of the cause or proceedings to which this petition referred, but their lordships might be assured, that he would not neglect to make a strict inquiry into it.

HOUSE OF COMMONS.

Friday, May 1.

Loan Bill.] On the order of the day for the third reading of this bill,

Mr. *Grenfell* said, he had thought it his duty the other night, in the committee, to object to the whole allowance to the Bank on deposits for the loan, which was 800*l.* per million on 3,000,000*l.* and 400*l.* per million on 27,000,000*l.* At present he should waive his objections to the allowance on the 3,000,000*l.*, but should object to 400*l.* per million on the 27,000,000*l.*, which was of a novel description, and, he believed, the first instance of such a payment. The amount of the sum to which he objected was 10,800*l.*, being at the rate of 400*l.* upon every million of exchequer-bills; and that part of the clause which related to this allowance he now moved should be expunged from the bill.

The *Chancellor of the Exchequer* said, it certainly had not been usual to grant any percentage of this kind to the Bank, but this was owing to the former practice of always carrying on that branch of the public business at the exchequer-bill-office. The operation of funding those bills was now to be performed at the Bank, and the whole sum was capable of being converted into a money-loan. It formed a necessary part of a complicated transaction, the whole trouble of which was undertaken by the Bank; and he thought the allowance must be considered as moderate, when it was found not to exceed one-half of what the Bank would have been entitled to, according to usage, upon an ordinary loan.

The amendment was then negatived, and the bill was read a third time and passed.

Circulating Medium—Bank Restriction.] Mr. *Tierney* rose, pursuant to notice, to call the attention of the house to one of the most important subjects that had for a long period been brought under its consideration. His object was, to ascertain the actual state of the currency, to make it known what the people of this country, and those of foreign countries who were connected with them, were trusting to as the means of carrying on their respective dealings. Many persons were much perplexed by the interesting question, whether the country was at present in a state of prosperity or adversity? What seemed undeniable was, that we had a funded debt, to speak in round numbers, of 800,000,000*l.* and 40,000,000*l.* of unfunded, in this the third year of peace. The total amount of debt was therefore 840,000,000*l.*;—rather an appalling consideration: but we were not, it was said,

without some comfort in this unpromising state of affairs; we had a sinking-fund of 14,000,000*l.*, and this brought us round to the side of prosperity. Then again it occurred, that it was necessary to borrow the whole of this 14,000,000*l.*, or amount of the sinking-fund, which recollection replaced us in a situation of adversity. But another piece of comfort was discovered in the advantageous terms on which this 14,000,000*l.* had been borrowed. The next question, therefore, which presented itself was, ought a system of finance under such circumstances to be bottomed upon a paper currency, not convertible into money? *(Hear, hear.)* He believed very few even of the warmest admirers of the present system, not to refer to those who had hitherto supported the restriction on the ground of some special emergency, would venture to maintain such an opinion. How, then, was the bill for continuing the suspension of payments on the part of the Bank another year, to be reconciled to the judgment of those who had supported former measures of the same nature, in the expectation that a period might soon arrive, when a return would be made to the ancient legitimate course of maintaining the circulation? The house must surely think that some extraordinary grounds ought to be laid for the continuance of a measure, the original justification of which was abandoned two years ago. Now, with regard to this new necessity, what was the shewing of the Chancellor of the Exchequer? It was, that certain British merchants had evinced a disposition to embark in foreign loans, and that a great number of travellers were indulging their curiosity abroad. Indeed, he believed he might throw the travellers out of the question, since the right hon. gentleman had subsequently confessed that they had come back, at least in the proportion of 78 to 99. (*A laugh.*) When the order in council upon which the restriction was originally founded was issued, in the year 1797, there was an administration at least as powerful as the present, a Chancellor of the Exchequer who enjoyed at least as much of the confidence of the public as the right hon. gentleman; but the first proceeding of Mr. Pitt on that occasion was, to move the reference of that order to a committee. He did not think it enough to come down to the house, and to say at once, "I believe the restriction to be expedient, and therefore you ought to do the same." It was very material to consider what was then, and what now was the situation of the country in this respect. In the year 1797, the Bank made a representation to government, that great drains were being made, and the act suspending their cash payments was expressly founded upon the report of a committee, stating, that those drains were occasioned by an exaggerated and unfounded alarm, arising from political circumstances. We were now, in the year 1818, at peace with all the world. There was no drain upon the Bank, no marked preference for a metallic currency, no fear of invasion, no war upon the able conduct of which the interest of civilized existence might depend, to plead as an apology for further delay in resuming the ordinary course of payments. Instead of any or all of these causes, the only intelligible one that could be substituted was, the belief of a Chancellor of the Exchequer. (*A laugh.*) Now he had to object to the right hon. gentleman's testimony, on the ground of his being an interested witness. The whole of his financial arrangements proceeded on the basis of a paper currency; and with this consciousness on his mind, it was no disrespect to the right hon. gentleman to say, that he must necessarily be under a bias in forming his opinion on the question under consideration. The right hon. gentleman had pledged himself by his recent plan of finance, or conversion of stock, or loan, or by whatever name it might inaccurately be called, (for there was no word in the English language descriptive of so complicated a transaction,) to the continuance of the Bank restriction. No man could believe that the subscription would have succeeded, but from a confidence entertained by those who engaged in it, that such was the minister's intention. The right hon. gentleman therefore was bound to continue the restriction; for otherwise, he must break faith with men who confided in his projects and speculations. The act for continuing the restriction, which was passed two years ago, was a solemn undertaking on the part of the Bank to resume cash-payments on the 5th of July 1818. That act was deliberately passed for the security of the country: and was the house prepared to set it aside, and break the faith thus pledged to the public creditor? Would they not, at least, previously inquire, whether it was not possible to fulfil the engagement without detriment to the public interests? When the bill of 1816 was introduced, it was justified, not because the country was in danger—not upon the existence of any former necessity, but for the sole and express purpose of giving time to the Bank to make such arrangements as in their discretion might be necessary, to guard against any possible inconvenience in recommencing their payments. These words were inserted in the preamble, and a limited period named, in order to mark that the delay was granted for no other purpose than to enable the Bank to make preparations for that event. What, then, must be the surprise of the house to learn, that the preamble of the bill now lying on the table was exactly the same as that of the former act, word for word, comma for comma, and stop for stop? (*A laugh, and cries of hear.*) If the subject were not too serious, he might push this consideration to a ludicrous extreme; nothing could be better calculated to produce stage effect. Neither the foreign loans nor the British travellers were here mentioned; the old ground was taken, although the Bank directors stated, that they were perfectly ready and willing to pay immediately in money. It really would be almost an insult on the decent

and solemn forms of legislation, to suffer the bill to become a law on its present pretences. If the negotiation of foreign loans were the true ground for continuing the system on which we were acting, why was it not so stated in the preamble? Had the Bank directors been consulted in framing this preamble? because if that were the case, he presumed nobody would deny the propriety of examining them before a committee, with regard to their alleged readiness and preparation for resuming their payments. It was desirable to know, whether they had ever made any representations to government on the subject of the foreign loans. As he perceived no sign of assent from the right hon. gentleman, he concluded they had not. Let the house look, then, at the situation in which they were placed. In 1797 the Bank directors represented to Mr. Pitt, that the drains upon them were such as to threaten the safety of the house, as it was called. A dread of similar effects had led to the continuance of the restriction down to the year 1816. A postponement was then determined upon on grounds wholly distinct from the former; and the right hon. gentleman, so late as the last session, had declared his confident belief that cash-payments would be resumed at the Bank on the 5th of July of the present year. In this statement all the Bank directors concurred, at least if he might judge by their countenances—the only means the house had of judging on such a point, for a more taciturn set of gentlemen were not often to be met with. (*A laugh.*) The complacency of manner with which they listened to this declaration proved, either that they were of the same opinion, or that they were laughing in their sleeves at the right hon. gentleman, and at the monstrous nonsense he was talking to the house. (*A laugh.*) The right hon. gentleman must be assured that the French loan never would have been taken by an hon. friend of his (Mr. Baring), if it had been stated to him that government regarded it as a transaction which might prove prejudicial to the interests of this country. He had reason to believe that the right hon. gentleman was privy to the whole negotiation, which was in progress at the time when he made his promise that the Bank, one of whose directors his hon. friend was, should recommence their ordinary payments at the stipulated time. If, however, as he sometimes thought, the Bank directors were laughing at the right hon. gentleman, that was a sufficient reason for not trusting to the right hon. gentleman's belief on a question of this nature. The house might be told, indeed, of the confidence which ought to be placed in the discretion and experience of the directors; but after all that had passed, it might be more expedient to confine this sort of praise to the preamble of an act of parliament. If the house, however, consulted its own character, and the mere decorum of its proceedings, it would not pass this measure under its present title. He did not doubt that some hon. director would that night abjure the whole proposition on which the proposed enactment was founded, and aver that the Bank stood in no need of further preparation. Thus they were called upon to legislate on a matter of the utmost difficulty and importance, with no other guide than the opinion of the right hon. gentleman. If he were to stop here, he should think that he had made out a sufficient case; but it might, perhaps not unreasonably, be expected of him that he should suggest what he would propose for inquiry, if the committee were to be appointed. This brought him to the consideration of the foreign loans, and the cause of the present high price of gold. Before the house could admit the conclusion that those loans and the high price of gold formed an adequate justification of the measure, there were several points which it was incumbent on every hon. member, who desired to vote from conviction rather than a disposition to compliment the right hon. gentleman, to see clearly ascertained. The first question which a committee would have to put, related to the price of gold: and in the few observations with which he should trouble the house, he could assure them that it was his wish carefully to avoid all abstruse views and reasoning on the subject. This was the more necessary, as, in addition to the consciousness of his own inability to enter into an argument of this nature, he was convinced, that the very last place for so treating the question was a popular assembly. His wish, nevertheless, was to state intelligibly, if he could, what the points were which ought to be referred to a committee. And here he would ask the house, whether they were satisfied that all which had emanated from the bullion committee should be set aside. (*Hear, hear.*) Were they convinced that the price of gold had nothing to do with the quantity of paper in circulation? (*Hear, hear.*) Now, although it should be admitted that the bullion committee had not attended to all the circumstances which might influence the price of gold, he believed there was no intelligent man who would not acknowledge that an excessive issue of paper must have a certain operation on it. It was, therefore, a proper object of inquiry, to discover what portion of the rise was to be attributed to the paper-currency, and what to other causes. It was generally believed, that the Bank had a larger quantity of gold at present in its possession than at any former period, and to which it was supposed they trusted, when they professed their readiness to pay in coin. Now if a commodity which was affected in its price by the quantity of some other commodity, might easily be thrown into the market, was it not obvious that this circumstance alone might produce a favourable change in the equalization of prices? Another circumstance deserving consideration was, the difference between the value of the gold and silver currencies, under the new coinage. He did not wish to dogmatize on a question of so much difficulty, he spoke as

an ignorant man earnestly desirous of information, and it required no other quality than modesty to induce others to participate in the same desire. The proportion of value between the two currencies, previous to the last coinage, was as 15 and a fraction to 14 and a fraction. The difference now amounted to 5*l.* 18*s.* per cent., a difference which must enhance the price of gold; for until silver reached the price of 5*s.* 6*d.* per ounce, it could not be exported as equivalent to the gold. Was it too much to say, then, that the true cause of the high price of gold could not be understood without a careful and accurate examination? With respect to the question of loans, he should be glad to hear from the right hon. gentleman whether, if it had been stated six months ago, that a great number of British merchants had wished to purchase into the French stocks, he would have come down to the house, and proposed the continuance of the restrictions? (*Hear, hear.*) And yet there was no difference whatever in these transactions. The temptations to these foreign loans were created by ministers themselves. The right hon. gentleman opposite had contrived to raise the stocks, and to lower the interest of money; and what could a man do better than invest it in foreign funds, where he could obtain a higher rate than in this country? If this question were to depend on the negotiation of foreign loans, where were the apprehensions respecting them to end? The Chancellor of the Exchequer now asked the house to pass this law only for one year, on account of the present loans; but where was the security, that other loans might not take place at a very short period? In this country when there was a loan, the money was borrowed first, and the interest was provided for by parliament; but in France the case was directly the reverse. There they placed at the disposal of the minister of finance, a certain quantity of annuities or *rentes*. The consequence was, that in France the minister might postpone the arrangement until he could obtain the most advantageous terms. The house would therefore perceive, that when they were told of a large loan for France, the money was not wanted immediately. In the present state of affairs, every thing seemed to be flourishing in France, as far as regarded the stocks. While we were talking here of prosperity, and had nothing but paper, the stocks fell; whereas, in France, while they were talking only of adversity, and had no paper, the stocks rose. It was most probable that the French minister would wait until the funds had increased in price before he brought the *rentes* to sale. That transaction might not happen for nine months. But now, with all the horrors, as it was said, of a foreign loan upon us, the Chancellor of the Exchequer came, and said, "I am sure the Bank must want a great deal more time." But what was the real amount of this loan? He understood, that it was about 10,000,000*l.* sterling. To this was to be added a further sum for the indemnification of foreign governments and individuals, amounting to about 20,000,000*l.* sterling, which would constitute an aggregate of 30,000,000*l.* What, then, was the extent of the money that would go from this country? What was the probable amount that would be drawn from us? (*Hear, hear.*) He had no hesitation in saying, and he put it to the candour of the right hon. gentleman, that, in the present confidence which was entertained with respect to the French finances, a very large sum would go from other countries. It was obvious, indeed, that this would be done, in order to obtain the present high rate of interest in the French funds. And here he would ask, was he to understand (as it had been stated in some of the public journals to have been declared by the Duke de Richelieu) that the claims of individuals, whether they chose it or not, might be liquidated in stock? In that case, there would be no transmission of money. Taking the value of the French stock, the 5 per cents. at 68, they would receive as much of that stock as would produce 100*l.* There was one of the counteractions of the loan. The Chancellor of the Exchequer seemed to smile, but he should like to hear how it could be otherwise than so? Another question was, whether the proportion of the loan which England was to furnish was to go altogether in gold? Was no part of it to go in goods? Part of it, no doubt, would go in that mode in which the remitter should find it most convenient to send it. To say that the whole of it must be remitted in gold, and that, therefore, the price of gold must be proportionably raised, would be just as absurd as to say, that a contract made to supply a foreign army with bread, must raise the price of flour in England, when it was known that such flour might be procured on the spot where it was to be used, by remitting cottons for it. Unless there was something in the air of this country which particularly affected gold, (*a laugh,*) if gold went out of the country, it would come back again; and if that were the case, it was a sufficient reason that the Bank should resume their payments in cash (*Hear, hear.*) But he would ask the house, which did they think was best—that Great Britain should lose its character for good faith, or that the Bank should disgorge a part of its profits? (*Hear, hear.*) We should soon see whether or no, if gold were sent abroad, it would come back again in a time of profound peace, in a time when there was no disposition on the part of any body to hoard it. Gold might, perhaps, be sent abroad with advantage: it might alter the rate of exchange in our favour. Supposing that the Bank had 10,000,000*l.* of gold in their coffers; that the whole of it were to go abroad, and that they were to repurchase it at a loss of 5 per cent. There would be a loss on the whole of half a million. And what of that? The Bank had made 21,000,000*l.* by the country; and was the country now to be told, that its whole commercial system was to

remain in an injurious and unnatural state, because the Bank would not relinquish the smallest portion of their profits? These were points that required consideration. Let any gentleman ask his neighbour on his bench, whether an investigation ought not to take place. It was possible that not two would agree upon the subject, and yet the Chancellor of the Exchequer now called upon the house to jump over the whole question, and to adopt his propositions. If the inquiry were granted, what would be the result? Why, either that the Bank was capable of resuming its payments, or that it was not. In the one case, a great good would be achieved for the country; and, in the other, the house would get an insight into our transactions abroad and at home, which would amply reward them for the inquiry. If gentlemen would not vote with him on these grounds, they must make up their minds that the Bank would not pay at all: they might be assured, that the restriction would be proposed again, year after year. He begged to remind them of what had passed when this subject was brought forward two years ago. At that time, a most valuable member of that house, whose loss he deeply deplored, (Mr. Horner,) opposed the continuance of the restrictions for more than one year. But what said the Chancellor of the Exchequer? His answer was, "No; let us make it two years, for that will look as if we were in earnest, whereas, if we make it only one year, people will say, there is nothing in it." (*Hear, hear, hear.*) If the house acceded to the present proposal without inquiry, there was no probability that the Bank would ever pay at all. In our present prospects what was there to shew, that, in the next year, the Bank would not come forward under the same pretences? Here was the house, on the 1st of May, discussing the expediency of the resumption of cash payments, when the act said, that the Bank should resume its payments on the 5th of July. Some might think that the intervening period was too short to afford the Bank an opportunity of providing for the resumption; but unless the house enforced it now, or granted an inquiry, the Bank would not believe that they were in earnest. In fact, the Bank had never believed that they were in earnest. (*Hear, hear.*) It became them, therefore, now to shew that they would be no longer trifled with. (*Hear, hear.*) No man knew what was to come next year; but this he knew, that the fluctuation of the funds, during the last eight or nine months, arose from the uncertainty whether the Bank restrictions were to be continued or not. Amongst the great speculators in the funds, (he did not mean to use the word in an offensive sense), he must rank the right hon. gentleman opposite. His speculation was, whether he could not keep up the circulation of notes; because, on so keeping up the circulation, depended the whole of his financial arrangements. No man would refuse to admit, except, indeed, the Bank directors, that there had been an excessive issue of paper. They said, that the country had experienced no inconvenience from the excess. No; because a check was provided against a very excessive issue, by the return of the notes on the hands of the Bank, wherever they became too abundant. Thus, the Bank directors themselves cured the evil, without being aware that they did so. The right hon. gentleman might say what he pleased, but it reminded him of the story of the French gentleman*, who, not knowing the difference between verse and prose, found, that he had been speaking prose all his life without knowing it. The fact was, however, that within a short period, they had increased their issue of paper by no less than two millions and a half. Was this the way in which they had prepared for the resumption of cash payments? The right hon. gentleman in some resolutions which he moved when this subject was discussed by the late Mr. Horner, said, that the circulation of the country ought to bear a proportion to the extent of its trade, its public revenue and expenditure. He then attempted to shew, in answer to Mr. Horner, that there was not a greater issue than the necessity of the times required. This was his criterion respecting the issue of notes; and it was not only his, but what the house itself had adopted. Now he (Mr. Tierney) had made out a comparative statement between the years 1816 and 1817, by which it appeared, that the amount of the exports and imports, in 1816, was 81 millions, odd; in 1817, 87 millions, odd. In 1816, the revenue was 57 millions; in 1817, 47 millions. The budget, in 1816, was 25 millions; in 1817, 21 millions. The total, therefore, for 1816, was 82 millions; for 1817, 79 millions. Now, if the diminution in 1817 of the revenue and budget were deducted from the excess of exports and imports, it would be found, that in 1817 the sum to be met by the circulation was less than in 1816, by 7,200,000*l.* What was the state of the issue of Bank notes at both those periods? In 1816, the average amount in circulation was 26,500,000*l.*; in 1817, 28,200,000*l.* So that, although there was a diminished demand of above 7 millions, there was an increased supply of nearly 2 millions. But the right hon. gentleman, in forming his criterion, had totally omitted the circulation of the country banks. In 1816 it was extremely low; it was much lower, indeed, than it had been for many years before: but, in 1817, it increased very considerably, to not less, he conceived, than a third of the whole amount. Taking this increase, therefore, at 7 millions, and adding it to the increase of Bank of England notes, it would appear, that although in 1817 the demand for circulation, according to the right hon. gentleman's own criterion, was 7,269,000*l.* less than in 1816, above 9,000,000*l.* more of paper was in circulation! What became of all this money? There was only one way in which it could be absorbed, namely, by raising the price of every thing.

* Moliere's "Bourgeois Gentilhomme."

Could any man doubt that the rise in the price of stocks had been occasioned by this circumstance? He was fully persuaded that the object of the right hon. gentleman was, to keep up the circulation of Bank of England paper by any means whatever. This was obvious from the measure which he had lately proposed—a measure which ought to alarm every man in the country. For his part, he believed the country bank paper, generally speaking, to be a sound and useful currency; and nothing could be more objectionable than the purpose of the bill to which he had alluded, namely, to prevent a man from using his own credit in his own way. The right hon. gentleman wanted to prohibit the country bankers from issuing 1*l.* and 2*l.* notes, without they gave a certain security for them. Those who supported his plan had adverted to the number of failures that had taken place among country bankers. They had said, that out of 700 banks, 200 had given way. It was true that in 1816, a considerable number of country bankers had failed; but when the great number of bankrupts was referred to, it by no means followed that there had been a total loss to those who held their paper. Then it was said, that a great number of licenses had been withdrawn. But what was the inference? The house might imagine any place in which a great bank was established. It was the object of such houses, on particular days, to send a clerk to attend the inferior market towns in their vicinity, and he could not transact business without a license. There might, then, be a great number of licenses issued, all for one bank. Suppose twelve were originally issued, a diminution of business might induce the house to withdraw five of them. He knew one concern in which this had occurred. It was evident, therefore, that the inference which the supporters of the bill had drawn from the diminution of licenses, must fall to the ground. The whole number of country bankers who had failed since 1814, amounted only to 60, and he believed, that the London bankers who had failed within the same period, had failed for a sum at least as large as that in which all the country bankers who had failed were deficient. —The right hon. gentleman had two objects in view. The one was the continuance of 1*l.* and 2*l.* notes, whether the Bank paid in specie or not: the other was, to pave the way for the issue of government paper. The right hon. gentleman had confidently declared, that the metallic currency could not be kept up without the assistance of these 1*l.* and 2*l.* notes. This assumption was contrary to all experience, except for the last 21 years, in this country, and contrary to the practice of every country in Europe. How could it not be kept up: what was the reason that it could not be, when the metallic currency of France was kept up without any notes at all? This was, however, a subject that ought to be seriously inquired into. It was not surely to be taken upon the mere assumption of the Chancellor of the Exchequer, and upon no other foundation whatever. With respect to the other object which the right hon. gentleman had in view, namely, to pave the way for the issue of government paper, he had proposed, that no country banker should issue notes of 1*l.* and 2*l.*, without depositing double the amount in stock with government, or depositing the amount in some other security; and after that he was to have a government stamp on the bill, as a security. Now, if one of these notes were to be brought to him, how should he receive it? He should not take the trouble to inquire whether it came from Exeter or Doncaster, or where it belonged to, but should say, "Oh, this is all right, it has the government stamp on it!" It would be government paper to all intents and purposes, and, therefore, he was fully persuaded, that this measure was intended merely to pave the way for a larger circulation of government paper. (*Hear.*) The government might say, "As we can circulate the paper of others, why not circulate our own? Why be at the expense of interest to others, when we can issue notes of our own without the assistance of the Bank of England?" The right hon. gentleman had formed a plan for issuing stock debentures. The right hon. gentleman shook his head; but there were two ways of shaking the head. (*A laugh.*) Did he mean, that he had never contemplated that plan, or, that he was now disposed to relinquish it, because he found that it would not succeed? (*Hear, hear.*)—There was another thing to be considered. According to this bill, any amount of notes might be stamped by paying 30*l.* for the license, and that would be granted as a matter of course. Any man might issue 1*l.* and 2*l.* notes in such a manner; and if the means of circulation were so given, no one could say what might be the consequence of such an inundation of paper. These were all subjects that required the most serious examination. It was very true that the bill was to be postponed, but it was still in contemplation, and it became the duty of that house to express some opinion upon it, which they could not properly do without a thorough investigation.—It had been said, that considerable alarm had prevailed, in consequence of the statement that the Bank would pay in specie. He really believed that alarm had existed to a certain extent, but he was sure that it was much more limited than had been generally imagined. He did not believe that any violent shock would occur. If the Bank proceeded gradually and gently, to prepare for the resumption of cash payments, he was convinced that none of those fatal effects would result to the country which it had been so much the fashion to anticipate. At all events, a committee should be appointed, to consider whether any means could be devised by which the resumption could be brought about, and to settle some limit respecting the paper-circulation, so as to facilitate the resumption, without

endangering the welfare of the community. On a former occasion, the Chancellor of the Exchequer had asked, what complaint there could be against the rise in the price of stocks, as that in the end would enable government to reduce the 5 per cents to 3½ per cent. But it was unfair towards the holders of 5 per cents that they should thus be paid off, not as the consequence of increased national prosperity, but because the market at the Stock Exchange had been raised by artificial means. The right hon. gentleman smiled when he said that, but he thought it was a most important and serious affair. Let the house only examine how the plan operated. In the course of seven or eight months, government had raised the stocks to from 25 to 30 per cent. Who were to profit by that? The great capitalists, who had the command of money. But what was the condition of others? There were persons who had money in the fives, people who were holders of trust-money, and others who saw all the opportunities of profit passing by without being able to avail themselves of the advantage. There was not the smallest profit to them; but, some ten years hence, when the persons for whom they acted came of age, the bubble would have burst, and then they would have the mortification to see what they might have acquired under other circumstances. It had been often a subject of congratulation, that the rise in the funds had afforded a facility to country gentlemen to borrow money at a moderate interest; and that, in consequence of this, they had improved their estates. All this might be very good, but a day would come when the money must be repaid, and then they would see how they were entangled. When the evil day came, they would find, perhaps, that they could not repay at the same rate at which they had borrowed. In his opinion, the facility so much boasted of gave a superiority to the artful and designing over the easy and unsuspecting. He appealed to every man who had carried on business in the city of London, to every man who had been connected with the commercial transactions of the country, to every man who acted upon principles of honesty and fair dealing, whether that was not a course which ought to be abolished as speedily as possible. The old system of English policy ought not to be abandoned unless in a case of extreme necessity. The restriction of cash payments was originally imposed on the ground of necessity alone; and whenever the system was attacked, the answer had always been, "We allow it to be a bad system, and we should not have resorted to it, except from necessity!" He trusted that gentlemen would not vote with the Chancellor of the Exchequer, till they had considered the subject with the greatest attention; for the character of the country was at stake. The whole system was a delusion, from one end to the other. At this moment, all the other powers of Europe were directing their attention to their finances, as might be seen by the foreign newspapers. Let the house examine the proceedings of those nations. They would see them all endeavouring to avail themselves of a period of peace, all attempting to form some regulations for their finances; we were the only country that had made no attempt of that kind; and it was proposed to postpone the resumption of cash payments for another year, without a tittle of evidence on the subject. If the house would vote that, they would vote any thing. If they would vote that, there was an end to all security for property. The question was one of universal interest. Let any man's means be what they might, let them be ever so small, every man had his all to lose, and every one was equally interested in the question. If this system were to form a part of the permanent measures of the country, let the house say so at once, and all foreign countries would know how to conduct themselves with regard to England. If it were to be yearly, let the bill be renewed from year to year; but let it not be thought that while that course continued, they could set the financial affairs of the country to rights.—In time of peace, it was their duty to provide for war. Cash payments might, perhaps, be resumed; but if a war found them with their debt unpaid, and their cash payments unresumed, there would be an end to the British empire from that day. (*Hear, hear.*) It was impossible under existing circumstances, that the country could be prepared for war; but war would be provoked. The noble lord opposite had often spoken of the prosperous condition of this country as compared with that of any other in Europe. But now, France, degraded France, had faced her difficulties, she had braved the storm, and her government had brought forward a budget calculated to relieve her, by degrees, from the condition into which she had been plunged by circumstances; while the British Chancellor of the Exchequer constructed his miserable piece of machinery to enable him to borrow three millions, and asked that house to abstain from compelling the resumption of cash payments by the Bank, because the drain of money in consequence of a foreign loan would render such a measure embarrassing? (*Hear, hear, hear.*) And why was this avidity shewn in England to subscribe to a foreign loan? was it not a proof of a great and increasing confidence in foreign credit? whence could this confidence arise? did it not proceed from seeing that France was under a wiser government than this country—a government that dared to sift its finances, to shew at once its necessities and the resources which time would bring to their supply—a government that had sufficient manliness to transact every thing above board, to call things by their proper names, and to allow that two and two made four. (*Hear, hear.*) If any member of that house twenty-four years ago had predicted, that this proposition would have been under consideration this day, he would have been laughed at by every one who heard him. Never would it at that period have been

believed, that the day would come when a Chancellor of the Exchequer, not very remarkable for his financial authority, would endeavour to induce the house of commons to continue the suspension of cash payments by the Bank of England, by telling it that the merchants of the country were sending their money abroad to lend to foreign states, and that therefore it must abandon all the principles on which Great Britain had, until that period, maintained her credit, and try to support that credit on a paper not convertible into cash. (*Hear, hear.*)—It only remained for him to state to the house what were the points to which, in his opinion, the committee that he proposed to institute ought to direct their attention. He would not have them meddle with the internal affairs of the Bank of England. Had he intended that, he should have moved for the appointment of a secret committee. But he wished that they should examine whether any public inconvenience was likely to result from the resumption of cash payments by the Bank. He wished that they should report what would be the most convenient and expedient time at which that resumption could take place, and to suggest the most wholesome means for securing its taking place at that period. He was desirous that they should also enter into the subject of the danger or inconvenience that might be incurred by the remittance of gold abroad; as also into the causes operating on the price of gold. It would be likewise advisable that they should inquire what was the probable amount of the gold remitted to the continent in consequence of foreign loans; as well as what might be the effect of the Bank sending out gold and repurchasing it; as also of the probable amount of the loss that would be occasioned to them by the operation. A great part of the Austrian loan was remitted in goods. —All these subjects must be fully investigated before the house could come to any decision that would be satisfactory either to him or to the country. At present, every man had his own particular theory. There were, no doubt, individuals who believed that it was desirable to defer for another year any inquiry into the subject of our finances, and any change in their regulation. For those who sincerely entertained that opinion, however much he differed from them, he felt respect. But the mass of the people of this country were of opposite sentiments. They wished from their hearts, that the whole system should undergo a thorough investigation, and be restored to its original and healthy state. What he proposed would lead not to a sudden but to a sound conclusion. All he asked the house was, before it decided on the proposition comprehended in the bill of the right hon. gentleman, to take every adequate means of ascertaining from the opinions of intelligent and well-informed men, whether the adoption of that proposition would be conducive to the public good. He therefore moved, "That a Select Committee be appointed to take into consideration the State of the Circulating Medium, to examine whether there be any and what necessity for the further continuance of an act passed in the 56th year of the reign of his present Majesty, restraining the Bank of England from Payments in Cash; and to inquire whether any and what Restrictions on the issue of Promissory Notes by licensed bankers be fit to be adopted; and to report the same, together with their observations thereupon, to the house."

The *Chancellor of the Exchequer* rose, to state the reasons which induced him to dissent from the right hon. gentleman. He was glad that the right hon. gentleman had stated his case on general principles rather than on particular and narrow circumstances. He felt great satisfaction since he had last spoken on this subject; for, since that time what he had stated as probable to occur had occurred, and he should therefore now address the house, and call upon them to form a judgment not upon conjecture, but on what had actually taken place. He was of opinion, that the inquiries of a committee on such subjects as the right hon. gentleman had stated would be most unsatisfactory. The right hon. gentleman had assumed as a fact, that there was an excessive issue of Bank of England paper, and he assumed this on the fact of there having been an increased issue of paper during the last half year. But the *data* on which he had founded his calculations were necessarily imperfect: he had referred to the papers before the house, containing an account of the number of notes issued at different periods, but he had omitted one of the most important parts of the question, namely, the internal trade of the country. It appeared, that our foreign trade in the last year had increased about 6,000,000*l.* in the aggregate of our exports and imports. But our internal trade had increased in a much greater proportion. In 1816, the internal trade had not been so good; but it would be difficult to point out a greater revival than in 1817. The issues of country banks had increased in the last year, because the trade of the country had increased. But, another cause might have augmented the general issues of paper, and that was the purchase of gold by the Bank. A considerable sum had been amassed by the Bank, but that was accompanied by a corresponding issue of their notes. The advances of the Bank to government had also been assigned as a cause of the increase of Bank paper. But the accounts on the table shewed, that the advances of the Bank to government had not caused any such increase, and the house had also the authority of a director of the Bank, that the purchases of government paper by the Bank had not increased. That part of his argument therefore, in which the right hon. gentleman had assumed that the excessive issue of paper by the Bank had contributed to the high price of gold, must fall to the ground.—The right hon. gentleman had next brought into consideration the difference in value between the silver and the gold cur-

rency. The difference in value of the new silver coinage compared with the old was about 6 per cent. The new silver coinage, however, if it were 6 per cent. below the old, as the old had issued from the mint, was at least 20 or 25 per cent. better than it, from the state into which it had fallen when it was replaced. But if these circumstances had contributed to raise the price of gold, in how much greater a degree must the operation of foreign loans have contributed to produce that effect? In 1814, the amount of Bank issues was 23,600,000*l.* Gold was then 5*l.* 10*s.* per ounce. In 1815, the amount of issues was 26,300,000*l.* and gold then fell to 4*l.* 6*s.* 6*d.* an ounce. The house must therefore see the difficulties into which the consideration of these theoretical questions would involve them. When there were obvious circumstances to account for the increased price of gold, parliament ought to found their measures on what was known rather than on what was uncertain. The right hon. gentleman had said, that as foreign loans were the ground of continuing the restrictions this year, they might afford ground for continuing them at all times; there were foreign loans last year; there were foreign loans this year; and there might be foreign loans next year. (*Hear, hear, hear.*) This might be very just, if the same state of things were always to continue; but he rested the necessity of the measure entirely on the extraordinary state of affairs throughout Europe. In 1817, France negotiated a loan of 12 millions. But, in the present year, the French loans were of an unusual magnitude. There had been two loans of 320 millions of francs each, and there would be a third loan of 380 millions of francs, making together a sum of 1,020 millions, which was equal to 45 millions of our money in stock, and about 30 millions of actual money. Of this, 16 millions were required for the liquidation of extraordinary claims upon the French government. There was a capital of 24 millions for similar claims. There was thus only 5 millions beyond the extraordinary circumstances in which France was placed. He did not pretend to say what proportion of these loans would be remitted from this country, or what part might have been already remitted; he had no precise means of ascertaining those points. (*Hear, hear, from the opposition.*) The house would remember, however, that Prussia also was actually negotiating in this capital a loan of 5 millions, and this, added to the French loans, must necessarily draw from the country much of its specie. Would it be prudent or safe, then, to remove the restrictions? When the first loan to Austria had been only 3 millions, the directors of the Bank of England gave it as their deliberate and solemn opinion to Mr. Pitt, as the criterion of their judgment, and the rule of his conduct, that another loan would be fatal to the Bank. In consequence of that representation, Mr. Pitt promised, that no farther loan should take place.

Mr. *Tierney* observed, across the table, that that opinion was given by the Bank Directors in a moment of alarm.

The *Chancellor of the Exchequer* said, that the circumstances of that time were sufficient to justify alarm. But the circumstances of the present day were still more alarming, when there was a loan to the enormous amount of 30 millions sterling. With respect to the present restriction bill, he would state the plain truth without disguise. The fact was, that the preamble originated in mistake. (*Much and loud laughter.*) It was inadvertently copied from the last act (*hear, hear*), and he admitted, that it conveyed a most unjust reflection on the Directors of the Bank. It stated, that it was necessary to continue the restriction, in order to enable the Bank to make preparations for the resumption of cash payments, which was perfectly false, although that had been formerly true. The Bank had made all possible preparations for resuming cash payments; and, therefore, when the bill came into a committee, he should submit a proposition by which the objectionable part of the preamble would be removed.—The right hon. gentleman had said, that, in 1797, Mr. Pitt had referred the question of restricting the Bank from paying in specie to the consideration of a committee. That was true, and Mr. Pitt had acted perfectly right in proposing a committee of inquiry on a subject so new, so unforeseen, so alarming, so little understood, as to its causes and its consequences. But now, should a committee be appointed to inquire into the topics pointed out by the right hon. gentleman, they could come to no satisfactory conclusion. They could know only what the house knew already; they could ascertain only a few simple and obvious facts, of which the house was as completely in possession as they could be. The right hon. gentleman had stated, that the committee would have to consider, not the internal situation of the Bank, but whether any inconvenience would be produced by the resumption of cash payments. But he would put the question the other way,—what inconvenience could arise from continuing the restrictions another year? Neither the house nor a committee could see, at present, whether, by possibility, a further restriction might not be necessary. (*Hear, hear.*) What might arise out of a future state of things it was impossible to foresee. He had been charged with not being serious in his intention of resuming cash payments, because he had limited the restriction to the term of one year. He had certainly proposed as short a period as possible. The foreign operations which required such large loans this year, would be closed in another year, and were of a nature that could not occur again. Whether France could require a similar loan next year, he would leave to the judgment of any man acquainted with those matters. Was it not reasonable to suppose that the great efforts which she had made this year, proceeded from her anxiety to have the army

of occupation removed? She professed, that no loan would have been necessary for the ordinary and current expenses of her government. He therefore believed that France would not again require a similar loan. This was only conjecture; but it was founded on the best information which circumstances could afford.—The right hon. gentleman had spoken at some length of the bill which he had postponed yesterday. This was not properly connected with the present subject: but he must contend that parliament had a right to call for security from those who issued a currency to represent the metallic currency of the country—a power, in effect, no less than that of coining, which belonged to the sovereign. If any man were allowed to coin money to any extent, in what a state would the country soon be? The first principle of the measure was, to limit the circulation of 1*l.* and 2*l.* notes, at least without a security, in order that the poor might not suffer by their circulation. A second principle was, that the issue of paper on government security was preferable to any issue on private security.—He had been asked whether he had not once entertained the idea of issuing stock debentures? He never had entertained that idea for a moment. The proposition had been made to him, but he declared it wholly inexpedient. The right hon. gentleman had imputed blame to government for the rise in the funds. Some individuals might have felt inconvenience from this rise, but how many thousands had been benefitted by it? The general improvement in industry, the diffusion of speculation and trade, the revival of the prosperity of the country, the increase of capital employed in commerce, and the consequent increase of confidence, all arose from the rise of the funds.—He should now say one word upon a subject on which the right hon. gentleman had touched. He had asked, what advances were made by the Bank, and how they were to be reduced? He had now the satisfaction of stating, that the reduction of those advances could be carried as far as was necessary for the public interest, and even beyond what the Bank had thought fit to require. Sixteen millions had been reduced, and so much was thus withdrawn from the unfunded debt, or so far was the paper-currency reduced.—It had been said, that the character of the country was at stake on this subject. Whether the character of the country had suffered from its paper-currency, he would leave to any gentleman who was acquainted with the continent, to determine. The constant increase of paper circulation in England had been known for many years. Had it not been increasing during the war, when we were marching our troops over the continent, when we stood so high at the congress of Vienna, and when the peace was concluded at Paris? Since the peace, there was no country in Europe whose finances had so much improved. In no other country had the national debt been reduced. In this country our debt had been reduced 50,000,000*l.* since the peace. Our unfunded debt had, indeed, increased in the mean time; but, at the end of this year, we should be from 17 to 18 millions less in debt than at the close of the war. In this country alone had taxation been reduced; at least in no other country were taxes reduced to such an extent. In America the taxes were reduced 8,000,000 of dollars, about 2,000,000*l.* sterling; but what was that to 17,000,000*l.* which we had reduced? And here he must remark, that the two countries were so united, that nothing but injudicious and unwise measures could separate America from us. (*Hear.*) So far as any measure could ensure future and permanent amity, the Americans had used the most effectual means of ensuring the continuance of a friendly intercourse. They had repealed all internal taxes, and placed the whole of their revenue in the customs, which depended for their security on the continuance of peace. They had thus given such a pledge on their part, as must be highly satisfactory to those who wished well to either that country or this.—The grounds, then, on which he proposed to continue the Bank restriction for another year were simply these—the extraordinary situation of foreign countries, and the extraordinary relations of this country with them, were such, that no man of experience on the subject could think it prudent or safe to resume payments in specie at this moment. The attempt had been partially made in October last, and what was the consequence?—two millions and a half of the gold currency disappeared. The exchange had been said to be unfavourable; but how much must have been issued to turn the scale in our favour in a loan of 30,000,000*l.*? On the one side then, there were evils of a most formidable nature to be apprehended. But what inconvenience on the other side could arise from continuing the restriction? It was only the inconvenience of continuing for one year longer, a state of things under which this country had enjoyed the highest prosperity, but a state of things which could not be permanently continued, because it might occasion danger on any sudden alarm. On the one side, then, there were great dangers and certain inconveniences; on the other, no inconveniences and fanciful apprehensions. On these grounds he should oppose the motion for the appointment of a committee.

Lord *Althorp* thought it most extraordinary that, on such a highly important and most complicated question, resistance should be offered to inquiry. (*Hear, hear.*) Of the two grounds on which the restrictions had been originally imposed, not one was now alleged to exist: but a very extraordinary reason was assigned. They were told that the restrictions must be continued, on account of the foreign loans. This was the first time that such a ground had ever been alleged for such a measure. This was placing a question of vital importance to the country in dependence on circumstances not under the con-

trol of the country. Whether we were in prosperity or in distress, whether capital were abundant or scarce, foreign funds might thus call upon us to restrain the Bank of England from redeeming its pledge, and keeping faith with the public. But at least it was proper to inquire whether the foreign loans made it inexpedient to resume cash payments. The Bank might perhaps be unprepared to pay. He thought it would in that case be proper to continue the restrictions till the Bank could recal its issues: but it was necessary to inquire whether the case were so. As to the withdrawn bill, he had to observe, that it was not the mere security that a banker possessed stock which could establish his commercial credit. It was his character, his skill in business, and his attention to the circumstances of his situation; it was principally these things that people regarded in a country banker. Gold and silver were made our standards of value for other commodities, on the ground that they were less variable than other things that could be used for a currency. But it was evident, that the price of stock which the country bankers were to deposit as a security for their issues varied from day to day, and therefore ought not to be adopted as a standard. As he therefore doubted the prudence of the Chancellor of the Exchequer in proposing this system, he thought sufficient grounds were laid for inquiry by a committee. One of the first principles of the banking business was, that the banker, and those who received his notes, should have the complete disposal of his capital. People would not receive his notes, unless they were assured that they would be paid upon presenting them for payment. They would not submit to any thing like the circuitous mode of sending them to London to be paid there. Besides, the plan proposed would give an unfair advantage to the holders of small notes, over those who held notes to a greater amount. These objections and others had met the right hon. gentleman (the Chancellor of the Exchequer); and, therefore, he had expressed himself dissatisfied with his scheme, and had for the present abandoned it: but as it was not finally given up, and as no sufficient reasons had been assigned for its temporary surrender, a committee ought to be appointed to inquire into those dangers to public credit which it was intended to obviate or prevent. As the right hon. gentleman was uncertain and wavering himself in his plans and views, he ought to be corrected or confirmed by the result of a parliamentary investigation. These measures regarding the currency, coupled with the continuance of the Bank restriction, might be injurious to the country, and, therefore, ought to be inquired into.

Sir *H. Parnell* said, he saw no reason for continuing the Bank restriction, from any injurious effect which might be apprehended from the negotiation of foreign loans on the state of the exchanges. The right hon. gentleman (the Chancellor of the Exchequer) had supposed, that the remittances for these loans would be made in cash. This did not appear to him likely to be the case. The remittances, according to the general course of commerce, would be made in exports; and therefore would rather be favourable than otherwise to the state of our exchanges. The evidence obtained in 1797, with regard to the effect of the loan to the Emperor of Germany, bore him out in the statement. It was not made in specie, but in the export of our manufactures, which had risen in that year from 2 to 8,000,000*l*. The sums remitted to absentees from Ireland were made up in the same way, and not in specie. The right hon. gentleman had quoted the opinion of the Bank directors in 1797, as authority for his present conclusions; but it ought to be recollected, that the Bank had then proceeded on principles which were afterwards admitted to be unfounded. The evidence taken went to shew, that their feelings were those of alarm and apprehension, which ought not to govern the general interests of the country at large. The reasons for the resumption of cash payments by the Bank were now strong. For the first time since 1797, that measure could be adopted without danger or inconvenience. If the opportunity for enforcing it were now neglected, another equally favourable from the state of the exchanges might not soon occur. Another great reason against any farther delay was, that by the continuance of the restriction, the Bank of England would be induced to join with the country banks in increasing their issues of paper, which would raise the price of gold, and render a return to cash payments more difficult than before. To the hazard of raising the price of gold, and consequently of all other commodities, thus endangering a convulsion similar to what we had lately experienced, we should again expose ourselves. The project of issuing small notes on government securities, by the country banks, did not appear to him to be any preparation for a return to a sound state of currency. These small notes would displace our coin, and would thus prolong the evil, instead of having a tendency to produce a remedy. The great source of the evils which we experienced or apprehended, arose from the conduct of government. So long as government continued to make loans in times of peace, so long as we delayed the adoption of those economical measures which would bring the expenditure of the country within its income, so long would the Bank be unable to return to cash payments. The excess of our expenditure over our revenue was, therefore, the great object to be attended to; and immediate means ought to be adopted to reduce the one to a level with the other.

Mr. *C. Grant*, jun. said, that the right hon. gentleman (Mr. Tierney) had brought forward many abstruse topics in his able speech, into which he would not now follow him, as many

of them seemed unconnected with the point under discussion. The only question before the house was, ought the Bank immediately to return to cash payments; was the situation of the country such as to render this measure safe and expedient? The right hon. gentleman had argued, that by continuing the restriction for another year, parliament would be breaking faith with the country, as it had solemnly pledged itself to compel the resumption of cash payments in July next. This he denied. The legislature had given no pledge with regard to its future conduct, nor could it consistently do so independent of circumstances. It had, indeed, committed itself to as much as it could perform. It pledged itself to take every method of forwarding the desirable result of payments in cash according to contingent circumstances. Two things might have occurred to restrain it, and in either of them it would have been unwise to have fulfilled its alleged engagements. Either the Bank might not be prepared to resume payments in cash, or the circumstances of the country might be such as to render it inexpedient that it should do so, though in a full state of preparation. Parliament, by its pledge, could only engage to promote these two objects—to warn the Bank to prepare, and to take measures, so far as it could, for placing the circumstances of the country in such a state as to render the preparation of the Bank available to the end in view. With regard to the first, it had redeemed its pledge. The Bank was now prepared to fulfil all its engagements, but parliament could not prospectively determine the situation of the country. The right hon. gentleman had alluded to the report of the bullion committee, and had expressed a suspicion that the principles there established were not very popular. He (Mr. Grant) agreed in the justness of those principles, and only doubted about the propriety of their application to present circumstances. No general principles could be followed without a regard to particular cases. We had now for twenty years been going on with a currency of no intrinsic value (*hear, hear*); and might it not be inexpedient to make a rapid transition to a metallic currency? Nothing was so likely as such a precipitate recurrence to payments in specie to produce a pressure on the country. A rapid transition might be calculated to create distress, by narrowing the circulation, and thus defeat the object of establishing a permanently sound system. It was not in the power of parliament to command all periods—to create such as would be the most favourable for carrying into execution the best measures; but it was certainly inconsistent with its duty to select the worst. The right hon. gentleman seemed inconsistent in the language he had used respecting the Bank. At one time he had said, that it was anxious and prepared to fulfil all its engagements; and was only restrained by government from doing so. At another time, that it looked only to its profits, a part of which it ought to disgorge for the advantage of the public. He (Mr. Grant) thought that the profits of the Bank were in some cases perfectly consistent with the public interest. There were periods when the Bank might be compelled to reduce its issues to the detriment of trade, and when it would do so unless protected by a measure like the present. The periods to which he alluded were those of internal alarm or foreign remittance. The former did not at present exist, but there might be a danger from foreign remittances. That the latter affected exchanges there could be no doubt. Although these remittances were made in goods, still they must operate on the exchanges. The effects transferred for answering foreign loans were of a different nature from common exports. They might even reduce our exports by giving a greater relative value to our imports, and thus turn the exchange against us. The right hon. gentleman had referred to the period of 1797, to shew that this result could not take place; but the reference was unlucky, for the 4,000,000*l*. of a loan then negotiated had, according to the evidence of Mr. Boyd, affected the exchanges. That gentleman had stated that in February of 1797, the exchange with Hamburgh was 36, and in August had fallen to 31.—One of the right hon. gentleman's objects was, to get at the state of the Bank issues, for the purpose of regulating the exchanges: but parliament could judge of these without any inquiry by a committee, as it had all the facts before it without such an inquiry. All agreed that these issues affected exchanges; but they did not produce their effects without connection with other circumstances. The state of the currency was certainly more under the power of the Bank during the restriction than without it; but still, even though the restriction were withdrawn, and though we returned to a sound currency, the influence of the Bank in regulating that currency would be considerable, by reducing, for instance, its issues, in case of alarm. In these opinions he was confirmed by the bullion committee; he spoke of that committee with feelings of respect, veneration, and regret—respect for those members of it who still remained—veneration and regret for those who were now no more; but he thought that that committee, in coming to its conclusions, had not made sufficient allowance for the various perturbing causes which succeeded one another so rapidly throughout Europe. The difference which then existed between the value of gold and paper was owing to the extraordinary demand for gold, rather than to any depreciation of paper. Now, if a committee, constituted as the bullion committee was, came to a false conclusion on any part of this subject, what must be expected of others who enjoyed less extensive means of making a complete inquiry? That committee calculated the effect of war on the course of exchanges; and having stated this, they left us on the verge of an

expanse, as it were, of an *immane barathrum*, which they indeed attempted to fill up with depreciated bank notes. He stated this to shew the house what were the difficulties of the subject, and how liable to err were even the best informed. The bullion committee had erred in attempting to define what was in its nature indefinable—the connexion of great moral causes operating in various ways on all the complicated system of money and exchanges. Could he then expect more from any committee appointed at present? The house was quite as competent to form a correct opinion as any committee that could be formed out of it: and, therefore, he thought there was no ground for refusing to abide by the decision of the house.—He should now say a few words on the subject of the coinage. The right hon. gentleman had stated, that there was something in the mint regulations that led to the exportation of gold, and made it impossible for the Bank to pay in cash. If so, it became necessary for him to shew that gold was underrated at the mint, and that the Bank could in no case resume payment when it was so underrated. Now it was perfectly clear, that before the restriction in 1797, gold was much more underrated than it was at present, and yet no exportation took place; the evil, therefore, was not occasioned by the state of the coinage. The right hon. gentleman wished to persuade the house, that something must have taken place within these two years to make any alteration in the silver currency necessary. Now the coinage was in contemplation two years ago, and these difficulties were then anticipated, and yet it was then thought right to make the alteration in the silver currency. We were now told that silver was over-valued. But silver was before under-valued to the amount of 6 per cent.; and as it was now said to be over-valued to the amount of 7 per cent., it was impossible to assert that this was owing to the mint; it was impossible for any mint to keep pace with those extrinsic causes. One cause of the over-value of silver might be the small demand for gold: another might be, that Europe might now be undergoing that process which took place in the beginning of the last century, when gold was becoming the standard of value instead of silver. But his main objection to the motion was, that the subject was one of such infinite difficulty, that the house could not be assisted by the deliberations of a committee. It had now to decide on a plain practical question of expedience.

Mr. *J. P. Grant* said, he could not agree, that because the subject was difficult, because it involved the most extensive and the most minute considerations, there was therefore no ground for going into a committee; those were the very grounds for appointing a committee. It was not enough for an hon. gentleman, be he who he might, to say, "I entertain such principles, I state to you such facts, I agree with the bullion committee in this, I differ from the bullion committee in that, my authority and opinions ought to have great weight with the house, I am quite sure the house is not so fit as I am to enter into an inquiry on the subject." No doubt the hon. gentleman had satisfied himself; no doubt he had studied the question. He (Mr. J. P. Grant) was not a person to say, that he was divested of all doubt; but he would say, that the house ought not to legislate on such a subject on the mere statement of the Chancellor of the Exchequer. He could not admit that what the Chancellor of the Exchequer had said, either as to facts or principles, was decisive of the question. He did not believe that foreign loans affected the state of the currency at all. If the hon. gentleman would shew that any one foreign loan had ever done so, he would give up the argument at once. But the evidence of the bullion committee, the evidence of Mr. Pitt himself, were all strong to shew that foreign loans had no such effect whatsoever. If this were to be the principle on which the restriction was to be renewed, he presumed the preamble of a bill for that purpose must say, "That whereas the kingdom of France has negotiated a great loan in this country, and whereas that loan will unavoidably drain the country of specie, therefore the Bank ought to be excused from paying its engagements in cash." When that preamble should appear at the head of a bill, he should be ready to shew that it was not grounded on any one true principle or fact. If he succeeded in convincing the house that a foreign loan could have no such effect, then perhaps they would admit, that there existed ground for further inquiry. He would admit that at present the Bank could not, in point of fact, resume cash-payments, and that was the very reason why he desired inquiry; because, if any of the principles or any of the facts, given out as the cause of this inability, were, in reality, the principles or facts which prevented the Bank from resuming cash-payments, there was not one of those principles or facts that was not within the control of the house. If the obstacle to a resumption of payments were the negotiation of a foreign loan, that might be remedied by the interposition of parliament; if it were attributable to the state of the coinage, parliament could equally remedy that. He begged now to call the attention of the house to the evidence of Mr. Boyd, given in 1797, with regard to the operation of the Austrian loan. With respect to the remonstrance made by the Bank in 1797, on the subject of another loan, he should observe, first, that that loan never actually took place; secondly, that Mr. Pitt said, the Bank were entirely wrong in their conceptions about the effect of that loan (*hear, hear, from the opposition*); thirdly, that the loan which did take place in 1795, had no such effect as that which was apprehended, or as that to which the Bank declared that its stoppage of payment was owing. Mr. Boyd, who was agent for the Austrian loan, stated in his evidence, that none of

it was remitted in specie. He was also agent in 1795, and stated, that the remittances were then made, as almost all remittances were made, by bills of exchange. Some part, however, was transmitted in foreign bullion, namely, the sum of 1,092,000*l.*; this was principally silver bullion, Spanish dollars: 1,042,000*l.* was silver; so that the whole amount of the gold sent out was no more than 150,000 of French louis d'ors; the greater part of these were purchased by the Bank, so that, if any ill consequences ensued, the Bank was itself a party to them. The loan of 1796 was transacted almost entirely by bills. If gentlemen looked to the rate of exchange at Hamburgh at that time, it would be found, that during all the time from which a pretence had been drawn to justify a stoppage, the rate of exchange was such, that gold was exported at a loss, and imported at a profit; and yet we were now told, that the stoppage in 1797 was owing to the loss upon exchanges. Whatever he might be in other respects, Mr. Boyd was a good judge of matters of fact, and could speak accurately as to the way in which remittances were made. This remarkable passage occurred in his evidence: "A remittance of 4,600,000*l.* he considered a difficult operation: it was necessary to vary the modes, and make use of all expedients. He could not carry it on by bills on Hamburgh alone, but by bills on other places also; and it was impossible to give a preference to any mode, but it was necessary to apply himself to all; by these means he made the exchanges favourable; if he had stuck to bullion exclusively, the price would have been so high here, and so low at Hamburgh, that it must have been exported at a loss." Gentlemen might wrap this matter up, as Locke said, in mystical expressions; but if they considered it plainly, they would see that, as between one country and another, gold and silver were not different from tea and coffee, or any other commodity. In this view of the subject there was no difficulty, and as well might it be said, that because we had troops to support abroad, the price of beef and bread must rise in England, as that the negotiation of a loan would make gold scarce here. We should not send out beef and bread, but cottons and manufactures to provide for our troops. The Chancellor of the Exchequer had said that 30,000,000*l.* had been sent out of the country, but would he say it had been sent in gold? When remittances were made to Germany, the amount of our exports was four times as great as at any other time. After all these facts, could it be said that a foreign loan afforded any reason for the farther suspension of cash-payments? On these subjects they were bound to consider what fell from the Chancellor of the Exchequer as entitled to some weight; but had such principles fallen from any other person, he should not have ventured to have troubled the house with an exposition of their absurdity: what he had been now advancing was within the sphere of every one's knowledge, and there was not a decently educated young man at his leaving college, that was not as well acquainted with the principles he had just stated, as the most profound calculator. If, in addition to the proof he had given, that the stoppage of the Bank in 1797 was not owing to the existence of foreign loans, he should shew that it was owing to advances made to government, the house was bound to inquire into the subject, and before they resorted to the desperate measures proposed by the Chancellor of the Exchequer, to find out the real cause of the evil, in order that they might adopt an adequate remedy. It would be seen by referring to the correspondence which had passed between the Bank and Mr. Pitt, when the difficulties first began, that the directors entreated the Chancellor of the Exchequer to pay the advances made to government, or the Bank must stop payment. It was Mr. Pitt's opinion, that the Bank was straitened by too large an issue of paper, and that the only remedy was, to withdraw some of it from circulation. This had also been the opinion of Mr. Giles; and that if the Bank had adopted that measure two months before the stoppage, it had been safe. But the memory of Mr. Pitt was not much honoured by those who professed to follow his footsteps, and who vacillated from day to day, putting the country into alarm, and devising no scheme to extricate the public from its difficulties. (*Hear, hear.*) As to the alteration in the standard of value, that had been suggested by the hon. gentleman who spoke last; and the surmise that gold was becoming the standard all over the continent, he could not answer, because he did not understand it. Where there was but one standard of value, by one metal only being constituted a legal tender, other metals might be measured by that; but where there were two measures of value subsisting at once, one would drive the other out. Under the present circumstances of the country, it was as impossible for the Bank to supply the deficiency of gold, as it would be for them to fill a reservoir that leaked as fast as liquor was poured into it; for while gold bore a premium of 8 per cent. it would be quite vain to attempt to keep it in the country. The whole subject was of the last importance, and demanded serious inquiry, to ascertain whether now, or at what future time, it would be expedient for the Bank to resume cash-payments.

Mr. *Huskisson* wished to make a few remarks upon this subject, more particularly after the novel doctrines advanced by the right hon. mover and by the hon. gentleman who had just taken his seat: in some points he even differed from the Chancellor of the Exchequer, and they also required explanation. On this question he had found it necessary to refer to the report of the bullion committee; and although it had been observed that the bare mention of it must excite a smile of ridicule, he was willing to avow that he had re-perused it only this morn-

ing; and further that, in his opinion, it contained a perspicuous statement of facts, a well arranged concatenation of inferences, and a conclusion as indisputable as it was satisfactory. The question now was this—whether to the present circumstances it was fit to apply the principles on which that report was founded. He had not expected to hear the point disputed, that an excessive issue of paper tended to its own depreciation, and to a proportionate rise in the value of commodities, among which was to be reckoned gold, and bills of exchange in favour of foreign countries, and which, properly defined, were assignments of so much of the precious metal in the kingdom. The hon. member then read a passage from a pamphlet lately published, entitled "On the approaching Crisis," which he said was written by a warm and able opponent of the bullion report, and who seemed of late to have altered his opinion. It was true that the state of the country was now widely different: we were no longer at war, and it was consequently unnecessary to keep in the Bank a supply of specie: and he admitted, that the only ground on which a renewed suspension of cash-payments could be justified was, that the contraction of the paper circulation, which would be its result, would produce a general and a weighty pressure. Such a contraction would immediately force the exchanges above par, and induce remittances of specie from abroad. This had been the case in 1816, when the failure of one-fourth of the country banks, and the diminution of the paper of the rest to one-half, had of itself made an alteration in the exchanges. A paper circulation had always a tendency to increase itself, because it was the interest of those by whom it was issued; and the main difficulty of returning to cash-payments arose from this very circumstance—the system was now of more than 20 years' standing, and the issue had almost annually augmented. The proper time for resuming cash-payments was, when the exchanges were either at or above par; and if the Bank had been prepared with gold, and the act had not prohibited it, he should have been glad to have seen a gold currency restored last year, and he was convinced that the demand would not have been great, as no man would have doubted the solidity of the Bank, nor would the wish have been general to have changed a convenient for an inconvenient circulation. He doubted even, whether more gold specie would then have been required for the purpose than had lately been uselessly issued. (*Hear.*) Unfortunately, however, the exchanges were now so much against us, as to alter the whole complexion of the case. When 30,000,000*l.* were to be supplied to the continent, when a loan had been settled with Prussia, and when all foreign loans, more or less, were obtained from the capital of Great Britain, could it be said that it was a wise time to resume cash-payments? He had been surprised to hear the hon. gentleman who spoke last, maintain, that foreign loans never influenced the price of gold in this country. The fact was directly the reverse with the imperial loan in 1795, the greater part of which had been paid in bills of exchange and gold. It was a mistake to suppose that it was paid in goods; the thing was impossible, although it might be true that some of the bills were applied to the purchase of the commodities or produce of Great Britain. In 1797 there had been a considerable failure of country banks; it was, in fact, a period of panic, and a consequent drain took place upon the specie yet left in the coffers of the Bank; but the exchanges were much in favour of this country; upon Hamburgh it was as high as 36, and a considerable profit was therefore afforded on the importation of bullion. But the failure of the country banks, the panic, and the drain, had led to the suspension of cash-payments by the Bank of England; and he had therefore been astonished to hear the hon. gentleman assert, that the suspension of cash-payments in 1797 arose from the excessive advances by the Bank to the minister of the day. The late Mr. Henry Thornton, a man of great practical knowledge, as well as of deep insight into the principles of finance, had ascribed it to the great diminution of the paper issues of the Bank, and this opinion was confirmed by reports of committees of that day: in short, every impartial person, who since 1797 had taken a view of the whole question, had been of the same opinion.—Much had been said upon the mode in which it would be proper to resume cash-payments, as well as upon the time; but he feared that parliament could only fix the latter: it could only provide that cash-payments should be resumed at a certain date, and the rest must in a great degree depend upon the state of the internal circulation at that time. Upon this point the house and the country must be placed very much in the hands of the Bank of England. (*Hear, hear.*) It was impossible to dispute it, and he defied all the ingenuity of the other side to propose any satisfactory regulations as to the mode in which cash-payments were to be resumed—that must be left wholly to the directors of the Bank of England; their character, however, would be at stake before the world, and they would, no doubt, be anxious to be relieved as soon as possible from the inconvenient and pressing inquiries now, day after day, made into their affairs. He would not go into any numerical calculation as to the amount of the issues of the Bank, because he did not consider that amount any criterion of excess, which was in fact only to be looked for in the convertibility of paper into cash at the pleasure of the holder. For the general principle of currency was this—that the quantity of metallic money should be as small as possible, and the quantity of convertible paper as large as possible. Great mistakes had got abroad on the subject, and he could not agree in the praise bestowed upon a pamphlet quoted by his right

hon. friend (the Chancellor of the Exchequer)—he alluded to that of Mr. Weston—for the very title of it supposed an absurdity. It was called "Letters on the Means of increasing the Circulation of the Country;" now no circulation could be sound and safe unless it was precisely such as would have existed if the currency was all metallic. He thought that all the advances made by the Bank to government ought to be repaid, before the resumption of cash-payments. Those advances must, in the first place, limit the means of the Bank to procure gold. The hon. and learned gentleman had made a mistake, when he talked of two legal tenders; the fact was, that silver was only the legal tender to the amount of 40*s*. A return to cash-payments must call back the precious metal, and much difficulty and pressure would be created on the continent by the purchases of the Bank.—The right hon. gentleman then entered into the advantages that had resulted from our paper currency in promoting agriculture, manufactures, and commerce, and in enabling the country to make such vast exertions during the war. He concurred with the right hon. gentleman (Mr. Tierney) in thinking, that though some difficulty might attend the resumption of cash-payments, yet it was idle to talk of its producing any serious convulsion in the country. He fully admitted that it was the duty of the Bank gradually, indeed, slowly, imperceptibly, but certainly to make preparations to resume payments in specie. They should be ready for the season when, without any shock, circulation might be brought into its proper state of convertibility at par. The present was not that season. To withdraw the restriction now, would soon force the country into its paper circulation with renewed and probably incurable evil.

Lord *Folkestone* observed, that two years ago it seemed to be quite understood that the Bank should make preparations for cash-payments, and yet now, without any inquiry, the house were called upon at once to embark in a new career of paper currency, without seeing where it was to end. He insisted that the speeches from the treasury-bench all differed from each other in principle, and that particularly the speech of the last right hon. member was full of argument against the side of the question on which he was going to vote. He thought it monstrous that the Bank should, without any inquiry, be allowed to raise or depreciate at their pleasure the property of every individual in the kingdom; nay, that the Bank should think this so much a matter of course, that not one gentleman connected with it thought it worth while to say a word in explanation.

Mr. *S. Thornton* said, he could not let this question go to a vote, without asserting that the Bank had done every thing that depended on it towards the resumption of cash-payments. It had, by two successive issues of gold coin, endeavoured gradually to introduce a metallic currency. Inauspicious circumstances, out of the control of the Bank, had occasioned these attempts to fail. It had pleased Providence to give us last year an unfavourable harvest, and large sums were necessarily drawn from the country to pay for corn. It occurred soon after, that several of the great powers on the continent were not in a situation to maintain their governments, without having recourse to loans. These loans were in a great degree raised in this country; but as their produce would partly be applied towards the payment of debts to England, there was good reason to expect that the money would in a short time revert to this country. To these drains was to be added the expenditure of Englishmen on the continent, which was estimated at not less than 6,000,000*l*. Under all these circumstances, as a member of parliament, he could not but admit that this was not a favourable time to establish again a metallic currency. He could assure the house it was the intention of the Bank to reduce its issue of notes, but it must be done with great caution, and there might be circumstances which, even at the moment of resuming cash-payments, would render it expedient to pursue a different conduct. These matters of great delicacy, notwithstanding the reflections thrown out against the directors of the Bank, must be left to their discretion. On the question before the house, there were, in his opinion, sufficient facts to enable members to form their judgment. The Bank had done its part, and had no favour to ask; but the house as guardians of the public interest, must act with prudence and discretion, and not press a measure of this nature at an improper time, which he considered to be the object of the present motion.

Mr. *F. Lewis* contended, that a committee ought to be appointed. The Bank, he observed, had collected a vast quantity of the precious metals for the purpose of resuming their payments in cash, and if they were allowed to dispose of it for other purposes, they would find themselves as unprepared as ever, when a fresh call should be made for a return to a metallic circulation.

Mr. *Grenfell* was surprised to hear the restriction defended on the ground of foreign exchanges, and the demand for gold on the continent. It appeared to him, that the Chancellor of the Exchequer was anxious to avail himself of any pretext for continuing the restriction. He regretted that the right hon. gentleman (Mr. Huskisson) would not give the house the benefit of his vote as well as of his opinion in favour of a committee, for all his arguments tended that way. With respect to the remarks which he had on former occasions made upon the proceedings of the Bank, he contended that that corporation had not been treated with any undue asperity.

Lord *Castlereagh* said, that at that late hour of the night, he should only direct his attention to the argument of inquiry, so strongly urged on the other side. He admitted, that it was one which was always of a plausible nature; and

particularly so, when applied to a subject of intricacy. He confessed, however, that never had he heard an argument of less plausibility than the one which that night had been propounded. The motion of the right hon. gentleman involved three points of inquiry—1st, with regard to the private banking system which his right hon. friend had withdrawn; 2d, as to the currency of the country; and 3d, an inquiry as to what restrictions should be imposed upon the Bank, to prevent an improvident issue. Against the latter considerations he strongly protested. It was not, he conceived, the duty of that house to interfere or encroach upon the independence of the Bank. He represented that the Bank would be placed in great difficulties, if it were obliged to supply the country with specie, and to satisfy all the demands upon it, when it was a well-known fact, that the 2,600,000 sovereigns and half sovereigns which had been issued, had been sent out of the country.

Mr. *Tierney* rose to reply. He said, that the noble lord who spoke last had undertaken to simplify the object of his motion, and because the inquiry embraced various points, had endeavoured to simplify it by arguing that there ought to be no inquiry at all. The difference between him and the noble lord was this—that the one desired to know what he was about, and the other looked upon this as an antiquated notion. The noble lord thought it would embarrass the public mind and create alarm, if the proposed inquiry were instituted; whilst he was of opinion that the country never could be alarmed at seeing its representatives inquire before they acted. He regretted the absence of a right hon. gentleman (Mr. Canning), who had given to the chancellor of the exchequer, at the time of the discussions of the bullion committee, so severe a lecture upon the doctrines he then maintained. Had any body foretold at that time to him, that an hon. member, so severely lashed for his erroneous opinions on matters of finance, would soon after become Chancellor of the Exchequer, he should have thought the prophet out of his wits. But had it been added, that the lecturer, and a party to the lecture, (Mr. Huskisson) would also sit by this Chancellor of the Exchequer, and support him on an occasion like the present, it must have exceeded all human credulity. The right hon. gentleman, indeed, seemed, after much deliberation, to have made up his mind, that the best way after all was to speak the truth, and the first confession was, that stock debentures were not worth a farthing. With regard to the preamble, indeed, the right hon. gentleman had asserted, he had nothing to do with it, and that it was entirely a mistake. The person employed to draw it up had probably applied for some reason to prefix to such a measure, and the right hon. gentleman not having one at hand, desired him to find the best he could; the consequence of which was, that he took the preamble assigned to the last. The present motion would probably be negatived; and he sincerely regretted it, because he believed it to be the last struggle upon the subject of the national currency. The consequence must be, to persuade the public that there was a powerful body somewhere, interested in maintaining the currency upon its present system. That the ultimate effects of this perseverance must be dreadful he had no doubt. One of the worst omens was, that we had a Chancellor of the Exchequer, under such circumstances, who evidently had a leaning against all sound opinions, and who had no other anxiety than to keep up the circulation. The day of reckoning would, however, arrive, and he should be sorry to be one of those on whose heads the shame must then lie. (*Hear, hear, hear.*)

The house then divided.

Ayes, 99—Noes, 164.

The *Chancellor of the Exchequer* then moved, that the bill should be read a second time.

Mr. *Bennet* immediately moved that the house do adjourn.

Mr. *Tierney* rose and quitted the house amidst loud cheers from the opposition benches.

Strangers were ordered to withdraw, but no division took place.

The bill was then read a second time.

SPANISH SLAVE TRADE TREATY BILL.] This bill was reported, and ordered to be read a third time on Monday next.

HOUSE OF LORDS.

Monday, May 4.

LEATHER TAX.] Lord *Holland* presented a petition of certain tanners, praying, that their lordships would relieve them from the present heavy duties on leather. The noble lord said, that this question had been already decided, in the present session, by the other house of parliament, but he trusted that something would be done hereafter to remove this very oppressive tax*.

COTTON FACTORIES.] Lord *Kenyon* moved that a message be sent to the Commons, "to request that that house would communicate to

* The tax upon leather was originally imposed in a very unparliamentary manner. In 1711, Bishop Burnet says (Hist. of his Own Times, v. ii. p. 563), "the house of commons in one branch of the duties imposed for the taxes of this year, seemed to break in upon a rule that had hitherto passed for a sacred one; for when the duty upon leather was first proposed, it was rejected by a majority, and so, by the usual orders of the House of Commons, it was not to be offered again during that session; but, after a little practice upon some members, the same duty was proposed with this variation, 'that skins and tanned hides should be charged;' this was leather in another name."—In a note on this passage, in 2 Hats. p. 128. (edit. 1818.) Mr. Speaker ONSLOW is made to observe—"The measure here spoken of, to recover the loss of the former question, was mean, unparliamentary, and dangerous."

their lordships, copies of the First and Second Reports from the Committee appointed by that house in 1816, to take into consideration the State of the Children employed in the different Manufactories of the United Kingdom."—Ordered.

HOUSE OF COMMONS.

Monday, May 4.

LUNATIC ASYLUMS (SCOTLAND) BILL.] Petitions against this bill were presented from the Merchants' House of Glasgow; and from the Magistrates and Town Council of the Burgh of Dumfries.—Ordered to lie on the table.—An address was then moved, and agreed to, for "an Abstract of Returns from the Clergy of Scotland, relative to the number of Lunatics in that part of the United Kingdom."

SAVING BANKS (SCOTLAND) BILL.] This bill was read a first time, and ordered to be read a second time on Monday the 25th instant.

SETTLEMENT OF THE POOR BILL.] This bill was read a first and second time, and went through a committee, *pro formâ*. The report was brought up, read, and ordered to be considered on Wednesday next, and to be printed.

LAND-TAX ASSESSMENT BILL.] The house resolved itself into a committee on a bill which was introduced on the 12th of March, by Mr. John F. Campbell, "for the amendment of the Election Laws, so far as relates to the Land-Tax Assessment."—It went to repeal so much of the acts of the 20th Geo. III. 19th Geo. II. and 42d Geo. III. or of any other acts, as prohibited any person from voting at any election of members to serve in parliament, in respect of any freehold messuages, lands, or tenements, which had not been assessed towards some aid granted to his Majesty by a land-tax.

Sir *J. Graham* objected to the bill. In many counties, he said, there was not even a third of the land tax redeemed, in some a half, and in some a little more than that quantity. He hoped that the house would not allow the bill to pass so near the eve of a general election, as it would most probably create considerable confusion. He concluded by moving, as an amendment, that it should be committed on that day three months.

Mr. *Bankes* thought that the bill would be productive of considerable inconvenience at this time, though he admitted that some such remedy was necessary.

Mr. *Wynn* supported the bill. As the law now stood, freeholders were either put to a great expense respecting the certificate of the redemption of their land-tax, or were prevented altogether from exercising their elective rights.

Lord *Castlereagh* admitted, that the present law of registration was very defective, and he would heartily concur in any measure for its complete amendment in this respect, but he could not approve of the present bill.

Sir *S. Romilly* strongly supported the bill. If the measure itself were good, the general elections being near surely could not be considered by the house as any conclusive argument against it.

Lord *Lowther* opposed the bill, as being unnecessary.

Mr. *Brougham* observed, that considerable alteration had taken place with regard to the effect of registration, in consequence of the redemption of the land-tax. It was intended, that there should be a check to a man in the course of his voting. That object was tolerably well carried into effect till the redemption of the land-tax. Let the house see what a door was now opened for perjury. A man had only to swear that he had been possessed of a freehold worth 40*s*. for a year and a day, and upon it the land-tax had been redeemed; and when he was called on to produce his certificate, he might swear, that his freehold lay on a part which was redeemed, and the certificate of the district was perfectly accessible. *(Hear, hear.)* Would members say, that that was a system of perfect registration? The present state of the law ought to be altered, and he should, therefore, vote for going into a committee on this bill.

Mr. *Bathurst* opposed the measure inasmuch as it went to destroy the existing system, without substituting any thing better in its place.

Sir *W. Guise* spoke in favour of the bill.

Sir *C. Monck* and Mr. *Newman* conceived it to be a most salutary measure.

The house divided.

Ayes, 54—Noes, 90.

The bill was thus rejected.

CITY OF LONDON.] A petition was presented by the Sheriffs of London, from the Lord Mayor, Aldermen, and Commons, in common council assembled, setting forth, "that, in consequence of a petition presented by the petitioners to the house, a bill has been presented for raising an additional sum of money for carrying into execution certain acts of parliament for building a new prison for debtors in the city of London, and for extending the powers of the said acts; that, by the said bill it was proposed that the sum of money necessary for the purpose of completing the building of the said new prison, should be raised on the credit of the Orphans' Fund; that, since the time of presenting the said bill, the house has been pleased to make certain orders for the production of an account of the revenues of the city of London, as the same have been received into the chamber of the said city, for five years, ending the 31st day of December, 1817, distinguishing them under the several heads; that the petitioners beg leave to state to the house, that several of the said orders cannot be complied with, except by making a public disclosure of the nature, extent, and application of many of the revenues of the petitioners, which were either bequeathed or given to them for, and are now applicable to, various purposes, all of which are

quite unconnected with the building or repairing the gaols of the city of London; the petitioners further beg leave to observe, that parliament, by affording the means to the petitioners of building and repairing Newgate, and other gaols in the city of London, out of the produce of the Orphans' Fund and grants from parliament, have, as the petitioners submit, on various occasions uniformly recognized the principle, that the petitioners were not bound to build or repair the gaols of the said city out of their own funds, and they engaged in the building and enlarging of the new prison of the said city in the confident expectation that parliament would, if necessary, afford them the same assistance as had been granted to them on similar occasions; and they beg leave to state, that they have been advised and informed, and humbly apprehend, that neither by common law, statute, charter, or prescription, are they liable to build a prison of the nature and dimensions of the new prison; that the petitioners do not mean to question or dispute the right of the house to inquire into or investigate the management of any public funds applicable to public purposes, but they trust the house will not deem it necessary or proper on this occasion to call for any accounts of the amount or application of such part of the revenues of the said city, which are applicable to purposes quite distinct and separate from the general and public revenues of the said city; that the petitioners have many other objections to the production and publicity of the said accounts, which they hope and trust they may be permitted to state, by their counsel, at the bar of the house; they, therefore, humbly pray, that the house will be pleased to rescind so much of the said orders as respects the account of the amount and application of the revenues of the said city not applicable to the purposes of building or repairing the gaols of the said city, and that they may be heard, by their counsel, witnesses, and agents, at the bar of the house, in support of the several matters stated in their petition, and that they may have such relief as may appear just and proper."

On the motion of Sir *W. Curtis*, the petition was ordered to lie on the table, and to be printed.

SUPPLY—DR. BURNEY'S LIBRARY.] The *Chancellor of the Exchequer* moved the order of the day, that the house should resolve itself into a committee of supply.

Mr. Speaker having left the chair, Mr. *Bankes* rose, and said, that he begged to call the attention of the committee to the report which had been laid before the house relative to the purchase of the late Dr. Burney's library. (See page 1427.) He was an advocate for economy and retrenchment; but he trusted, that the resources of the country were not reduced to so low a state as not to admit of their affording some encouragement to literature. The house had directed its attention to this subject in times of greater public pressure; he would instance the case of the Elgin marbles, and no member, he thought, would fail to rejoice that the house had voted a sum of money on that occasion. The library of the late Dr. Burney was of the most valuable description. Many eminent persons considered, that it contained the most complete collection of Greek literature that had ever been formed by any individual. The splendid acquirements of the late Dr. Burney, and his honourable and useful services to the country, must be well known to every gentleman who then heard him *. That distinguished scholar had enriched the Greek dramatic poets by many remarks of his own, and other eminent critics, amongst whom might be mentioned the late professor Porson. In short, it was a library of which the public ought to be proud; and if it were to be dispersed, many years, nay, he might say, centuries, might elapse before so valuable a collection could be obtained. The observations which he had now made would, he trusted, satisfy the house that the committee had not been negligent of the interests of the public, nor acted in any other capacity than as agents of an ordinary purchaser. He should therefore move, "that a sum, not exceeding 13,500*l.* be granted to his Majesty, to enable the Trustees of the British Museum to purchase the Library and Collection of the late Dr. Charles Burney, and that the said sum be issued and paid without any fee or other deduction whatsoever."

Mr. *Curwen* said, he felt it his duty, however odious and unpopular the performance of it might appear, to oppose the present motion. He entertained no doubt of the value of the collection, but it was of a nature to gratify individual curiosity rather than to promote any object of public utility. Allusion had been made to the purchase of the Elgin marbles, an application of public money which he had resisted at the

* During the greater portion of his life, the late rev. Dr. Burney was employed in a situation highly honourable in itself, and of the first usefulness to society; for, as Cicero observes, *Quid munus Reipublicæ afferre majus meliusve possumus, quam si erudiamus atque doceamus juventutem?* He kept an establishment for a limited number of pupils at Greenwich, and to him the Editor is indebted for whatever advantages he may have derived from his education. In 1812, the Doctor resigned his school to the rev. Charles Parr Burney, his son, whose classical attainments and amiable manners eminently qualified him to maintain that high reputation which it had acquired under his father. Dr. Burney was rector of St. Paul, Deptford, and of Cliffe in the county of Kent, a Prebendary of Lincoln, and Chaplain in ordinary to his Majesty. He was also a Fellow of the Royal and Antiquarian Societies. He expired, in consequence of an apoplectic fit, at the Rectory House, Deptford, on the 28th of Dec. 1817. His parishioners have erected a monument in their church, "as a record of their affection for their revered Pastor, Monitor, and Friend; of their gratitude for his services, and of their unspeakable regret for his loss;" and his pupils are about to pay a similar tribute to his memory in Westminster Abbey, as a mark of their love and veneration.

time, but which formed, in his opinion, a different case. They consisted of extraordinary productions recommended by their great antiquity, brought here at great expense, and constituting a noble study for the artists of this country. In the state in which our finances now were, and when it was found impossible to make good the public engagements, he could not consent to spend a single shilling upon any object of indulgence or curiosity, however liberal. It was not pleasant to him to make these remarks, but he considered them to be due upon every principle of justice to the public creditor.

Mr. *F. Douglas* said, that although he agreed in the general principle upon which his hon. friend preferred to act, he could not forget that this was not a vote for the absolute sum of 13,500*l*. Independently of the deduction to be made, in consideration of it, from the annual sum voted to the museum, the sale of duplicates, which the accession of the late Dr. Burney's collection would render advisable, was expected to produce 3,000*l*. This collection embraced a great variety of documents, and of curious memoranda, that seemed peculiarly to belong to a national repository of authorities on every subject of literary or scientific reference. What seemed to him to be of especial value, was the unbroken series of newspapers from the period of their earliest publication, which he could not regard in any other light than as most valuable historical documents*. The various editions of ancient authors appeared likewise to him to afford the means of improving, to a great degree, the knowledge of Grecian literature—an object not less important from its connexion with that of our own country, than its tendency to inspire just notions of public freedom. (*Hear, hear.*) Attached as he was to classic learning, he could not help thinking these stores of knowledge of as much importance as the acquisition of that which cost the country 44,000*l*. and stood upon very different grounds. He trusted, therefore, that the house, as friends of freedom, would feel a warm interest in preserving this valuable library entire †.

* It is much to be regretted, that no collection of the *Roman* newspapers, the *Diurna Populi Romani*, has come down to us. Mr. Murphy, (in a note on the 4th section of the 5th book of the Annals of Tacitus) observes " that Julius Cæsar ordered acts of the senate, as well as of the people, to be committed to writing, and published, which had never been done before his time. Augustus, a more timid, and, by consequence, a darker politician, ordered the proceedings of the senate to be kept secret. Tiberius followed the same rule, but, as it seems, had the caution to appoint a senator to execute the office. Dio says, that he also directed what should be inserted or omitted. These records were, in the modern phrase, the JOURNALS OF THE HOUSE. In the early periods of the commonwealth, before the use of letters was generally known, the years were registered by a number of nails driven into the gate of the temple of Jupiter. But even in that rude age, the chief pontiff committed to writing the transactions of each year, and kept the record at his house for the inspection of the people. This mode of keeping the records continued in use till the death of Mucius Scævola, A. U. C. 672. After that time the motions in the senate, the debates, and resolutions of the fathers, occasioned a multiplicity of business; and, of course, the ancient simple form was found insufficient. Under the emperors, four different records grew into use: namely, the acts of the prince; secondly, the proceedings of the senate; thirdly, the public transactions of the people; and fourthly, the games, spectacles, births, marriages, deaths, and daily occurrences of the city, called the *Diurna*. The last were sent into the provinces, and were there received as the ROMAN GAZETTE."

In the 16th book of his Annals, sect. 22. Tacitus introduces to our notice Cossutianus Capito, who, in a speech levelled against that great patriot Thrasea, whom Nero was then seeking to destroy, is made to say, " the journals of the Roman people were never read by the provinces and the armies with so much avidity, as in the present juncture; and the reason is, the history of the times is the history of Thrasea's contumacy."—It is unfortunate that these records have not been preserved.

† In a former note (page 1533,) the Editor took the liberty of remarking, " that the most liberal and expanded sentiments are generated by an early acquaintance with the writers of Greece and Rome."—He now begs leave to add, that HOBBES, a violent advocate for arbitrary power, was so well convinced of this, that, in his *Leviathan*, he says, " nothing can be more prejudicial to a monarchy, than the allowing of such books to be publicly read."—LORD TEIGNMOUTH, in his life of SIR WILLIAM JONES, after having observed that he never spoke of tyranny or oppression, but in the language of detestation, adds,—" this sentiment, the offspring of generous feelings, was invigorated by *his early acquaintance with the republican writers of Greece and Rome.*" His familiar acquaintance with those writers inspired him with a love of *civil liberty*, but it did not render him hostile to the form of government under which he lived; on the contrary, it produced in his mind a greater veneration for those wise institutions of our ancestors, which have made in this country *the according music of a well-mixed state*. In one of his letters to M. Reviczki, he says—" The original form of our constitution is almost divine;—to such a degree, that no state of Rome or Greece could ever boast one superior to it; nor could Plato, Aristotle, nor any legislator, even conceive a more perfect model of a state. The three parts which compose it, are so harmoniously blended and incorporated, that neither the flute of Aristoxenus, nor the lyre of Timotheus, ever produced more perfect concord."—It has been often said, by those who are ignorant of the ancient writers, that classical literature is " a mere knowledge of words." And what are words (as a learned author observes) but expressions of *notions*? And whose notions can be better worth acquiring, than those of the most accomplished writers under the reign of freedom, when authors spoke what they thought, and thought without restraint?—Many of the Bishops of Rome betrayed an inveterate hatred to ancient learning, as well as the natural effect of this zealot passion, in their own barbarity both of style and manners. The comedies of MENANDER are said to have been extant in the *eleventh* century. MICHAEL PSELLUS commented on and explained no less than 24 of them. (See Fabric. Bibl. Græc. t. i, 769.) The latter

General *Thornton* said, he should have concurred in the vote with more pleasure, if the facilities of admission to the British Museum had been greater. In order to obtain admission, it was necessary to apply to a trustee, and as the trustees were men of high rank, unknown scholars experienced considerable difficulty. He understood, too, that the museum sold its duplicates. How was the money so obtained disposed of?

Mr. *C. Long* denied that any obstructions were interposed to the gratification of public curiosity, with the exception of such rules as were deemed necessary to preserve the museum from depredations similar to those which had been made on the library at Paris. With regard to the merits of the proposed vote, the house had already recognized the principle upon which it was founded, by its annual grants for the purpose of improving and enlarging this national repository. He could not conceive that the public at large must not have an interest in whatever advanced the literature of the country.

Mr. *Lockhart* doubted whether the present were a proper case for the intervention of the state. The cases in which the state should interfere to make purchases of the kind now proposed, should be when the things to be purchased were at once of extreme rarity and extreme utility. In the case of the Elgin marbles, it had been alleged that the possession of those rare examples would inspire our sculptors with the genius of Grecian art. Public utility appeared to him to be the indispensable and only object on such an occasion. Could that be said to be the character of the collection which the house was now called upon to purchase for the country? It consisted chiefly of curious manuscript copies of Greek plays, with the annotations of learned critics. This might form a fair subject for the admiration and study of virtuosi, but presented no additional source of improvement to the arts, to natural history, or useful science. He could see no reason why the state should interfere to take the cultivation of this branch of learning from the patronage of individuals, or rescue it from that oblivion into which it might otherwise fall. He understood that the collection contained no one new Greek tragedy; and how could the public be interested in the solution of obscure passages, or in contradictory comments on an antiquated usage? If it could be shewn that there was in it any work which might impart a new light to the truths of philosophy, any addition to the present stock of historical knowledge, or even a single fragment of ancient oratory, he should cheerfully vote for the motion. As it was, although he was fully disposed to admire and even reverence those who excelled in these liberal pursuits, he considered that the promotion of them ought to be left to the admiration and support of individuals.

Sir *J. Macintosh* said, that he had been a member of the committee that recommended the vote which had produced the present discussion, and he felt therefore sufficiently disposed to vindicate them in the course they had pursued. He should not, however, have thought it necessary to say any thing in support of the question, after the just and forcible observations of his hon. friend near him, (Mr. F. Douglas) did he not think it incumbent on him to declare his protest against all that had just fallen from the hon. and learned gentleman, the representative of the city of Oxford. (*A laugh.*) He could not avoid expressing his decided disapprobation of every one of those reflections which had been cast upon that sort of literature that had hitherto formed the basis of education, not only in this country, but in every nation of Europe. (*Hear, hear.*) Had not those works, which were now described as the objects of an idle curiosity, been the earliest study, the constant exercise, the favourite models of the most eminent and accomplished of mankind? Did the hon. and learned gentleman really believe that philological knowledge, that the nice discrimination of the sense of words, which to the ignorant or superficial observer exhibited no shade of difference, could communicate no advantage beyond the powers of verbal criticism? If such were his opinion, it was an opinion fatal to the whole established system of education; the fundamental principle of which was, that it led indirectly and insensibly to an acquaintance with moral, historical, and political truth. It had been found by long, by universal experience, to be the happiest means of familiarizing the minds of youth with useful knowledge, and of breathing into them those generous and sacred sentiments which bind up the greatness of individuals with the glory of a nation. He should be sorry to see any branch of knowledge undervalued; but inasmuch as this involved the elements of our morals and our taste, it was of more extensive importance than any pursuit of what was commonly called science*. It was too much to hear the charge of wasteful expenditure directed against such a purpose, in a country which had more successfully applied the fruits of learning and science to the business of life than any other: the country in which a Watt had, by the persevering application of a single principle, surpassed every other individual in the degree in

Greek monks, from bigotry, and a consciousness of their own wretched inferiority in every species of elegant composition, persuaded the latter Greek emperors to destroy Menander and many other of the old Greek poets. (See Harris's Philolog. Inq. part 3. c. 4.)—Fetters for the press were first contrived by the papal tyranny. The turbulent and profligate Sixtus IV. (Anno 1480.) was the first who placed the press under the control of a state inquisitor, or, in other words, appointed a licenser of it.

* The great and solid advantages which "verbal criticism" conveys to the juvenile mind, are exhibited in a masterly manner by Dr. Edwards, of Cambridge, in his edition of Plutarch's Treatise on Education.

which he had added to the wealth and resources of the state; in which a Davy, among the brilliant series of his discoveries, had at length invented the means of saving annually a number of human lives. (*Hear, hear.*) Surely this was not the nation in which it should be said, that knowledge and science were articles of luxury, matters intended for the indulgence of the opulent only. It must have been a hasty consideration of the subject that had induced the hon. and learned gentleman to make a degrading exception of classical literature; and he was still more surprised that it should be distinguished from works of design, as having less claims on the patronage of the state. He admired the Elgin marbles with as much fervour as his knowledge of the art enabled him to feel; but why were the remains of ancient sculpture to survive the productions of ancient orators and poets? Why was the statuary who restored the one, to take a higher seat in public favour than the Bentleys, the Porsons, or the Burneys, who illustrated the other? (*Hear, hear.*) The present system of education could not be properly judged of without a reference to its general operation on the minds and morals of society, which, in his opinion, were most favourably influenced by that feeling of enthusiasm for ancient writers, and even the disposition to idolize their works, which it tended to inspire. He had only to add, that the literary honour of the country was an object of no inconsiderable magnitude in his eyes; and that, with regard to the rules and regulations prescribed by the guardians of our national repository on the admission of strangers, he had reason to believe they were framed and applied in such a manner as to afford every facility to studious men, with as free an access to the public in general as was practically consistent with the objects of the institution. (*Hear, hear.*)

The question was then put, and carried without a division.

Rewards on Conviction Bill.] On the motion of Mr. *Bennet*, this bill was recommitted.

The *Attorney-General* objected to the entire abolition of rewards, considering that some benefit was obtained from them. He therefore proposed to add the following words to the clause which empowered the court to order payment of the expenses of the prosecution.—"And also such sum and sums of money as to the said court shall seem reasonable and sufficient to reimburse the person or persons concerned in such apprehension for their loss of time and trouble." This amendment, after some conversation, was agreed to.

Spanish Slave Trade Treaty Bill.] This bill was read a third time, and passed.

HOUSE OF LORDS.

Tuesday, May 5.

Loan Bill.] This bill was brought from the commons, and read a first time.

Spanish Slave Trade Treaty Bill.] This bill was brought from the commons, and read a first time.

HOUSE OF COMMONS.

Tuesday, May 5.

Parliamentary Reform.] Sir *F. Burdett* presented 53 petitions from Leeds, and 32 from Halifax, each of them signed by 20 persons, praying for annual parliaments and universal suffrage.—Ordered to lie on the table.

Breach of Privilege.] Sir *F. Burdett* rose to move for the discharge of Thomas Ferguson, who had been committed to Newgate, by order of the house, for having endeavoured to interfere with the freedom of election, by writing and sending a letter to Mr. Dykes, to influence his vote. In bringing forward the case of this individual, it was impossible for him not to feel that the grossest injustice had been committed, when he called to mind what had been the proceedings of the house when the noble lord opposite (Lord Castlereagh) had been found guilty of greater corruption, and yet was suffered to escape unpunished. All persons should be treated with the utmost impartiality by that house. It was their duty to shew the country that the laws of England held one even tenour, and that the poor or humble could not be punished when the rich or high were allowed to commit the same acts with impunity. Unquestionably this person had committed what was considered by the law as a very heinous offence—he had attempted to influence a vote; but when he considered that the noble lord opposite had done all in his power to obtain for an individual a seat in that house, by a mode of corruption the most objectionable; when he considered that, for that purpose, the noble lord offered to barter the patronage which he possessed; when he considered that it was at that time the peculiar duty of the noble lord, as President of the Board of Control, to prevent any corrupt use of India patronage; when he considered that the person in whose favour the noble lord made the attempt was himself a member of the Board of Control; when he considered, that, in order to effect the noble lord's object, it became necessary to induce another violation of duty, on the part of one of the directors of the East India Company, who, if he did not take an oath, at least made a solemn asseveration that he could not convert his patronage into the means of facilitating purposes, such as that in question; and, moreover, when he considered that the noble lord was then a minister, it appeared to him, as it had appeared at that time, that the noble lord had been guilty of an offence of a most aggravated nature, and with which the case of Ferguson could not be compared. When the question respecting the conduct of the noble lord in that transaction was brought before the house, he did not press for any severity of punishment; he felt that the

noble lord was acting under the usual system of corruption, but he happened to be detected in it (*hear, hear*); and, certainly, it could not be denied that, looking at it in a constitutional point of view, it was one of the most aggravated cases of guilt in which any person could be concerned. The house came to a resolution, that as it was a matter proceeding and not completed, and though they ought to be very jealous of the freedom of election, they did not think it necessary to direct any measures to be adopted against the noble lord. The noble lord was a wholesale dealer in this species of traffic; he was for buying a seat, but Ferguson had only attempted to influence a vote. In his case, there was no scandalous abuse of patronage. In his case, too, as in the case of the noble lord, the proceeding had but just commenced. It was in embryo; so much so, indeed, that the party might never have it in his power to carry it into execution. The attempt of Ferguson was so inferior to that for which the noble lord had obtained the sanction of the house, that he should be glad to know, in the name of justice, reason, and common sense, why the house had thought proper to send this man to gaol, while the noble lord was sitting there without having received any censure whatever? The house would remember, that during the administration of Mr. Perceval and the noble lord, a gentleman was introduced into that house under the most corrupt and aggravated circumstances. The money was paid to the agent of the treasury, Mr. Henry Wellesley, not to be put into his pocket, but to be added to a corruption fund, devoted to the purpose of influencing future elections for the ends of government. Now, so far as any infamy attached to parliamentary corruption, a more corrupt case could not be imagined. When the gentleman (Mr. Dick) entered the house, he was disposed to attend to the dictates of his conscience, but, on some important occasion, when his conscience would not allow him to vote with ministers, it was intimated to him, that he must either resign his seat, or vote against his conscience. To ministers it was indifferent which part of the alternative the individual adopted; to the hon. member it was not so, and he gave up his seat. Here, then, there was every possible circumstance of aggravation of which the crime was susceptible. To interfere with the right of voting would have been deemed a heinous offence in any individual; but it was ten thousand times worse in a minister of the crown. It appeared to him that there was in that house, not only a parliamentary language, but a parliamentary conscience. The member was told, that if he would not vote as the ministers directed him, he must resign his seat. And what was the issue? He could not reconcile his own conscience with his parliamentary conscience, and therefore he resigned his seat. Here was a transaction as perfect as an epic poem. It had a beginning, a middle, and an end. But how did the house act on that occasion? The corruption was justified as being a practice "as notorious as the sun at noon-day;" it was said to be "as common as the streets of the metropolis;" and, therefore, there was no particular reason for condemning the noble lord. Now, when it was perfectly well known, that in this way that house was constituted; when it had been shewn, in the excellent petition drawn up by the friends of the people, and presented to the house in the year 1793, that members were returned contrary to law, and to every principle of honesty and justice; when it had been offered to be proved at their bar, that so many peers nominated so many members; it was too unjust, and too disgusting, on the part of the house, when an unfortunate individual like Ferguson had merely done that which it was allowed had been long a common practice, to seize him under the pretence of maintaining that purity, which, in fact, did not exist, but of which they affected to be jealous, and to make him undergo a severe punishment, while they threw over ministers, who were detected in the commission of an offence of infinitely greater enormity, the broad shield of impunity. This robe of purity the house could one day wear, and the next throw off, just as it suited their convenience, though when stripped of it, nothing was to be seen underneath but "dowlas, filthy dowlas." (*A laugh.*) Could men look at transactions of this nature, without feeling that indignation which rose in his bosom? He remembered one of Æsop's fables, in which the beasts of the forest are represented as being visited by a plague. A council is summoned to ascertain, if possible, what crime they had committed to draw down upon them so heavy a calamity. The lion acknowledges, that he had committed some acts of tyranny and oppression, but that, all this being very consonant to his royal nature, he could not have produced this dreadful evil. The leopard, the wolf, and the fox then deliver their sentiments, each in his turn acquitting himself. At last the ass enters on his defence. He states, that his life had been one more of suffering than of oppression, but that one day, impelled by hunger, he had stolen a cabbage. Upon this all the beasts set up a shout, and declared that undoubtedly this conduct of the ass had occasioned the mortality, and, accordingly, they resolve to sacrifice him to the just vengeance of the gods. (*Loud laughter.*) If the noble lord was suffered to go free, why was Ferguson to be punished? The latter might state that he knew there were laws against what he had attempted to do, but that now the house of commons had put a very different construction on those laws; he might say, the house of commons have declared that these laws are obsolete—they are not to be put in force; how, then, can they take offence at my conduct? For his own part, he could not understand how Ferguson, who had followed the example of the noble lord, but followed him

"*haud passibus æquis*," should be punished, while the noble lord himself had been so fully protected. He should not then detain the house any longer. This case lay in a very narrow compass indeed, and therefore he should conclude by moving, "That Thomas Ferguson be forthwith discharged."

Lord *Castlereagh* said, he was surprised that the hon. baronet had addressed so much of his speech to him. He knew nothing of the case of Ferguson; but it was impossible not to know the object with which the hon. baronet had brought forward his motion. It was not out of feeling to Ferguson, but in support of that common cause towards which he had directed all his efforts. Whenever any meeting took place in the metropolis, at which the hon. baronet thought that he had lost some of his popularity, he immediately came down to the house, and started some question, in the hope that he should regain it. (*Hear, hear.*) This was the object, and the only object of the present motion; and having stated this, he must leave the discussion of Ferguson's case to those gentlemen who were better acquainted with it.

Mr. *Wynn* did not understand how any one could argue that, because the house of commons omitted to do its duty nine years ago, it was not to discharge it now. To that vote he was no party; he was, indeed, in favour of further proceedings. It was a precedent that stood upon their journals, but whether to be followed or not, was a fit subject for consideration. It would be a melancholy circumstance, if because one parliament omitted to do its duty, future parliaments should neglect what the law and the constitution of the country required them to do. The hon. baronet did not think it necessary to attend in his place when the case of Ferguson was brought forward; but now, a week after it had been disposed of, he came down, and without any previous notice, desired them to rescind their deliberate resolution. The hon. baronet had laid no ground whatever for his motion. What took place in another parliament, in 1809, was no ground. Besides, it was not correct to say that the noble lord escaped without censure; although certainly he (Mr. Wynn) thought the censure too mild. The next year parliament passed an act which declared, that acts similar to that with which the noble lord had been charged were penal offences. He (Mr. Wynn) was no party to the decision on the case of 1810, but he remembered that the ground of it was, that parliament having just passed the act to which he had alluded, it would not be fair to make its operation retrospective. To accede to the motion of the hon. baronet, would be equivalent to a declaration that the bribery of electors was no offence, and to annul all the practices of our forefathers from the earliest periods of the history of parliament. When the case came regularly before the house, on the petition of the individual suffering under its displeasure, it would be a fit subject for consideration, but at present it was not so.

Colonel *Wood* said, that the hon. baronet who was so ready to accuse others in matters of election, would, perhaps, remember when, in his first contest for the county of Middlesex, after a poll of 13 days, 300 millers were prevailed on to vote, in right of a mill which was not then built; that the sheriffs were sent to Newgate for gross partiality to the hon. baronet, and the election was declared void. On the second contest of the hon. baronet for that county, never was there a greater display of universal suffrage. People who had votes, and those who had not, were indiscriminately polled, till an inquiry was set on foot, prosecutions for perjury ensued, and, eventually, the hon. baronet did not obtain his seat. There was a third election for Middlesex, at which the hon. baronet was a candidate, when all the practices that had been resorted to at the former elections were exposed and brought to light, and the result was, that whilst the present member for Middlesex had 3000 votes, the hon. baronet had only 800. Such was the history of the elections for Middlesex. The hon. baronet might have forgotten those transactions, but the electors had not; and were the hon. baronet to start a fourth time, he would experience the same result.

Mr. *Brand* regretted that any personalities had taken place. The hon. baronet had alluded as slightly as possible to the persons whom he had been obliged to mention. The hon. gentlemen might laugh, but that had certainly been the case. Had he not said, that he rather wished the offence to be visited with a light punishment, since it had become of such general notoriety. He had not pressed what he said in such a manner as to be offensive either to the noble lord or to any of his colleagues. His reason for now rising was, to say that though he agreed with the hon. baronet in many of his arguments, he found it impossible to vote with him on the present occasion. If the motion should be agreed to, the house would be bound to pass over all infringements of privileges for the time to come. He should therefore oppose the motion, though he confessed he was at a loss to understand how those hon. members who rejected the former resolutions with respect to the noble lord could reject his hon. friend's proposition. It was for them to determine and not for him.

Mr. *Curwen* observed, that the bill which he introduced several years ago would have gone far to remedy such evils as the present, had it not been deprived of all efficacy on that point by the amendments which were engrafted on it.

Sir *F. Burdett*, in reply, observed, that as the noble lord had said so little on the subject now before them, he did not think it necessary to take any notice of what had fallen from him. With respect to what the hon. colonel had said

about the Middlesex elections, he certainly had a perfect recollection of all the proceedings connected with them; indeed, no man could have less reason to forget them than he had. He had twice experienced the remedy which the house in its wisdom had thought proper to provide in cases of contested elections; and he could assure them, that to enjoy that benefit a third time would be out of his power. As to the votes of some of the electors not being connected with property, the observation came badly from the hon. member, who ought to know that most of the votes for the boroughs in the country were wholly unconnected with real property. The mill votes were objected to, and the election was, in consequence, twice referred to a committee; but that committee, though they had set aside the election, never came to a decision upon those votes. They were got rid of in a general way, on the ground that the owners were never assessed to the land-tax.—It was true, the sheriff of Middlesex had been sent to Newgate for the return he made; but under what circumstances? He could not have struck off the names from the poll-books of numbers who had voted, and he happened to return a candidate unfavourable to ministers; but on the subsequent election, when the sheriff refused to return him (Sir F. B.), though he had a decided majority on the poll-books, he was not sent to Newgate. The hon. member might, perhaps, easily guess the reason. He admired the consistency of the noble lord and his colleague, in punishing the present case. It would be futile to suffer his motion to go to a division: for one set of men would have to vote against him from consistency; and the other, in despite of the inconsistency, would vote against him: so that, between consistency and inconsistency, he should not press the motion to a vote.—The motion was then negatived without a division.

ALIEN BILL.] Lord *Castlereagh* rose to move "that leave be given to bring in a bill to continue an act of the 56th year of his present Majesty, for establishing regulations respecting aliens arriving in or resident in this kingdom in certain cases." He observed, that when the question had been last under discussion, it had undergone a very elaborate consideration, and its principles had been completely argued. For his part, he could never think that hospitality was to be carried so far that danger might result from it, nor could he consider that, when in this country, foreigners ought to be amenable only to its ordinary laws. He did not wish to make a permanent regulation on the subject, but merely to continue the law at present in force for the period of two years. The measure which he now proposed to introduce was wholly distinct in principle from the alien bill of 1793, the bill commonly known by the appellation of the war alien bill. That bill was passed under very peculiar circumstances. We were then at war with a power that carried on hostilities through the means of persons whom it sent secretly into the country for the purpose of creating dissensions, which plan was pursued to a most alarming extent with the branch with which he was more immediately connected. The law enacted at that time proceeded upon the principle that all aliens were, from the very fact of their being aliens, open to suspicion, and there was a fair presumption that they came with evil intentions to the peace and safety of the country. A place of residence, therefore, was assigned to them; they were constantly in view of the magistrates of the neighbourhood, and were not allowed to go beyond a certain distance, (ten miles) without a special certificate. If any foreigner, however, shewed that he had no evil intention, and appeared a person not liable to be suspected, he was allowed a passport, which entitled him to travel. After the peace of Amiens, even before the person then at the head of the French government was known to be what they had afterwards discovered him to be, the proceeding of the government had been one of great caution. They thought, however, that peace being restored, the presumption was, that foreigners came with innocent intentions, and not with hostile designs. The policy of the peace alien bill, then, was different from the other. Aliens were no longer confined to a particular place of residence; but, at the same time, the government was empowered to remove them, whenever their conduct rendered such a step necessary. The power thus put into the hands of the executive had been used with the greatest lenity. During the last six years not more than nine individuals had been sent out of the country; and during the last two years only three; of whom two were sent out in 1817, and the other in 1818. But the house were not to infer that, without this law, a great amount of evil would not have existed. It was fair to contrast one country, where there was a law for the regulation of aliens, with another country in which no such law existed. In the kingdom of the Netherlands, a number of unquiet spirits had taken up their residence and established themselves in an organized system. They became proprietors of the public journals, and, making the press their vehicle, gained such influence, and were so confident of their cause, that they were bold enough to open to a great power a proposition to the effect that they might have the protection of that state to their conspiracy, which was for the purpose of subverting the existing order of things in France, and establishing another dynasty. It was known that the conspiracy againgt the life of an illustrious personage (the Duke of Wellington) was concerted between persons settled in the Netherlands and persons resident in the interior of France. If no alien law had existed in this country, there could be no doubt that the persons alluded to would have carried on a conspiracy here, against the peace of this kingdom and of Europe. It was a duty, then, which we owed to ourselves, not less than to Europe, to suppress and break up those combinations

against the general tranquillity. No experience could cure these individuals—all the calamities which had already taken place would not prevent them from again attempting to disturb the peace of the world. The regulations which he had now to propose had been thrice agreed to by the house—in 1802, in 1814, and in 1816, after Buonaparte ceased to reign in France. And now, for the fourth time, he submitted them on the ground that the evil was not so far gone as to admit of their being discontinued with safety. It was true, that, at present, matters wore a favourable aspect in France, but it was impossible not to look with anxiety to the removal of the army of occupation from that country. Whenever the foreign troops should be removed, he trusted that Europe would subside into a tranquil state of good government; but things might take a less favourable turn, and we ought to adopt every possible precautionary measure. The noble lord then moved for leave to bring in the bill.

Lord *Althorp* said, it was a strange argument of the noble lord's, that since alien bills were necessary in time of war, they should be continued in time of peace. It had always been the policy of this country to encourage the settlement of aliens among us. Many benefits, especially in the improvement of our manufactures, had resulted from this policy. The exclusion of aliens had been introduced in consequence of the last inauspicious war with France; but it was now time to retrace our steps, and to return to the ancient constitution of the country. If the noble lord would be at all consistent, he ought to have made the alien act co-extensive with the period of the occupation of France by foreign troops; and if he did so, he could not now attempt to continue it for two years longer. He protested against the bill, not for any abuses that had been committed, but on account of the principle on which it rested.

Mr. *Lambton* said, that, at present, he should content himself with protesting against such a measure in a period of profound peace, but when the noble lord proposed a second reading, he should move an amendment, which would go to reject the bill altogether.

Sir *Samuel Romilly* said, he could not suffer the question to be put without offering one or two observations. This bill was so contrary to the principles of the English constitution, to the policy of our ancestors, and to the feelings of the people of this country, that nothing but a very strong case of necessity could warrant the proposal of it. The noble lord had shewn no such case, but now proposed it on the very same ground on which he had proposed it in 1816. But in 1816 there was no ground to warrant it, and now there was no pretence whatever for it. He had opposed it in 1816, and, *a fortiori*, he must oppose it now. It went upon a principle, which, though never openly avowed, was now indirectly stated, namely, that the government of this country was to minister to the views of the despots of Europe. (*Hear, hear.*) Formerly it had been the boast and glory of England to afford shelter and protection to the oppressed and persecuted from other countries. (*Hear, hear.*) It was not yet 24 hours since he had heard it stated in that house, that although the burthens of the people were great, yet they could afford to purchase a literary collection for the support of our national character. The purchase was proper, but its importance to the national character sunk into insignificance, when compared with the present question. England had always been the sanctuary of the distressed;—for the outraged victims of foreign oppression her hallowed soil, once touched by the persecuted refugees, was absolute safety from further tyranny. He should be unworthy of the protection which his ancestors and himself had received against persecutions, such as were at the present moment suffered in Spain—he should be most ungrateful for the advantages which he had derived from English kindness to persecuted aliens—he should be totally unworthy of those benefits, if he did not struggle to extend them to others, whether persecuted for religion or politics. (*Hear, hear, hear.*)* They merely desired to be allowed to remain in peace under the supreme protection of the British constitution. Was this desire to be now refused? The noble lord had referred to 1802 and 1814, as periods of peace in which this measure had been adopted. But every one knew that, in 1802, the peace was a sort of armistice, during which, those passions which had embroiled Europe, had been for a moment quieted, only to spring up into more acrimonious hostility. But even then, it was brought forward only for one year, and that by the secretary of state for the home department. Indeed, it was natural to think that with him such a measure should originate. He was the official guardian of internal tranquil-

* The great-grandfather of Sir Samuel, (as he has himself stated in a speech which he made at a dinner of electors at Bristol, who had invited him to become candidate for the representation of that city in parliament, in 1812,) was born heir to a considerable landed estate near Montpellier, in the south of France. His ancestors had early imbibed and adopted the principles and doctrines of the reformed religion, and he had himself been educated in that faith. On the revocation of the edict of Nantz, by Louis XIV., he tore himself from his native country, and sought an asylum in England, where he had to support himself entirely by his own exertions. He embarked in commerce; he educated all his sons to useful trades; and he was contented, at his death, to leave them, instead of his original patrimony, no other inheritance than those habits of industry which he had given them, the example of his own virtuous life, an hereditary detestation of tyranny and injustice, and an ardent zeal in the cause of civil and religious liberty. The father of Sir Samuel was born in London, and, applying himself to business, acquired great eminence as a jeweller, and realized a handsome fortune. His mother's name was Garnault: she was also descended from a family of French refugees.

lity—the police of the country was under his peculiar care. But, in 1816, the bill had been proposed, not by him, but by the representative of foreign potentates. (*Hear, hear.*) It was then, for the first time, introduced by the secretary for foreign affairs, and for the preservation of peace in other countries. The noble lord had talked of it as a mitigated measure. In what respect was it mitigated? It was not limited to those who had lately come into the country, but extended to those who had been long established in it. By the returns before the house there appeared to be not less than 20,000 persons who were in a manner naturalized, who had adopted this country from choice; and those persons were now to be banished at the will of ministers; nay, what was infinitely worse, when any individual, from private motives, chose to complain of them. The evil was much aggravated by the burthen being thrown upon every one to prove himself a natural-born subject. This was often difficult to be proved, and the bill would, therefore, throw an obstacle in the way of natural-born subjects. There was one point which he wished to press upon the attention of the members for Scotland, if there were any of them then in the house. This bill went directly in violation of that great charter of their rights, the act of Wrongous Imprisonment. It had never, in any part of Great Britain, been made matter of legislation, that the king could send aliens out of the country. There was only the opinion of Judge Blackstone for such a doctrine*. But no one had ever imagined that the king had the power to send them into any other country. In the treaty of Amiens it was stipulated, that criminals should be delivered up by the one country to the other, yet this was done under particular limitations. None were comprehended in those stipulations but persons charged with murder, forgery (which was thought thus equally deserving of exception as murder), and fraudulent bankruptcy, and in these cases the evidence must be shewn to be so strong as to ensure conviction. Yet, when those stipulations had come to be acted upon, the crown was unable to send the persons charged with those crimes to the country from which they had come, and it was obliged to apply to parliament. (See page 1044.) There had been a similar treaty with America, and there was a similar necessity for application to parliament. But the act of wrongous imprisonment distinctly provided, that none should be sent out of the country, and the decision of the Court of Session had clearly established that this exception extended to aliens. The question was fully tried in the year 1778, in the well known case of Wedderburn and Knight. Knight had been a native of Africa, and had been bought five or six years before by Wedderburn, who had brought him with him to Scotland, and afterwards wished to take him back to Jamaica. Both points, his condition as slave or free, and his obligation to return with the man who had regularly bought him, were decided by the Court of Session. He was not only declared to have been free from the moment he came into Britain, but it was also found, that he could not be again sent out of the country. It was true that parliament could repeal this act, as they had repealed the act of Habeas Corpus; but, at least, the members for Scotland ought to be aware of this circumstance. It had not been previously noticed, but it certainly deserved attention. This bill, therefore, as utterly unnecessary, as derogatory to the character of the nation, as subservient to the evil designs of other countries, he could not suffer to pass through this its first stage without resisting it as much as was in his power.

The house then divided.

Ayes, 55—Noes, 18.

The bill was then brought in, and read a first time.

LIST OF THE MINORITY.

Abercromby, Hon. J.	Morpeth, Vis.
Atherley, A.	Power, Richard
Barnett, James	Romilly, Sir S.
Barham, J. F.	Russell, Lord G. W.
Carter, John	Sharp, Richard
Folkestone, Vis.	Smith, Wm.
Macdonald, James	Tavistock, Marquis
Martin, John	Tierney, Rt. Hon. G.
Monck, Sir C.	Wilkins, Walter

TELLERS.

Althorp, Vis.	Lambton, J. G.

BANK RESTRICTION BILL.] This bill was committed.

Mr. *Tierney* asked whether the preamble had been altered?

The *Chancellor of the Exchequer* replied, that it had, and read the whole bill as follows:—"Whereas it is highly desirable that the Bank of England should, as soon as possible, return to the payment of its notes in cash: and, whereas an act was passed in the 44th year of the reign of his present Majesty, intituled, 'an Act to continue until Six Months after the Ratification of a Definitive Treaty of Peace, the Restrictions contained in several Acts, made in the 37th, 38th, 42d, and 43d years of the Reign of his present Majesty, on Payments of Cash by the Bank of England;' which act has, by several subsequent acts, been continued until the 5th day of July, 1818: and whereas unforeseen circumstances, which have occurred since the last of the said acts, have rendered it expe-

* The passage in Blackstone here referred to by the hon. and learned member, is as follows:—"Great tenderness is shewn by our laws, not only to foreigners in distress (as will appear when we come to speak of shipwrecks), but with regard also to the admission of strangers who come spontaneously. For as long as their nation continues at peace with ours, and they themselves behave peaceably, they are under the king's protection; though *liable to be sent home whenever the king sees occasion.*" (See 1 Comm. pp. 259, 260.)

dient that the said restrictions should be further continued, and that another period should be fixed for the termination thereof; be it enacted that the said act shall be, and the same is hereby further continued, until the 5th day of July 1819."

The house then resumed, and the report was received.

SCOTCH BURGHS BILL.] Sir *R. Ferguson* presented a petition from the burgh of Dumfermline against this bill.—Ordered to lie on the table.

Sir *S. Romilly* said, he held in his hand a petition respecting the state of the Scotch burghs, which well merited the attention of those who had taken that subject into consideration. It was the petition of the incorporated trades of hammermen, shoemakers, and others, of the burgh of Irvine, and set forth the great grievance arising from the complete thraldom of most burghs to some neighbouring nobleman, and from the power of councils to contract debts, for which the individual burghers were answerable. The petitioners, therefore, prayed, that as parliament had begun to legislate on the subject, it would restore to them their ancient right of electing their own magistrates.—The hon. and learned member observed, that this had recently been done with the happiest success in the burgh of Montrose.

The petition was then brought up and read. It complained, that for the last 50 years the whole influence of the corporation had been in the family of the earl of Eglintoun.—It was ordered to lie on the table.

Sir *S. Romilly* then presented two other petitions from the corporation of bonnet-makers and dyers, and from that of wrights and masons, in Edinburgh, alleging similar abuses, and praying that the present bill might not pass into a law, it being calculated to increase the evil.—Ordered to lie on the table.

PORTUGAL SLAVE TRADE TREATY BILL.] A bill was brought in, and read a first time, "to carry into execution a Convention made between his Majesty and the King of Portugal, for the preventing of traffic in Slaves."

HOUSE OF LORDS.

Wednesday, May 6.

PARDONS UNDER THE GREAT SEAL BILL.] The Marquis of *Lansdowne* moved the second reading of this bill. He observed, that, after what he had stated on a former occasion, it was only necessary for him to say, that the bill had for its object to relieve persons to whom the mercy of the crown had been extended, from the hardship of paying the fees on suing out a pardon under the Great Seal, which most of them were unable to do. This was the whole extent of the measure as it had come from the other house; but, in considering the subject as a whole, it was impossible for him not to feel that the relief ought to be carried farther than the present bill proposed to extend it. At the same time he was very sensible of the difficulty of pressing the relief, which he was of opinion ought to be granted to its full extent, at a time when the revenue was deficient. No source of revenue operated to produce greater mischief to the poorer classes than the stamps on law proceedings. The expense they occasioned was an obstacle to the attainment of justice. Hence the numerous applications to the legislature for the establishment of inferior jurisdictions, but of an anomalous and unconstitutional nature. The institution of such courts would never be desired by the people, were it not for the difficulties they experienced in obtaining justice before higher tribunals. This was a state of things with respect to the administration of justice in which the country ought not to exist *. As to the present

* Many years ago, Mr. Jeremy Bentham wrote a small tract, entitled "A protest against Law Taxes, shewing the peculiar mischievousness of all such impositions as add to the expense of Appeal to Justice." He observes, that "a tax on bread, though a tax on consumption, would hardly be reckoned a good tax; bread being reckoned among the necessaries of life. A tax on bread, however, would not be near so bad a tax as one on law proceedings: A man who pays to a tax on bread, may, indeed, by reason of such payment, be unable to get so much bread as he wants, but he will always get some bread, and in proportion as he pays more and more to the tax, he will get more and more bread. Of a tax upon justice, the effect may be, that after he has paid the tax, he may, without getting justice by the payment, lose bread by it: bread, the whole quantity on which he depended for the subsistence of himself and his family for the season, may, as well as any thing else, be the very thing for which he is obliged to apply to justice. Were a three-penny stamp to be put upon every three-penny loaf, a man who had but three pence to spend in bread, could no longer indeed get a three-penny loaf, but an obliging baker would cut him out the half of one. A tax on justice admits of no such retrenchment. The most obliging stationer could not cut a man out half a *latitat* nor half a *declaration.* Half justice, were it to be had, is better than no justice: but without buying the whole weight of paper, there is no getting a grain of justice." He then proceeds to prove —that a law tax is the worst of all taxes, actual or possible;—that for the most part it is a denial of justice, that at the best, it is a tax upon distress:—that it lays the burthen, not where there is most, but where there is least, benefit:—that it co-operates with every injury, and with every crime:—that the persons on whom it bears hardest, are those on whom a burthen of every kind lies heaviest, and that they compose the great majority of the people:—that so far from being a check, it is an encouragement to litigation: and that it operates in direct breach of *Magna Charta*, that venerable monument, commonly regarded as the foundation of English liberty.—He observes, that "the statesman who cares not what mischief he does, so he does it without disturbance, may lay on law taxes without end: he who makes a conscience to abstain from mischief will abstain from

measure, it went merely to relieve unfortunate persons from paying the fees on pardons, which amounted on each to about 60*l.* and therefore it could operate in a very slight degree towards the reduction of the revenue.

The bill was read a second time.

LOAN BILL.] This bill was read a second time, and the committee being dispensed with, was ordered to be read a third time to-morrow.

HOUSE OF COMMONS.

Wednesday, May 6.

CITY OF LONDON.] The following accounts (ordered on the 28th of April) were presented, and ordered to lie on the table. 1. Balance of unclaimed dividends due to proprietors of orphans' stock. 2. Amount of duties on coals and wine. 3. Balances of wine duty. 4. Monthly payments and balances of duty on coals.

LUNATIC ASYLUMS (SCOTLAND) BILL.] A petition of freeholders and justices of the peace of Aberdeenshire against this bill was presented, and ordered to lie on the table.

The following abstract of Returns from the clergy of Scotland, respecting the number of Lunatics in that part of the kingdom, was ordered to lie on the table, and to be printed. At large, 2840; confined, 649; male, 1643; female, 1761; adult, 2769; non adult, 576; furious, 622; fatuous, 2688; maintained by parish, 533; partly by parish, 944; wholly by relations, 1020: total, 3486.

PARISH VESTRIES BILL.] On the motion of Mr. *S. Bourne*, the report of this bill was taken into farther consideration.

Mr. *D. Gilbert* moved an amendment, by which a person not assessed at 5l. per annum should be precluded from voting at the vestries. He observed, that he had heard and known of many evil effects arising from tumultuous vestry meetings, which had often only a tendency to squander the parish money.

Mr. *Bourne* thought the amendment proposed,

adding to them : he whose ambition it is to extirpate mischief, will repeal them. *General error makes law*, says a maxim in use among lawyers. It makes at any rate an apology for law: but when the error is pointed out, the apology is gone."

In the notes to a second edition of this tract, Mr. Bentham writes as follows: "*Mem.*—Anno. 1796. At a dinner of Mr. M. P.'s, in —— Street, Mr. R. in the presence of Mr. William Pitt, (then minister) took me aside, and told me that they had read my Pamphlet on Law Taxes; that the reasons against them were unanswerable, and it was determined there should be no more of them.

"Anno, 1804, July 10, 12, 14, 18.—This being in the number of Mr. Addington's taxes, Mr. Pitt, upon returning to office, took up all those taxes in the lump. On the above days, this tax was opposed in the House of Commons: and Mr. Windham, according to the report in *The Times*, on one of those days, spoke of this Pamphlet as containing complete information on the subject; observing at the same time, that it was out of print. On behalf of administration, nothing like an answer to any of the objections was attempted: only the Attorney-General (Perceval) said, that the addition to those taxes, was no more than equal to the depreciation of money.

"26th February, 1816.—Unalleviated by any adequate hope of use, too painful would be the task, of hunting out, and holding up to view, the subsequent additions which this worst of oppressions has, in this interval of twenty years, been receiving.

"Money, it is said, must be had, and no other taxes can be found. The justification being conclusive, the tax receives its increase: next year, from the same hand, flow others in abundance.

"Grievous enough is the *Income tax*, called, lest it should be thought to be what it is, the *Property tax*. —Grievous that tax is, whatever be its name; yet, sum for sum, compared with this tax, it is a blessing. Instead of 10 per cent, suppose it 80 per cent. Less bad would it be to add yet another 10 per cent. than a tax to an equal amount upon justice.

"Grievous have been the additions, so lately and repeatedly made, to the taxes on *Conveyances* and *Agreements*. Extensive the prohibitory part of the effect, though the pressure,—confined as usual to the poor, i. e. the great majority of the community, who have none to speak for them,—is scarcely complained of by the rich. Yet, were all law taxes taken off, and the amount thrown upon *Conveyances* and *Agreements*, this—even this—would in reality be an indulgence."

Mr. Bentham then mentions two cases which had recently occurred in the Court of Chancery.—"In one case, the defendant, in his answer to the plaintiff's bill, submitted, that he ought not to be compelled to set out certain accounts which had been required by the bill, as the expense of taking what is called an office copy of them,—a necessary preliminary to any farther proceeding on the part of the plaintiff in the cause,—would amount to the sum of 29,000*l.* an expense almost wholly arising from the Stamps on Paper, on which the office copy of the answer is compulsorily made. In that case the court determined, that it was not necessary these accounts should be set out: but in coming to this conclusion, how far the court was determined by the nature of the particular case, or by the magnitude of the expense that would thus be occasioned;—or whether if, without any such objection, the Defendant had actually set out these accounts, the Plaintiff could have been relieved from pursuing the regular mode of procuring a copy of them, and thus incurring the above expense;—or whether, if the expense had been instead of 29,000*l.* only 28 or 27 thousand pounds, such an objection would have been listened to,— it is extremely difficult to say."

"The other case was,—that the expense of merely putting in an answer by *one* of the defendants to a bill in Equity, amounted to the sum of 800*l.*: what part of this expense was occasioned by the tax on law proceedings cannot be accurately ascertained, but it assuredly constituted a very considerable proportion of that sum."

"The one case shews, that it is not always safe for a man to become a plaintiff, without 28,000*l.* at least in his pocket, to begin with, over and above what is necessary for his maintenance. The other case shews, that a man may not be always able to resist a demand, however unjust it may be, without being able to support an outlay of at least 800*l.*!"

a matter of importance, but he could not see that it was desirable to press it at present, as it went a good deal further than what was proposed by the bill. He considered that the bill, as it stood, would tend to produce economical management, and to increase the comforts of the poor. It had long been circulated through the country, but, as appeared by several petitions, had been misapprehended in many places. The sums which entitled persons to vote had been reduced one half, namely from 100*l.* to 50*l.* and from 50*l.* to 25*l.* (see page 984) and it was farther provided, that no inhabitant should be entitled to give more than six votes. He trusted the house would let the bill come before them again in its present state, and that the hon. member would withdraw his amendment, otherwise he must feel it right to take the sense of the house upon it.

Mr. *D. Gilbert* said, that though the subject was of importance, he would not press the house to a division.

The report was then agreed to, and the bill was ordered to be read a third time to-morrow.

POOR LAWS' AMENDMENT BILL.] On the motion of Mr. *S. Bourne*, the report of this bill was taken into further consideration.

General *Thornton* moved that the clause obliging landlords to pay rates for houses let at any rent not exceeding 20*l.*, nor less than 4*l.* by the year, for any less term than one year, or on any agreement by which the rent should be reserved or made payable at or within any shorter period than 3 months—be expunged.

Mr. *Speaker*.—Does any one second the motion?

None having seconded this motion, it dropped of course.

The report was then agreed to, and the bill was ordered to be read a third time to-morrow.

Lord *Castlereagh* observed, that, considering the interest that had been taken in the different provisions of this bill, it might be expedient to send it as early as possible to the other house, with a view to which he should postpone the second reading of the alien-bill till Friday se'nnight.

BUILDING OF CHURCHES BILL.] The *Chancellor of the Exchequer* moved the further consideration of the report of this bill.

On the motion of the same right hon. gentleman, the bill was then recommitted, and several verbal amendments introduced.

Dr. *Phillimore* proposed a clause to prevent the opening of any grave, cemetery, or church-yard for the interment of dead bodies, within twenty feet of the site of every new church respectively, unless such grave, &c. be enclosed by an arched stone or brick vault, under the penalty of 50*l.*

The clause was adopted, and the report being agreed to, the bill was ordered to be read a third time to-morrow.

GRAND JURY PRESENTMENTS (IRELAND) BILL.] Mr. *Vesey Fitzgerald* moved for leave to bring in a bill "to provide for the more deliberate investigation of presentments to be made by grand juries for roads and public works in Ireland, and for accounting for money raised by such presentments." He stated, that in consequence of the impossibility of procuring competent persons to fill the office of county surveyors, that part of the act of last session had been suspended early in the present. In the bill which he now intended to introduce, the clause for the appointment of county surveyors would be omitted altogether, and no alteration would be madé as to the time of making presentments. His object was, to enable the grand juries to transact their business with greater facilities than they now possessed, and to check the present system of taking oaths, which was most offensive to the best interests of religion and morality, and most dangerous to the people at large.

Sir *George Hill* seconded the motion.

Mr. *Denis Browne* had no objection to the introduction of the bill, but desired to observe, that the grand juries were not chargeable with any defect in the present system. The money levied by them was applied not merely in the construction of roads and the building of bridges, but in paying constables, supporting gaols, and a variety of other local objects.

Sir *H. Parnell* approved of the motion, but wished another effort to be made to carry into execution the system of county surveyors.

Mr. *Peel* said, that he had been last year friendly to the appointment of county surveyors, but, on mature consideration, he had seen reason to change his opinion. There had been a fair trial, and the commissioners reported, that they could not find any person sufficiently qualified for the office, although ninety-five persons had applied for it. Every certificate produced to them bore on the face of it the most respectable qualifications, but it was not confirmed by subsequent examinations.

Leave was then given to bring in the bill.

CORONERS ELECTION BILL.] This bill was considered in a committee, and ordered to be reported to-morrow.

PURCHASE OF GAME BILL.] Mr. *George Bankes* having moved the second reading of this bill,

Mr. *Curwen* said, he did not think that the discussion of a bill of such importance should be brought on in so thin a house. He recommended to the hon. gentleman to postpone the second reading till there should be a fuller attendance.

Mr. *G. Bankes* objected to the postponing of the second reading any longer. He had put off the discussion too often already at the recommendation of hon. members. It was extremely necessary that the second reading should take place before the holidays, if it were to take place at all. He had reconsidered the measure now proposed, and saw no reason to alter the opinion he had formerly stated. He brought in the bill on the principle that every branch of

the law should be rendered effective, so long as the law itself was not repealed. So long as we had statutes against the sale of game, we ought to give them effect by provisions calculated to ensure their execution, and proceed as far as we could in preventing the punishment for offences, by taking away the temptation to commit them. This bill placed the purchaser of game on the same footing with the seller, and levelled all distinctions of classes, by subjecting them to the same penalty. He knew that there were gentlemen of a different opinion from that which he was now supporting, and who thought that game ought to be allowed to be sold in the most unrestricted manner. A report had been made to the house on the game laws, in which there was a recommendation to make game private property. That report had been laid on the table of the house two years ago, and had as yet produced nothing. When any member should bring forward a comprehensive measure founded on that report, he should be willing to agree to the repeal of all the game laws; but so long as they existed, their operation should be made uniform, which was the object of the present bill*. The game-laws had now, instead

* The following is the Report here alluded to.

"The committee appointed to take into consideration the laws relating to game, and to report their observations and opinion thereupon from time to time to the house, have considered the matters to them referred, and agreed upon the following report:

Your committee, in investigating this important subject, proceeded to the consideration of the present existing laws for the preservation of game; their adequacy to their professed object; their policy and justice; and their effects upon the habits and morals of the lower orders of the community. In considering the existing state of the law upon this subject, their attention was naturally directed, in the first place, to its state in the early periods of the common law; and in that your committee finds concurrent and undisturbed authorities for contemplating game as the exclusive right of the proprietor of the land *ratione soli*. In a law of Canute's (vide 4th Institutes, p. 230,) your committee find that he thus expresses himself: *Præterea autem concedo ut in propriis ipsius prædiis quisque tam in agris quam in sylvis excitet agitetque feras;* and in Blackstone II. p. 415, *Sit quilibet homo dignus venatione sua in sylvâ et in agris situ propriis et in dominio suo.* In the preamble of the statutes 11th Hen. VII. c. 17. a parliamentary recognition of the common law is most distinctly made, and in unequivocal language. It states, that persons of little substance destroy pheasants and partridges upon the lordships, manors, lands, and tenements of divers owners and possessioners of the same, without license, consent, or agreement of the same possessioners, by which the same lose not only their pleasure and disport, that they, their friends, and servants should have about hawking, hunting, and taking of the same, but also they lose the profit and avail that should grow to their household, &c.

In the 4th Institutes, p. 304. it is laid down, that seeing the wild beasts do belong to the purlieu men *ratione soli*, so long as they remain in his grounds he may kill them, for the property *ratione soli* is in him. In 11 Coke's Reports, p. 876. it is laid down, that for hawking, hunting, &c. there needeth not any license, but every one may, in his own land, use them at his pleasure, without any restraint to be made, if not by parliament, as appears by the statutes 11 Hen. VII. c. 17. 23 Eliz. c. 10. and 3 James I. c. 13.

In Sutton and Moody, 5 Modern Reports, p. 375, Holt, C. Justice, says, the conies are as much his, in his ground, as if they were in a warren, and the property is *ratione soli*. So in the Year-book, 12 Hen. VIII. pl. 10. if a man start a hare in his own ground, he has a property in it *ratione soli*.

In limitation, and to a certain degree in derogation of the common law, a variety of statutes has subjected to penalties persons who, not having certain qualifications, shall even upon their own lands kill any of those wild animals, which come under the denomination of game.

By the 13 Richard II. stat. 1. c. 13. laymen not having 40s. per annum, and priests not having 10l. per annum, are prohibited from taking or destroying conies, hares, &c. under pain of a year's imprisonment (this statute appears to be the first introduction of a qualification to kill game.) By the 32 Henry VIII. c. 8. a penalty upon selling game was first enacted; but this was a temporary law, which was suffered to expire, and the sale of game was not again restrained till the 1st James I. c. 27. By the 3d James I. c. 13. the qualification to kill game was increased to 40l. in land, and 200l. in personal property.

By the 22 and 23 C. II. cap. 25. lords of manors, not under the degree of esquire, may by writing under their hands and seals appoint gamekeepers within their respective manors, who may kill conies, hares, &c. and other game, and by the warrant of a justice may search houses of persons prohibited to kill game.

It appears to your committee, that the statute 22 and 23 C. II. is the first instance, either in our statutes, reports, or law treatises, in which lords of manors are distinguished from other land-owners, in regard to game.

The same statute, section 3. confines the qualification to kill game to persons having lands of inheritance of 100l. per annum, or leases of 150l. (to which are added other descriptions of personal qualifications;) and persons not having such qualifications are declared to be persons not allowed to have or keep game-dogs, &c.

The 22 and 23 C. II. c. 25. was followed by 4 and 5 W. and M. c. 23. and the 28 Geo. II. c. 12. which enacted penalties against unqualified, and, finally, against qualified persons, who shall buy, sell, or offer to sell, any hare, pheasant, partridge, &c. Similar penalties are therein enacted against unqualified persons having game in their possession.

Such appears to your committee to be the state of the laws respecting game, as they at present stand. The various and numberless statutes which have been enacted upon the subject, and to which your committee have not thought it requisite to allude, have not been unobserved by them; but seeing that they are merely supplementary to those to which your committee has made reference, they have not felt it important to enter into a detail of their enactments.

Your committee cannot but conclude, that by the common law, every possessor of land has an exclu-

of being more severe than formerly, lost almost all their rigours; and he did not object to improvements by which their remaining penalties might be lessened; but as this was a work requiring mature deliberation, and attended with much difficulty, it should not be precipitately undertaken. In the mean time, temptation to a breach of the law, while it existed, should be reduced as much as possible, and this would be done by the present bill. He had heard it objected to this bill, that if it passed, as game could not be afterwards bought, the class of consumers who now purchased it would have no means of obtaining it. He did not see the force of this objection. Game not found in the market would be sent to town as gifts, and the tables of the rich might thus be as amply supplied as before. If there were any thing enviable in the situation of a country gentleman, as connected with this species of wealth upon his estate, it was the power of making presents of game to his friends. The value of this privilege depended on a prohibition to sell, either on the part of the proprietors, or of those who might invade their rights. It had been said that this bill enforced severe penalties, and might lead to oppression. This was not the case. It merely enacted penalties against the higher ranks for the purpose of removing temptation from the lower. He had received a letter from the city of Bath yesterday which illustrated his present object. Some poulterers there having been prosecuted, stated that they could not have incurred the penalties had they not customers, who would be their customers only so long as they could supply them with game. His bill, therefore, by prohibiting the purchase of game, would protect this helpless class of persons. The hon. gentleman concluded by moving the second reading of the bill.

Mr. *Curwen* wished that there had been a fuller attendance of members when another severe law was proposed to be added to a system already odious for its penalties and oppressive enactments. He would oppose this measure, because it was not only severe, but would be nugatory. It would impose hardships on others, but would not reach the persons whom it was intended to affect. The house ought to pause before it added any new penalty to laws already too penal. The number of persons prosecuted, as appeared by papers moved for in the course

sive right *ratione soli* to all the animals *feræ naturæ* found upon his land; and that he may pursue and kill them himself, or authorize any other person to pursue or kill them; and that he may now by the common law, which in so far continues unrestrained by any subsequent statute, support an action against any person who shall take, kill, or chase them.

The statutes to which your committee have referred have, in limitation of the common law, subjected to penalties persons, who, not having certain qualifications, shall exercise their common law right, but they have not divested the possessor of his right, nor have they given power to any other person to exercise that right without the consent of the possessor.

It appears to your committee, that the 22 and 23 C. II. has merely the effect of exempting from those liabilities which were previously enacted against unqualified persons, such gamekeepers as shall receive exemption from them by the lords of manors (and which exemption the said lords of manors are thereby empowered to give), but that the restraints upon the sale of game equally affect the entire community.

Your committee conceive, that in the present state of society there is little probability that the laws above referred to can continue adequate to the object for which they were originally enacted. The commercial prosperity of the country, the immense accumulation of personal property, and the consequent habits of luxury and indulgence, operate as a constant excitement to their infraction, which no legislative interference that your committee could recommend appears likely to counteract.

It appears that under the present system, those possessors of land who fall within the statutable disqualifications, feel little or no interest in the preservation of the game, and that they are less active in repressing the baneful practice of poaching than if they remained entitled to kill and enjoy the game found upon their own lands. Nor is it unnatural to suppose, that the injury done to the crops in those situations where game is superabundant may induce the possessors of land thus circumstanced, rather to encourage than to suppress illegal modes of destroying it.

The expediency of the present restraints upon the possessors of land appears further to your committee extremely problematical. The game is maintained by the produce of the land, and your committee is not aware of any valid grounds for continuing to withhold from the possessors of land the enjoyment of that property which has appeared by the common law to belong to them.

The present system of game laws produces the effect of encouraging its illegal and irregular destruction by poachers, in whom an interest is thereby created to obtain a livelihood by systematic and habitual infractions of the law. It can hardly be necessary for your committee to point out the mischievous influence of such a state upon the moral conduct of those who addict themselves to such practices; to them may be readily traced many of the irregularities, and most of the crimes, which are prevalent among the lower orders in agricultural districts.

Your committee hesitate to recommend, at this late period of the session, the introduction of an immediate measure upon a subject which affects a variety of interests: but they cannot abstain from expressing a sanguine expectation, that by the future adoption of some measure, founded upon the principle recognized, as your committee conceive, by the common law, much of the evils originating in the present system of the game laws may be ultimately removed.

Upon mature consideration of the premises, your committee have come to the following resolution:—

Resolved—That it is the opinion of this committee, that all game should be the property of the person upon whose lands such game should be found."

of last session by an hon. and learned gentleman (Sir Samuel Romilly), amounted, in the whole of England, in one year, to 1200, which spoke sufficiently for the severity of the game laws. The feelings of the great proportion of the country gentlemen were against the law, and on this account nine-tenths of the property of the country were unprotected by it. It should be considered, that when the game laws were enacted, landed property was almost the only property in the kingdom; and, therefore, by securing the game to the landed proprietors, it was converted into no monopoly, but divided among nearly as many as were entitled to it; but the case was now altered, as the capital from trade, and funded property, was seven times as great as that arising from land. Game ought to belong to the occupier of land, and a protection of it purchased by the landlord from the tenant if he wished to preserve it. At present, as the law now stood, the farmer was more destructive to game than the poacher; his interest lay in exterminating it, as he suffered the loss of maintaining it without being allowed to derive any advantage from it. He had here a right to say that the law, instead of protecting, was calculated to destroy the game.—The hon. gentleman, recurring to the bill before the house, said, he would oppose it, among other grounds, because it would have a tendency to make servants spies on their masters, by giving them inducements to inform against them, in the case of purchasing game. If the bill should have any operation at all, it would be highly injurious to the country; and he, for one, would not consent to any step that should tend to perpetuate the game laws.

Mr. *Brand* said, that the game laws, as they at present existed, were opposed to nature, justice, morality, and social intercourse. Their severity ought to be diminished instead of being increased. The system demoralized the lower orders; for persons who were rich would buy game at any events. It was also objectionable on the principle of universal justice; it was but fair that he who maintained the game should have the enjoyment of it, and the occupier maintained the game as much as his own stock. For the last two years he had intended to bring the subject before the house, but had delayed it, partly on account of its difficulty, and partly because another measure was before the house, and he wished to hear the opinions of some, who, he knew, agreed with him, and of others who differed from him. He opposed the present bill, in the hope that the present cruel and mischievous system might meet with reprobation: and he trusted that they would get rid of this absurd remnant of feudal aristocracy, which caused so much discontent, and bribed the poor into vice. He wished to make game property, and give all who could afford it an equal chance of the enjoyment. It had been objected to this plan, that if a man made a preserve for the purpose of sale, his neighbour might kill all his game that flew out of the preserve; and so, in his opinion, the neighbour ought, for he contributed mainly to its support, and the preserver might avoid the inconvenience by purchasing the next field. The oppressive severity with which the present laws were enforced, was attested by the fact of 1200 persons having been imprisoned for offences relating to the game last year (*hear, hear*), and their resistance had caused the death of many others. Besides all this, the poacher's habits led to other vices, and the laws that attempted to repress them were in every respect promotive of the evil.

Mr. *Lockhart* said, the bill was unnecessary. Unqualified persons were already subject to penalties for having game in their possession, and a bill which prohibited purchasing could not prevent it more than those penalties. As to qualified persons, they had a right to the possession; and therefore to convict them under this bill, the contract must be proved. But by whom? by the seller?—would he so destroy his own market? By the poacher?—would he impeach his best friend? The contract could only be proved by the treachery of servants or near relations, and by creating dissension in families. Clauses of this description, excusing an offender if he discovered another, had been found ineffectual in other statutes; for holding out indemnification to the person who made discovery of an offence, and therefore excusing his own, only led to chicanery. An offender might inform against a person in league with him, who was constantly on the move, and in some distant country. In the statutes against bribery, a clause of this description had wholly failed, and the law only removed the punishment from the head of the tempter to one who was comparatively innocent. In all our penal statutes, the offence was, having goods in possession, not merely buying. Thus, as to smuggled goods, or the embezzling of naval stores. The bill did not say that game had decreased, and he believed that it had considerably increased in quantity. As to the proposal for making game property, he did not think it would obviate all the evils of the game laws; it might be very well for one who possessed a whole parish, but the small landholder might find it worth his while to league with poachers, and allow them to decoy his neighbour's game on his own slip of land. In France it was found advantageous for the *commune* to appoint a game-keeper, and let any person sport who would pay for the privilege. Though he despaired of seeing any radical change in the game-laws, he thought the present bill unnecessary.

Sir *C. Burrell* defended the bill. The game-laws, he said, occasioned no injustice where the landlord retained in his lease the right of sporting. He thought the bill would not have the effect of shifting the punishment from the most guilty. As to the 1200 persons committed, there had been an increase of crimes in every way, and this was but a small proportion of the

whole. A man of large personal property would in all probability have 100 acres of land somewhere, so that there was no exclusion in the present system. It was not that system which encouraged crime, but the purchasers of game. There had been very little unanimity in the former committee, except on the question as to the sale of game. He himself wished, that game were made property; he thought it the only way to cure the evils of the game-laws. But as he considered the present bill salutary, and the house was so thin, he should move that the debate be adjourned till Monday the 18th instant.

Colonel *Wood* opposed the bill. He thought that the game-laws led to all sorts of mischief and crime; the only way to prevent which was to make game private property.

The second reading of the bill was then postponed till the 18th instant.

HOUSE OF LORDS.

Thursday, May 7.

LOAN BILL.] This bill was read a third time and passed.

ROYAL ANNUITIES.] The Earl of *Liverpool* moved the third reading of a bill for granting an annuity to the Duke of Cambridge.

The Earl of *Lauderdale* moved, that the message from the crown, relative to the marriage of the royal dukes, be read.

The clerk having read the message, and the address voted on it,

The Earl of *Lauderdale* said, he had desired the message and the address to be read, in order to bring to the recollection of their lordships, that a principle had been implied in the proceedings which had taken place on this subject. The declared principle on which their lordships had acted was, that provision was to be made for certain members of the royal family, in consequence of their nuptials. It was not, that provision should be made for one in preference to another, but for all such members of the royal family as married with the consent of the crown. Their lordships knew it to be the law, that no member of the royal family could marry without the consent of the crown. If that were an improper law, it ought to be altered; but while it existed, it should be fairly acted upon. On the contrary, it was a desertion of duty in parliament to make it a matter of favour, whether or not a provision should be voted, after a marriage had been regularly contracted according to law. The provision was a mere abstract question, which ought to have no reference either to party feelings or prejudices of any kind. If it were withheld on account of any particular prejudice, it might be granted from motives of favour. Thus a system might be established of granting money merely on the grounds of favour or prejudice, and this might be carried so far as to lead to the dangerous and unconstitutional practice of canvassing parliament when such grants were in contemplation. In looking at the bills on the table, their lordships would find, that there was one member of the royal family who had married, with the consent of the crown, and for whom no provision had yet been made. Now, if the question were viewed by their lordships in the light in which he had endeavoured to place it, they would be of opinion, that an abstract right of provision existed in consequence of the marriage. It appeared, however, from what had been done in this case, that some other principle must guide the decisions of another place. Whether it were that provision ought to be granted from favour, or withheld from dislike, or on some other ground equally objectionable, he could not say. To him, however, this proceeding appeared in the utmost degree unfair and improper. With that member of the royal family who stood in the situation to which he had adverted he was in no way connected. No man could have been more politically hostile to him; but so far was that from exciting any feelings of animosity in his mind, that he the more respected the Royal duke, for having acted with zeal and sincerity in support of the political principles which he thought right. There was another illustrious person nearly connected with the Royal duke, against whom a prejudice had existed in a certain quarter. He was happy, however, to see, from one of the bills on the table, that if that prejudice had prevailed, in another place, it was now removed; but why a stigma should be cast, without any apparent reason, on the Duke of Cumberland, was what he could not understand. If there existed any real ground for stigmatizing that illustrious person, the proper course would be, to introduce a bill to exclude him from the crown; but while he was allowed to retain his rank in the order of succession, it was most unfair and uncandid to withhold from him that provision which ought to be granted on principles abstracted from any personal considerations. In this situation, it had become a matter of consideration with the consort of the Royal duke, whether she could accept the grant made by parliament. Her feelings would have inclined her to refuse it; but he thought she had acted properly in consulting her Royal consort, and complying with his advice. She had exhibited an example of that propriety of conduct which became a princess of the royal family of England, by yielding to the will of her husband. With respect to herself, there was now nothing to injure her feelings, except the observations which had appeared in the public papers, and these he could not help believing to be misrepresentations of what had passed in another place. He did not suppose it possible that there could be any person so base as to malign an illustrious stranger in the way the representations to which he had alluded indicated. If there were any man possessing such a mind, he might perhaps have the satisfaction of knowing

that he had given pain; but he would also see an example of the exercise of the most virtuous feelings in the quarter where he had thrown his unjust reflections. He had thought it his duty to say thus much on the subject of the bill under consideration. Their lordships, he was confident, would give him credit for not wishing to offend the feelings of any one. He had the consolation of reflecting, that he could never accuse himself of doing any thing to promote discord in quarters where agreement was most important; being of opinion, that in all situations, from the highest to the lowest, union was the first and most important of domestic virtues. He did not object to the motion for the third reading, but had considered himself bound to explain to their lordships the view he entertained of the measure.

Lord *Holland* said, he did not object to this grant on account of its amount, but on account of the manner in which it was given. He should not, however, have troubled their lordships with any observations on the motion, had he not thought it necessary to notice some part of what had fallen from his noble friend near him. He wished to remind his noble friend, that, according to the old constitutional system, much anterior to that to which he had alluded, provision was always made for the members of the royal family out of the revenues of the crown, and these revenues were subject to the control of parliament. The ancient principle was, that such a sum should be granted to the crown as appeared sufficient to support its splendour and dignity; and the branches of the royal family, as part of that splendour and dignity, were supplied from the same sum. When he considered the sums of money which had, at different periods during the present reign, been voted by parliament to the crown, he could not help considering them fully adequate to the purpose for which they were destined; and he was of opinion, that the splendour of the crown would be much better consulted, if the provisions necessary on the marriage of members of the royal family were advanced out of these sums, than by applying to parliament for additional grants with the chance of having to experience a refusal. Such a result was in itself a considerable evil, besides the disagreeable situation in which such applications placed public men. The course taken was, however, as he had said, totally unnecessary, for not less than a million a year, independently of the droits of the admiralty, and other sources which he should not now name, went to the support of the dignity and splendour of the crown. But he could not help adverting to the manner in which this business had come before their lordships. After the noble earl (Liverpool) had brought down the message from the crown, he had chosen to depart from the usual practice, and adjourned the motion for an address, because he had not made up his mind as to what he ought to propose. When, however, the consideration of the subject came on, he detailed the sums, which, he said, ought to be granted, and declared that nothing less could do. The measure, however, now came before their lordships in a very different shape. The noble earl might have had very sufficient reasons for changing his opinion, and finding that a less sum would be sufficient; but he had never yet stated those reasons. He recollected that, when there was a proposition for reducing a lord of the admiralty, though the question turned only on 1000*l.* the ministers of the Prince Regent declared that they could not carry on the government of the country if they were obliged to make that reduction; but now, though they had thought it right to recommend very large sums to members of the royal family, they could endure the rejection of their proposition with the greatest tranquillity. They had pocketed the affront, and kept their places. At the same time, whether any explanation should be given on this subject or not, he agreed with his noble friend that it was quite improper to canvass the characters of those for whom such grants were proposed; but then his objection went to the whole of the system which had been acted upon. He could not admit that parliament were bound to grant a provision on the marriage of a member of the royal family, as a matter of course; for though the royal marriage act placed in the crown the sole right of consent, it must be recollected that the constitution had placed in the house of commons the sole right of granting money. It would be a strange proposition to say that, because the crown had given its consent, parliament were bound to grant any demand of the crown which followed upon that consent; and it was very unfair to infer from a refusal, that a bad opinion must necessarily be entertained of the individual for whom the application had been made. It was not fair to the other house of parliament, to insinuate that its decisions were influenced by motives of that kind. He had risen, however, not to oppose the sum proposed to be given, but the imposing of any additional burthen on the public. It was not the amount, but the fund from which it was taken, that he considered objectionable. It was most unjust to charge the consolidated fund with this provision. If their lordships considered what had already been granted to the crown during the present reign, they would find that it enjoyed at least double what, at the commencement of this reign, it had a right to expect. (The Earl of Liverpool seemed to intimate his dissent.) He had come down unprepared with calculations, and should not then attempt to enter into minute details; but he would prove what he then asserted, whenever the noble earl might please to enter at large into the question. He would demonstrate that the crown now received, for the support of its dignity and splendour only, totally independent of what went to any civil or military services, at least

double of the revenue it had been in the contemplation of parliament to grant.

The Earl of *Liverpool* admitted that the granting or not granting of a provision on the marriage of a member of the royal family, was a matter within the jurisdiction of parliament. The noble earl who spoke first had not denied that proposition; but he had fairly contended, that when what was granted to one was withheld from another, a reflection was conveyed. He certainly did not mean to say that the house of commons had not the right of acting as they had done; but, at the same time, he perfectly concurred with the noble earl in the general principles he had laid down. Such distinctions made by parliament must lead to decisions more or less capricious, and consequently unjust. He therefore concurred in the opinion, that if there were any real objection to the conduct of the illustrious individual alluded to, it ought to be carried farther, and made the subject of a particular measure; unless this were done, all attempts at capricious distinctions were highly censurable. The noble lord had adverted to the proceedings which took place on the message. It would be recollected, that he stated, when he moved the address, what appeared in his opinion a proper provision. Part of his recommendation had been assented to, and part refused. This was an occurrence consistent with the nature of the constitution. So long as this government was a government of king, lords, and commons, there must exist a liability to such decisions. He must say, however, that he did not reject the decision so much on the account of any individuals affected by it, as on public grounds; because he did not think the question had been determined on the principles which ought to have decided it. But the noble lord did not object so much to the sum as to the fund whence it was to be derived. The grant was voted on this occasion, as usual, out of the consolidated fund. The marriage act, it was true, contained nothing relative to provisions for the branches of the royal family; but, in other reigns, grants for that purpose had been made by parliament. If these provisions were now thrown on the consolidated fund, it was because the revenue of the crown, since the accession of his present Majesty, had been placed on a different footing. He did not dispute with the noble lord, that the hereditary revenues of the crown were subject to be voted by parliament; but it ought to be recollected, that it was then the practice of parliament to grant a minimum of revenue. The revenues granted to King William, Queen Ann, and other sovereigns, were capable of great increase. And if his present Majesty had enjoyed the same sort of improveable revenue which was granted to his ancestors, instead of receiving 1,000,000*l.*, as the noble lord said, the crown would now be in the receipt of 2,000,000*l.* of revenue. The arrangement which had been made at the commencement of the present reign, instead of leaving to the crown an improveable revenue, fixed the civil list at a determined sum; thus establishing, not a minimum, but a maximum of revenue. But how could it be expected that the sum then voted could be sufficient, since it was given at a time when his Majesty had no family? The numerous offspring which his Majesty had had, as well as other circumstances, required an alteration. He was ready to enter into a detailed view of the subject, whenever the noble baron might think proper to bring it forward; and he was convinced that, on a fair investigation, it would be found that the arrangement made at the commencement of the present reign had placed his Majesty in a less favourable situation with respect to revenue than any sovereign since the revolution.

The bill was then read a third time, and passed, as was the Duchess of Cumberland's annuity bill.

HOUSE OF COMMONS.

Thursday, May 7.

FORGERY OF BANK NOTES.] Mr. *Canning* presented a petition from certain merchants of other inhabitants of Liverpool, complaining of the great distress which many persons in that town and its neighbourhood suffered from the number of forged notes in circulation, and praying the house to take such steps as might render forgery more difficult.—The right hon. gentleman observed, that not only Liverpool, but the whole county of Lancaster, was interested in having some effectual check put to the practice of forgery, as it was well known that the circulation there consisted, for the most part, of Bank of England one and two pound notes.

General *Gascoyne* corroborated what the right hon. gentleman had said, and observed, that it had been in contemplation in Lancashire to form several private banks.

Mr. *J. Smith* said, that not having been in the house, when this subject was before it on a former evening, he wished to correct a mistake which had been made, with respect to prosecutions by the Bank solicitor. All the prosecutions which were carried on by the Bank were under the orders of a select committee of the directors, and the solicitor had only to obey those instructions which were given to him.

Mr. *Manning* said, the Bank would be glad to find that provincial banks were established, as the hon. and gallant general had mentioned, for they had no desire that their small notes should circulate in counties so remote from the metropolis. As to the number of notes in circulation in Lancashire, he could not see how it was to be prevented by the Bank, since they had on several occasions given notice in the Gazette, with the signature of Mr. Speaker, according to the act, that they were ready to pay their one and two pound notes of certain dates in

gold. The Bank felt disposed to do every thing in their power to prevent the increase of forgeries.

Mr. *Canning* said, he did not mean to impute any blame to the Bank: but the evil must be admitted to be great in a large town like Liverpool, which, relying almost exclusively for its circulating medium on Bank of England notes, must take a particular interest in the prevention of forgeries. As to sending up a few small notes to be exchanged, people's minds were influenced by the fear of their being rejected. He only mentioned this to shew the propriety of some remedial measure.

The petition was ordered to lie on the table, and to be printed.

TRANSUBSTANTIATION.] General *Thornton* rose to move "That leave be given to bring in a bill to repeal such parts of the acts of 25 and 30 of Charles II, as require, in certain cases, declarations to be made against the belief of Transubstantiation, and asserting the worship of the church of Rome to be idolatrous." He observed, that he had given notice of his motion for a considerable time, and was glad to find that no petitions had been presented against it, from which he inferred that protestants were in favour of it. He then read over the oaths and declarations to be taken and made by Roman catholics. He thought it extraordinary that those declarations should ever have become law. But at that time there were many reports of popish plots, though most of them, he believed, were unfounded. He admitted, that Charles II. was a catholic in his heart, and that his brother, the duke of York, openly professed the Roman catholic religion: but the established church was no longer in danger, and therefore, he conceived, that those declarations ought to be repealed. The real test was, the oath of supremacy. Belief in transubstantiation did not imply a belief in the supremacy of the Pope. Transubstantiation was believed in the Greek church, in the same sense as in the Roman, but the supremacy of the church of Rome was denied.—The hon. general concluded by moving for leave to bring in the bill, which, he said, would contribute very much to complete that cordial union between catholics and protestants which had begun to manifest itself in Ireland.

Mr. *W. Smith* seconded the motion.

Lord *Castlereagh* said, he entertained no doubt of the good intentions of the hon. and gallant general; but he apprehended that it would be necessary to refer the subject to a committee of the whole house. He trusted, therefore, that the hon. and gallant general would not persevere in his motion, particularly at this period of the session. It would be forcing on the house the consideration of the catholic question, which did not appear very likely to come on in any other shape this session. He should therefore, without any feeling of disrespect, move the previous question.

Mr. *W. Smith* said, he had seconded the motion to hear what might be said about it. He could not agree with the noble lord, that it would tend to no practical good, though he admitted it was preferable to discuss the whole subject of the catholic question together. An old maxim said, "words will not alter the nature of things," but they very often went to give a wrong colouring to things, and he believed that the acts alluded to by the hon. and gallant general occasioned unfavourable impressions of the Roman catholics which they did not deserve. The oath of supremacy was the hinge on which the real question turned. Belief or non-belief in the doctrine of transubstantiation was another matter, and a test respecting it was not necessary. He wished to promote more of political and social union among the people at large, and to refrain from reproaches, which always conduced to animosity and hatred.

The previous question was then put and carried without a division *.

CROWN LANDS.] Mr. *Huskisson* moved for leave to bring in a bill for the improvement of parts of Hainault Forest, in Essex, with a view to encourage the growth of naval timber. He adverted to some plans of improvement in the forests that had been entertained with a similar view. In Epping-forest, he said, there were so many villas connected with forest scenery, &c. that any plan must be accompanied with considerable limitations.

Mr. *Brougham* expressed his surprise at the diversity exemplified in the manner in which these sales were negotiated. For instance, a sale was effected in favour of a noble lord, a cabinet minister, for 10 years' purchase, whilst, in other cases, 25 and 30 years' purchase were required. The noble lord paid only 9000*l.* for lands estimated at 500*l.* per annum; but, had the sale been public, a much larger sum would have been obtained. There was no instance in the reports of the commissioners of a public sale, except in the case of Mr. Corbett, who had paid at the rate of 80 years' purchase for a piece of marshy land in Merionethshire. As to honours, an hon. member of that house, Sir Walter Stirling, had purchased a barren honour in Kent, for 3000*l.* while, in a variety of instances, they were lavished on individuals without any pecuniary consideration. Lord Lons-

* It may be remembered, that this question was brought forward towards the close of the last session, when it was disposed of in a similar way. (See Vol. I. p. 1604.)—Many persons, not acquainted with parliamentary proceedings, are at a loss to know what is meant by "the previous question." The "previous question is,—"Whether the question should be now put,"—and, if carried, the original question falls to the ground. Sir Henry Vane is the reputed author of the previous question; but Mr. Hatsell says, that the first instance he has found of putting that question is, on the 24th of May, 1604. (See 2 Hats. 111. edit. 1818.)

dale had obtained the barony of Kendal in Westmoreland, at 30 years' purchase, without paying a farthing for the honours of the acquisition. It was offered to no one but Lord Lonsdale, to whom the possession of it was unquestionably more valuable than to any other person, as it was just in the neighbourhood of his estates. It was certainly valued at only 30 years' purchase by two surveyors upon oath; but any one who had witnessed the proceedings in a court of law, on subjects connected with the value of property, would know how to appreciate such an opinion, for never were two or even ten surveyors brought forward on the one side in such proceedings, but two or ten were immediately brought forward on the other, to swear to a value different from that sworn to by the former. It was a mockery, therefore, to talk of the opinion of two surveyors, as a test of the value of landed property—the best test was to let various bidders come forward. Seven or eight years ago, Lord Lonsdale obtained the barony of Kendal for 14,000*l*., although it would have brought four times that sum by public auction. A wealthy individual had since said, that he would have given three times that amount for it; and he (Mr. Brougham) understood, that, since the purchase, the noble lord had gained more than the sum which he gave, by enfranchisements.

Mr. *Huskisson* observed, that he was favourable to the mode of public auction, where it was convenient. He had himself, in most cases, taken care to have the sale of the property advertised. But the fact was, that the great bulk of what had been sold consisted of fee-farm rents, which would hardly have borne the expense of an auction. With respect to the particular transactions to which the hon. and learned gentleman had alluded, as none of them took place while he had been connected with that department, he could not give any precise answer to them; but if the hon. and learned gentleman, instead of throwing out loose allegations, would bring forward specific statements, he was persuaded there would appear very ample and satisfactory reasons for the course which the treasury had adopted.

Sir *J. Graham* begged to trouble the house with a few words on this subject. And first, with respect to the barony of Kendal, he must state, that it had been in the possession of the Lonsdale family, as lessees of the crown, for more than 150 years. It consisted of a variety of small rents, the expense of collecting which was almost as great as the amount of them. Lord Lonsdale himself had not set on foot the contract for the purchase; it was proposed to him by the crown, the possession then being in him. The commissioners, so far from shewing any favour to him, had valued the property at a sum which no other man would have given; they demanded no less than 40 years' purchase, while the rents amounted to little more than 300*l*. a year. And then, with respect to the manorial rights, he could assure the house, that the noble lord had not obtained 1000*l*. by enfranchisements. In his opinion, and he could form some judgment on questions of this nature, Lord Lonsdale had given one-third more than the value of the estate, and twice as much as any other person would have given for it, he himself having at the time a life-interest in it.

Mr. *Brougham* conceived that the right hon. gentleman, and the hon. baronet had totally misunderstood him. He had made no charge against any one. He had only asked, why one man had been allowed to acquire crown property at 10 years' purchase, while from others 25, 30 and even 80 years' purchase were required? As to Kendal, his argument was, why could not the crown have done what the purchaser had since done, by way of enfranchisement and otherwise? He had enfranchised the occupants at a certain rate each, pocketed the money thus obtained, and still reserved the honours to himself.

Sir *J. Graham* repeated that Lord Lonsdale had not received 1000*l*. altogether, and, therefore, all these clamours and misrepresentations were totally unfounded.

Leave was then given to bring in the bill.

ALIEN BILL.] Mr. *Lambton* rose to call the attention of the house to the subject of the bill which the noble secretary of state for foreign affairs had introduced on a former night respecting aliens. He understood that the noble lord had stated the necessity of co-operating with foreign governments, for the purpose of protecting the state against the conspiracies of individuals. Such a declaration could not fail to astonish him, when he recollected, that the alien bill was not introduced with a view to foreign powers, but for the protection of British interests. He wished, however, to have more information on the subject before the bill was again discussed; and, therefore, he thought it his duty to move, first, for "copies or extracts of all correspondence since the 20th of Nov. 1815, between any of his Majesty's principal secretaries of state, or his Majesty's ministers abroad, and the ministers of foreign states relating to aliens;" secondly, for "copies or extracts of all correspondence since the 20th of November, 1815, between his Majesty's principal secretary of state for foreign affairs, and his Majesty's ambassador in the Netherlands, relating to passports granted or refused to individuals either going to or coming from the Netherlands, not being natives of the United Kingdom, or of the kingdom of the Netherlands, or any of their respective dependencies." He did not know whether the noble lord would object to this motion; but he begged to say, that if his Majesty's ministers should find any difficulty in giving the names, they might leave blanks for them in the returns.

Lord *Castlereagh* denied that he had drawn any argument in favour of the bill from the situation of the Netherlands. He had only attempted to shew the advantages that would

arise from continuing the system in this country. He certainly objected to the information which the hon. member had called for. Government had never used the powers of this bill for any other than British interests; and he would now repeat, that it would not be wise to allow persons to come here and abuse our hospitality, by disturbing the general peace.

Sir *F. Burdett* observed, that it was very well for the noble lord to say, that no abuse had been made of this power, but he would defy the noble lord to shew any instance that would have rendered it necessary to send any alien out of this country under this act. Was it too much to demand an account of individuals towards whom this power had been exercised? It was well known how liable it was to be abused. He recollected the case of some merchants who were coming to this country to claim certain debts owing to them. They were then in the Low Countries, and, by a trick of their debtors, in order to avoid payment, they were said to be coming upon some plan of assassination, and were long detained in prison. (*Hear, hear.*) He recollected the case of a professor of music, who, being informed against, was about to be sent out of the country, but being acquainted with a clerk in office, he escaped. (*Hear, hear.*) It was impossible not to see on what slight grounds the powers given to government by this bill might be exercised. In his opinion, it was a measure most disgraceful to those who had proposed it; it was most unconstitutional; it was hostile to the spirit of liberty, and contrary to the policy of all former times. The noble lord had given no reason why he should not furnish the information, and therefore he felt it his duty to support the motion of his hon. friend.

Mr. *Abercromby* wished to know, whether there had not been a correspondence between this country and the Netherlands, relative to aliens? If that were the real state of the case, and if it should appear that this government had induced foreign powers to interfere respecting its subjects, in what situation would this country be placed? It amounted to this—that this country could not deny the claim of any foreign government to interfere with aliens who might be in this country. He did not think that the noble lord had shewn sufficient grounds for refusing the motion, and therefore he should give it his support.

Mr. *Bennet* thought it a very bad symptom, that when a charge was made in that house, ministers refused papers that would exculpate them if it were unfounded.

Mr. *Lambton* wished to ask the noble lord, whether he had not joined with the rest of the Allied Powers, at the time of the treaty of Paris, in demanding that certain Frenchmen should be given up, who had taken refuge in Switzerland, the Netherlands, and on the Banks of the Rhine?

Lord *Castlereagh* not answering,

Mr. *Lambton* said, he should take the sense of the house on his motion.

The house then divided.

Ayes, 30—Noes, 68.

LIST OF THE MINORITY.

Abercromby, Hon. J.	North, Dudley
Atherley, Arthur	Ossulston, Lord
Brougham, H.	Parnell, Sir H.
Burdett, Sir F.	Parnell, W.
Calcraft, John	Ponsonby, Hon. F.
Coke, T. W.	Rancliffe, Lord
Douglas, Hon. F. S.	Ridley, Sir M. W.
Dundas, Charles	Romilly, Sir S.
Fergusson, Sir R.	Russel, Lord G. W.
Heron, Sir R.	Smith, W.
Latouche, John	Teed, John
Lefevre, C. S.	Walpole, Hon. G.
Lloyd, J. M.	Warre, J. A.
Madocks, W. A.	Wilkins, Walter
Moore, Peter	Wood, Alderman
Newport, Sir J.	

TELLERS.

Lambton, J. G.	Bennet, Hon. H. G.

OFFICE OF CONSTABLE (IRELAND).] Sir *H. Parnell* moved " that a select committee be appointed to inquire into the laws relating to the office of constable in Ireland, and to report their observations thereon to the house."

After some observations from Mr. *Peel*, who stated that the subject required more consideration than could be given to it at this period of the session, the motion was, by leave, withdrawn.

FINANCE COMMITTEE.] Mr. *D. Gilbert* presented another report of this committee. It related to Miscellaneous Services, and was ordered to lie on the table, and to be printed.

PARISH VESTRIES BILL.] Mr. *S. Bourne* moved that this bill be read a third time.

Mr. *Calcraft* said, he did not mean in this late stage to oppose the further progress of the measure, but he still entertained great objections to it, because it curtailed the rights of the poorer classes of society. On the same principle on which parish vestries, as now constituted, were objected to, objections might be made against all public assemblies whatever. All public meetings were in some degree tumultuous; but, for his own part, he had never experienced the impediments which this measure was designed to obviate.

Mr. *Shaw Lefevre* had also great doubts as to the propriety of the measure, and should be very glad to hear any grounds pointed out for this innovation. The only case brought forward to justify it, was but the case of an individual. The present mode of management had been found most beneficial. He trusted, therefore, that the house would pause before they set it aside by the bill now before them. He had presented a petition from the borough which he represented (Reading) against the bill. Their

poor were as well managed, and their rates were as low, as in any part of the kingdom. There was no occasion, therefore, for special vestries.

Mr. *S. Bourne* said, that the object in view was, to follow the analogy of kirk-sessions in Scotland, so far as the very different system of poor-laws in England would admit. In Scotland, the wealthier classes had the greater influence in managing the provision for the poor. By this bill it was proposed to bring back the wealthier classes to attend parish vestries. Their absence was occasioned by the numbers and the clamour of others who attended, of whom some were connected with paupers, and some were employed in trades which made it their interest to be liberal to certain paupers. In 1807, Mr. Whitbread had introduced a measure, the same in principle, and similar in its modifications to the present. Surely the lapse of time, the increase of population, and the increase of paupers, had not since 1807 made such a measure less necessary. He begged leave to read to the house the sentiments of Mr. Whitbread on this subject. He had remarked, that the tumultuous assemblies and clamour of vestries had disgusted the wealthier and the more respectable classes from attending; and, to remedy this, he had proposed to give two votes to those who paid a certain sum of poor-rates; to others, three; and, to others, four, which was the highest number of votes to be allowed. Mr. Whitbread had been singularly conversant with this subject. His great attention ensured accurate discrimination; and what must have some weight with gentlemen on the other side, he could be suspected of no hostility to the poorer part of the constitution of vestries. He would appeal to any member whether it were reasonable that one who paid a third and even a half of the poor-rates, should have no more influence in vestries than one who paid the very lowest sum. The same principle which was proposed in this bill had been adopted in other assemblies. It was so with the proprietors of East India Stock. Mr. Gilbert's bill had gone infinitely farther. It had disfranchised all who had not been rated to the amount of 5*l.* But he now thought it better, that the right of all who pay rates to vote should be retained; but that those who paid a certain proportion should have a greater number of votes.

Mr. *Curwen* was against the bill. He had heard nothing to shew that it was necessary. If vestries were now tumultuous assemblies, it arose from the higher orders not doing their duty. He had never known one instance where the higher classes were not able to exercise great influence in preserving order. To give every man a vote was more proper in itself, and would be more satisfactory to the parishioners at large.

Mr. *F. Douglas* professed himself friendly to the bill, because it was calculated to encourage the attendance of persons of character at vestries. No law could force men of intelligence to attend, but it ought to remove every obstacle that repelled or disgusted them. Yet, though he was friendly to the bill, he thought the principle of it might have been better adapted to the evil. The bill proposed, that every one who paid 50*l.* should have two votes; 75*l.* three votes; 100*l.* four votes; 125*l.* five votes; and 150*l.* six votes, which was the utmost number allowed. Now he had to object to this arrangement, that, according to it, parishes might be divided into separate classes, and 7 or 8 persons, who represented neither the population nor the property of the parish, might have the whole controul. *(Hear, hear.)* He should, therefore, prefer, that every one who paid to the amount of 25*l.* should have an additional vote; 60*l.* a third vote; 100*l.* a fourth vote; and so on. He was not quite sure as to the precise sums, but by adopting a scale of this kind, the objection which he had mentioned could be avoided.

Mr. *Barham* said, he had known instances in which persons who paid hardly any rates at all attended vestries, and made such a clamour as to drive home the more respectable persons who attended. Some remedy was quite necessary for such an evil.

The bill was then read a third time.

Mr. *S. Bourne* moved a clause to except the city of London from the operation of the bill, which was agreed to.

Mr. *Barclay* moved a similar clause for Southwark, which was also adopted.

Mr. *Shaw Lefevre* rose to move a clause, that the borough of Reading should be excepted.

Mr. *D. Gilbert* asked, whether Reading, like London and Southwark, were governed by local laws?

Mr. *S. Lefevre* answered in the negative, and the clause was rejected.

The bill was then passed.

Poor Laws Amendment Bill.] Mr. *S. Bourne* moved that this bill be read a third time.

Mr. *F. Douglas* said, he felt insuperable objections to the clause which empowered parish officers to take away children from their parents when unable to support them, and to place them in schools established for that purpose. He was aware of the high authority with which these bills came forward. He understood, however, there had been a difference of opinion on this point in the committee.

Mr. *D. Gilbert* suggested, that this was not the time to bring forward those objections, as the question before the house now was, that the bill be read a third time.

The bill was read accordingly.

Mr. *F. Douglas* then rose, and moved the omission of the clause which enabled the parish to place the children of paupers in a house of industry. He considered the separation of parent and child as a greater evil than any which it was intended to remedy.

Mr. Alderman *Wood* expressed the same opinion.

Mr. *S. Bourne* said, that the clause was, in point of fact, a return to the statute of Elizabeth, and he could not believe that it would afford any additional encouragement to the improvident marriages of the poor. The effects of the prevailing practice of administering relief were most detrimental both to the poor and to the children; for the money intended for the benefit of the latter was too frequently spent in dissipation, whilst they were left starving at home. The hon. gentleman had talked of the felicity of a cottage life; but where there was an actual incapacity of maintaining the family inhabiting the cottage, he feared that felicity was not the general character that belonged to it. In the present state of the poor, and the laws affecting them, in this country, he could not imagine any thing more humane or desirable than the regulation provided by this clause.

Mr. *Curwen* felt assured that the intentions of those who framed the present measure were most humane; but he must object to every regulation which did not go to the principle of making the labourer's wages equal to his maintenance. Every measure that stopped short of that object would only serve to confirm the existing evil, and to continue the system of paying those wages to a certain degree out of the poor-rates. It was to be lamented also, that children should be separated from, and grow up without any affection for their parents; for he knew not how the place of that affection could be supplied. No good could be effected whilst the poor were taught to believe that there was no disgrace in dependence on a public fund. He disapproved, therefore, of legislating on the presumption that parents would be unable to support their children.

Colonel *Wood* supported the clause, and contended, that in all the southern parts of England the wages of labour had decreased in a greater proportion than the poor-rates had advanced. In a pecuniary view, it was indifferent to the labourer whether he received the whole amount of his wages from his employer, or the moiety of them from the parish; but the effect of the latter practice was to debase and demoralize him. The great recommendation of the clause was, he thought, that it would tend to raise wages, at the same time that the children, by being placed in schools, would learn various kinds of industry or handicraft, instead of being, as the children of a particular district generally were, confined to the knowledge and exercise of one.

Mr. *Lamb* opposed the clause, as contradictory to the principle of the report, and on the ground that the house, before it passed, ought to have distinctly in view those ulterior measures which were to be founded on it. His fear was, that the bill would be found in practice to carry a bad principle still farther, by thus legislatively recognizing its existence, and that the poor would marry as improvidently, when their children were to be provided for in the proposed manner, as they were inclined to do at present. The separation, indeed, might only add to their carelessness by extinguishing their natural affections. He thought, however, the committee had done much, and deserved well of the house and the country, though he could not help suggesting the propriety of withdrawing this particular measure for the present. He entertained a sanguine hope that great advantages would be derived from their continued labours, and believed that the work of improvement would be most effectually commenced by a diligent inquiry into the present system of administering the poor-laws.

Mr. *Courtenay* supported the clause, as a judicious compromise between many conflicting evils.

Mr. *Calcraft* objected to the clause. It would not, he said, prevent the wages of labour from being made up out of the poor-rates; for it told a man, that if he made an improvident marriage, his children should be supported out of the poor-rates; with a threat, that if he behaved ill, they should be taken from him. By the effect of the poor laws, the earnings of the poor had been gradually lessened, though the nominal amount of wages had been increased. It was, nevertheless, too much to say, that the character of the poor had been degraded by the poor-laws. It had been degraded by the effects of taxation and low wages; and these low wages had been occasioned by allowing money out of the poor-rates. To take away the children and support them was the same thing as to allow the present wages out of the rates. The spirit of the clause was in contradiction to the report of the committee, and tainted the whole measure; it would have no effect but to encourage improvident marriages, and the increased competition for employment must again lower the wages of labour. He thought the bill might be generally beneficial, but that the clause in question was highly mischievous.

Mr. *Broadhurst* objected to the clause. It tended, he thought, to destroy the affection which existed between parent and child.

Mr. *W. Smith* supported the clause. It had, he said, only the common failing of all human institutions—a balance of good and evil. He thought the good prevailed. We could not recede from the system of poor-laws all at once; all that we could do was, to mitigate their ill effects. The clause in question did not take the children from parents under circumstances half so harsh as the old law: they were now retained in the parish, but before, might be removed to any distance. The children were now to be educated; before, they might have been taken away, and their education neglected.

The house then divided.

For the clause 46—Against it 14.

The bill was then passed.

BUILDING OF CHURCHES BILL.] On the motion of the *Chancellor of the Exchequer*, this bill was read a third time, and passed.

CORONERS ELECTION BILL.] This bill was reported, and ordered to be read a third time on the 18th instant.

HOUSE OF LORDS.

Friday, May 8.

ROYAL ASSENT.] The royal assent was given by commission to the Duke of Cambridge's annuity bill, the Duchess of Cumberland's annuity bill, the Loan bill, and the Longitude and Northern Passage bill.

The commissioners were the Lord Chancellor, the Earl of Shaftesbury, and Lord Redesdale.

BUILDING OF CHURCHES BILL.] This bill was brought up from the commons by the Chancellor of the Exchequer, and read a first time.

PARISH VESTRIES BILL.] This bill was brought up from the commons by Mr. S. Bourne, and read a first time.

POOR LAWS AMENDMENT BILL.] This bill was brought up from the commons by Mr. S. Bourne, and read a first time.

COTTON FACTORIES BILL.] The Earl of *Lauderdale* presented a petition from certain cotton spinners in Manchester, praying to be heard by counsel against this bill. The noble earl observed, that the proper time for hearing counsel against the principle of a bill was the second reading; but the noble lord (Kenyon) had intimated his intention of moving that stage to-night. The petitioners would be prepared with counsel and evidence by Monday se'nnight, the 18th. If the noble lord would agree to postpone the committee to that day, the petitioners might then be heard against the clauses to which they more particularly objected.

On the motion of Lord *Kenyon*, the bill was read a second time.

The Earl of *Lauderdale* then said, that the petitioners wished to bring up medical men who could give evidence not only to the general health of the factories, but to the state of health of each child employed. On that point, he was assured, they could bring forward a complete body of evidence. The petitioners proposed also, to prove the injurious consequences which would result from this bill to the cotton trade; for while this restriction was threatened to be imposed on the cotton factories, the labour was left perfectly free in the worsted and other factories.

Lord *Kenyon* had hoped that the progress of the bill would have been more rapid than that which must follow from the delay insisted on by the noble earl. He wished it first to be considered, whether, after the evidence that had been heard by the committee of the other house, the minutes of which were now before their lordships, any farther investigation could be necessary. If, after perusing that evidence, their lordships should be of opinion that they ought to have more information on the subject, they would doubtless call for it; but it was not requisite to agree to hear further evidence, until they should find what they possessed was insufficient. He should therefore wish the committee to be fixed for an earlier day, subject to postponement, if it should be thought fit to hear counsel and evidence.

The Earl of *Lauderdale* said, that the noble lord wished the house to decide on evidence on the table, which none of their lordships had yet had time to peruse—on evidence taken before a committee of the other house of parliament in the year 1816, and which was, in the opinion of many of the most distinguished members of that committee, perfectly unfit for being made the foundation of any legislative proceeding. He wished to know whether their lordships were prepared to encroach upon that great principle of political economy, that labour ought to be left free, and without taking upon themselves the trouble of investigating the subject.—He moved that the bill be committed on Monday se'nnight.—Ordered.

The Earl of *Harrowby* thought it proper to observe, lest the noble earl, or any other noble lord, should go away with the impression that evidence must necessarily be heard against the bill in the committee, that the order which had been made implied no such thing. He, for his part, could see no evidence which could be brought against the bill, unless the noble earl meant to say that he would prove that children, compelled to labour 16 hours a-day, were not over-worked, which was impossible.

The Earl of *Lauderdale* said, he was not prepared to state what would be the particulars of the evidence, but this much he understood, that medical men of great skill and reputation would prove that the children in the cotton factories were as healthy as children generally are. He never heard of their being worked 16 hours a-day, nor did he believe that to be done in the factories of the petitioners; but he must observe, that the observations did not depend upon the time, but upon the constitution and strength of those who were to labour. It would be a greater hardship to make some children work 8 or 10 hours, than it would be to make others work 16. The fault of the bill was, the fixing a limit to the exercise of labour, which was much the same as if one size of shoe were ordered to be made for every foot. The only rational course of proceeding was, to leave labour free, and then the time of labour would be properly regulated between the employers and the employed.

The Earl of *Liverpool* concurred in the observation which had been made by his noble friend (Lord Harrowby.) Even if the house agreed to hear counsel, he should, from the view he had taken of the subject, probably oppose the hearing of farther evidence.

The Earl of *Lauderdale* repeated what he had before stated respecting the nature of the evidence received from the house of commons.

To say that their lordships might hear counsel, and not evidence, appeared to him very absurd. What would it avail their lordships to hear counsel only? Counsel stated any thing, just what they were instructed, whether true or not. (*A laugh.*) He always understood that counsel spoke from their briefs; but to say that their lordships would listen to counsel with a predetermination to refuse to receive evidence, was a more extraordinary proposition than any he had ever heard in that house.

The Earl of *Harrowby* observed, that their lordships had applied to the other house for evidence, and all he wished was, that they should not, before they had read that evidence, decide that there was a necessity for hearing more.

The *Lord Chancellor* wished to remind their lordships, that in consequence of a communication with the other house, they had received the report of a committee on the cotton manufactories. That document had been dignified with the name of evidence; but, in the sense he understood that word, it was no evidence. But, whatever it was, the bill before them had advanced to a second reading, without their lordships having had the opportunity of perusing a word of it, and the committee was fixed for Monday se'nnight. The noble lord who had moved the second reading wished to forward the bill. On the other hand, the noble earl was anxious that witnesses from Lancashire should be heard against it as well as counsel. Let the question be considered in any way, their lordships must come to this conclusion—that if the statement made by counsel appeared to be such as they ought to be called upon to prove, and which they would pledge themselves they could prove, it would then be the duty of the house to hear evidence. In such a case the house would doubtless do its duty.

The Earl of *Liverpool* said, he did not object to hear counsel; but the house would not decide to hear evidence until after the counsel had made their statement.

The *Lord Chancellor* said, that the house not only reserved to itself the right of refusing to hear evidence, but also counsel, if they should so think fit, because it would always be competent to them to discharge any order they might make. It was usual, however, to make an order for hearing evidence as well as counsel; otherwise, if, after the counsel had made their statement, the house should desire to hear evidence, the witnesses might not be in attendance.

The Earl of *Lauderdale* wished the order to be made, because he was confident the parties might then go to the expense of having the witnesses in attendance; for he was certain that, when their lordships heard what he knew the counsel would state, they would consider it their duty to hear evidence. Their lordships, he was convinced, would act in this case as they had done in that of the bill respecting climbing boys. They had not rested satisfied with the evidence on which it had been passed by the other house, but had resolved to investigate the subject themselves. The consequence of that inquiry was, that even those who were in favour of the bill at first would now hesitate to agree to it. The committee on the present bill would, he was sure, have a similar result if evidence were received; and to refuse to hear evidence, would be, on the part of their lordships, a dereliction of duty.

The Earl of *Liverpool* rose again, in consequence of the allusion made by the noble earl to the chimney-sweepers' regulation bill. The case of that bill was very different from the present. It was true that, with regard to that as well as to this bill, their lordships had applied to the other house of parliament for information. But the objection to the former bill was, that it would not be practicable, consistently with the safety of the metropolis, to discontinue the use of climbing-boys, and trust to machinery. The necessity of guarding against fire might, therefore, render a modification in the measure necessary. But had this any analogy to the objection to the present bill? Was it possible to say that children compelled to labour more than 15 hours a day were not overworked? What evidence could negative that proposition? If all the medical staff of Manchester were brought to the bar to prove it, he would not believe the evidence.

Here the conversation ended, with an understanding that counsel and evidence should be heard against the bill before a committee of the whole house.

HOUSE OF COMMONS.

Friday, May 8.

LUNATIC ASYLUM (SCOTLAND) BILL.] A petition was presented against this bill from the Reverend the Moderator and remanent Members of the Presbytery of Dunkeld; also, of Freeholders, Justices of the Peace, and others, of Dumfries; also, of Landholders of Perth.

Ordered to lie on the table.

LONDON, &c. PRISONS COMMITTEE.] A report was presented from this committee, ordered to lie on the table, and to be printed.

WATCHMAKING REGULATION BILL.] Mr. *P. Moore* brought in a bill "for the more effectual prevention of frauds and abuses in the manufacture, exportation, and importation, of sundry wares, and for the relief of distressed workmen brought up to practise the manufacture of Clocks and Watches."—It was read a first time.

CROWN LANDS.] Mr. *Huskisson* having brought in a bill to amend the 48th of the king, so far as relates to the Great Forest of Brecknock, in the county of Brecknock,

Mr. *F. Douglas* rose and said, that he understood that, on a former evening, an hon. and

learned friend of his had reflected on the conduct of a noble lord, to whom he was related, while in office. He could have wished that his hon. and learned friend had given him notice of his intention, as he should then have had an opportunity of shewing, that the noble lord, during the time he was in office, had produced a variety of improvements in the land revenue of the crown, and had put an end to the system of jobbing which previously existed.

Mr. *Brougham* begged to assure his hon. friend, that the subject itself came quite suddenly before him. He had formed no previous intention of speaking on it, and should not have mentioned it but for the occasion presented by the bill of the right hon. gentleman. He had made no charge against the noble lord; he could not, indeed, have made any charge against him, as he was not aware that he was in office during the transactions to which he had alluded. He had only contended, that the crown lands ought not to be let, sold, or exchanged, without inviting public competition.

Mr. *F. Douglas* expressed his satisfaction at this candid explanation of his hon. and learned friend.

Mr. *Huskisson* said, he had referred to the transactions which had been mentioned on a former day, and he found that, both in the case of the barony of Kendal, and that in which a cabinet minister, the earl of Westmoreland, had been concerned, the greatest attention had been paid to the interest of the public. The earl of Westmoreland had bought at ten years' purchase, but previously to that, he held the rights of soil and timber, and the crown possessed only some rights of minor importance, such as pasturing deer, &c. In fact, the lands could in no way have been made profitable to the crown nor to any individual, unless those rights could have been obtained which lay in the earl of Westmoreland himself. In such a case, a public auction would have brought no bidders: the noble earl, indeed, might probably have purchased on what terms he pleased. Some years, however, elapsed before he could make up his mind to give what at last was paid for those nominal rights of the crown. As to the barony of Kendal, it had been in the possession of the Lonsdale family for nearly two centuries: but there was a reversion to the crown on the termination of one life. It had been valued by two sworn surveyors at 13,000*l.* Upon this, 14,000*l.* was tendered by the earl of Lonsdale, and the right of pre-emption was given to him, only in consideration of his being in possession.

Colonel *Lowther* said, that the barony of Kendal was no bargain to the purchaser: he was satisfied that the same terms would not have been obtained, had the property been sold by public auction.

Mr. *Brougham* said, he should be glad to see all the documents relating to these transactions. He did not mean to throw any blame on the earl of Westmoreland or the earl of Lonsdale, for making the best terms they could; but he certainly disapproved of the system of close contract on which the government had acted.

The bill was then read a first time.

EDUCATION OF THE POOR BILL.] The order of the day being read, for the house resolving itself into a committee on this bill,

Mr. *Brougham* rose, and spoke to the following effect.—Sir, in rising to perform the duty cast upon me by the Education Committee, of describing to the house the progress of its inquiries, I am afraid I shall have occasion to trespass for some time upon your indulgence. First of all I must advert to the apparently slow progress which we have made in the investigation. Two years have elapsed since our labours began, and the bill now before the house is the first measure we have brought forward. I confess, that, to me, this delay appears salutary. It has afforded ample time for the serious and repeated consideration, which the vast importance of the subject prescribes to those who would legislate upon it; and an opportunity has likewise been given of obtaining the most valuable information from various sources. What I am about to lay before the house is to be taken as the result of that reflection and evidence. In considering the want of education among the poorer classes of society, and the best measures for supplying it, we shall do well to regard the subject in two distinct points of view: attending, first, to the situation of the people in cities and towns of considerable size; secondly, to the circumstances of the people in small towns or villages, and in districts wholly agricultural, where hardly even a village exists. The house will soon perceive that a due attention to this division, and the diversities of situation upon which it is founded, furnishes a clue to guide us a great part of the way in our inquiries, if indeed it does not lead us to the conclusion. Now in large towns, in those I mean, where the population exceeds seven or eight thousand inhabitants, there exist, generally speaking, sufficiently ample means of instructing the poor; not that there is almost any town where all can at present be taught; but that the laudable exertions of individuals are directed everywhere to this object, and are daily making such progress as will in time leave nothing to be wished for. Societies are formed, or forming, of respectable and opulent persons, who, to their infinite honour, beside furnishing the necessary funds, do not begrudge what many withhold, who are liberal enough of pecuniary assistance—their time, their persevering and active personal exertions. It is difficult to describe such conduct in terms of adequate praise: nor is it confined to the metropolis and the larger cities. We find hardly a town of any note in which some association of this sort has not been formed; and there can be no doubt, that a sufficient number of schools to educate all the poor of such populous places may be maintained by the voluntary contributions of such bodies,

if the obstacle is removed which the first expense of the undertakings, the providing school-houses, occasions. Where so powerful a disposition to carry on this good work, exists in the community itself, we should be very careful how we interfere with it by any legislative provisions. The greatest danger is to be apprehended, of drying up those sources of private charity, by an unguarded interposition of the public authority. The associations, to which I refer, act for the poor, both as benefactors, as advocates, and as trustees. They contribute themselves; they appeal to the community through the usual channels of private solicitation, of public meetings, and of the press; they raise sums by donations to begin the undertakings, and by annual subscriptions to meet the current expenses; they manage the expenditure, for the most part, with a degree of economy, which I am afraid can never be hoped for in the distribution of any portion of the state revenue. Should parliament now shew a disposition to assist those societies by annual grants (as we do the chartered schools in Ireland), no one can doubt, that the zeal of the collectors, and the exertions of the contributors, would be immediately relaxed. Nor can it reasonably be questioned, that the funds so bestowed would be applied less economically. We might expect soon to see those incomes now raised for the education of the poor—in less considerable towns amounting to 100*l.* or 200*l.* a-year, in larger cities to 1200*l.*, 1500*l.*, and even 2000*l.*,—dwindle to nothing, while others only in embryo might perish, and many benevolent schemes would assuredly never be formed at all, which the charity of the richer classes, if left to itself, neither controlled nor assisted, might speedily have accomplished. The line traced out for parliament, with regard to the populous districts, by all the evidence given to the committee, seems sufficiently plain. It should confine its assistance to the first cost of the establishments, and leave the yearly expenses to be defrayed in every case by the private patrons. The difficulty, generally experienced, in forming a school, arises from the expenses of providing the school-room and the master's house. In many places the inhabitants could raise so much a-year to keep the thing going, provided it were once started; but something in the nature of an outfit is wanted; and undertakings are thus often abandoned from the difficulty of meeting this first and greatest expense. Whatever parliament may be disposed to do, should be confined to removing this impediment, and thus calling into action the charitable dispositions of the community, without in any wise superseding the necessity of them.—The house, I am persuaded, will be gratified to learn how extensive has at all times been the operation of public charity upon the education of the poor in this country. I speak now of the funds raised by occasional contributions, independently of the magnificent endowments of charitable establishments. The extent of these subscriptions in the present day is well known; but the committee have been furnished with an account of the sums raised a century ago, by the kindness of Mr. George Dyer, a man greatly to be respected for having devoted a long and active life to literary pursuits. It appears by this statement, published in 1713, that in the city of London no less than 4952 children then received their education from annual subscriptions, and the collections made at charity sermons The expense of teaching and clothing them was 8859*l.* a-year, including the cost of even boarding a small number. This is a curious fact, when contrasted with the great expense of such establishments in these times. I have compared the charges of a school in Bloomsbury, as stated before the committee in 1816, where 101 boys, and 60 girls, were taught and clothed, with the charges of a school mentioned in the old tract, where 100 boys, and 60 girls, were taught and clothed: the whole cost in queen Ann's time, appears to have been 212*l.*, and in the present day it exceeds 1200*l.* It must, indeed, be confessed, that this increase of expense is, in part, owing to certain abuses in the management of our charities. The Committee have found several instances of tradesmen subscribing to the funds of a school with the view of obtaining its custom; and the trustees, instead of checking their large charges, appear frequently to have some fellow-feeling, which makes them connive at the excess, as well as allow an undue amount of purchases. The examinations of these matters, which took place two years ago, and the discussion to which our report gave rise, I would fain hope, may already have applied the only remedy which is adapted to this mischief, by exciting the more scrupulous attention of the subscribers and of the public to the administration of those funds.—When we turn from the considerable towns, and populous districts, to parts of the country more thinly peopled, we perceive a very different state of things, in all but one essential particular, in which every quarter of the kingdom seems to agree. The means of instruction are scanty; there is little reason to look for their increase; but the poor are everywhere anxious for education. From the largest cities to the most solitary villages—to remote districts where the inhabitants live dispersed, without even a hamlet to gather them together; whether in the busiest haunts of men, the seats of refinement and civility, whore the general diffusion of knowledge, and the experience of its advantages or pleasures might be expected to stamp a high value on it in all men's eyes; or in the distant tracts of country, frequented by men barely civilized, and acquainted with the blessings of education rather by report than observation—in every corner of the country the poor are deeply impressed with a sense of its vast importance, and willing to make any sacrifice within the bounds of possibility to attain this object of their ardent and steady desire. All the evidence

collected by the committee evinces the truth of this statement, so honourable to the character of our country; and I make it with a feeling of pleasure and pride, because it shews the existence of a noble spirit in Englishmen, which all the calamities of the times have not been able to undermine or to subdue.—We have recently issued a circular letter, containing queries addressed to all the clergy of England and Wales, respecting their several parishes. Already answers have been received from above seven thousand places; and I cannot avoid expressing the sense entertained by the committee, of the zeal and alacrity shewn by those reverend persons, who laying aside all other avocations have not lost an hour in applying themselves to the consideration of this important subject. The house will better judge of this meritorious exertion, when I add, that these answers have all been received within the space of nine days, and the remainder are hourly pouring in. I have been enabled to form some opinion upon the information which the returns contain, by the assistance of the officers of the house, and the kind attention bestowed by two learned gentlemen, who are aiding us in digesting this great mass of materials. Reserving for a subsequent part of my observations an account of the other purposes, to which these inquiries have been subservient, I shall at present state the results of the evidence, as far as they bear upon the difference between the inhabitants of the populous and thinly peopled districts.—The difference is twofold. In the first place, where the town is considerable, though the people may be of various religious denominations, no impediment to instructing the whole arises from that circumstance, because there is room for schools upon both principles. The churchmen can found a seminary, from whence dissenters may be excluded by the lessons taught, and the observances required; while the sectaries, or those members of the establishment who patronize the schools for all without distinction of creed, may support a school upon this universal principle, and teach those whom the rules of the church society exclude. But this is evidently impossible in smaller towns, where the utmost exertions of the wealthy inhabitants can only maintain a single school. There, if the bulk of the rich belong to the church, no school will be afforded to the sectarian poor; though, certainly, if the bulk of the rich be dissenters, the poor connected with the establishment may profit by the school, which is likely to be founded. If, on the other hand, the wealthy inhabitants are more equally divided, and the members of the church refuse to abandon the exclusive plan, no school at all can be formed. Accordingly it is in places of this moderate size that the difference between the two plans is the most felt, and where I can have no doubt, that the progress of education has been materially checked by an unbending adherence to the system of the national society. The moderate size of the place renders the distinction of sects most injurious to education, even where there exist the means and the disposition to establish schools by subscription. But, secondly, in the smallest towns, and in villages and country districts, there is not found the same inclination to plant schools, which so honourably marks the conduct of more populous places. Where individuals live in very narrow communities, still more where they are scattered in the country, they have not the habits of assembling in meetings, and acting in bodies. Their zeal is not raised by the sympathy and mutual reflection, which constant communication excites; and even where their dispositions are good, they know not how to set about forming or promoting a plan which must essentially depend on combined operations. In such districts, we certainly cannot expect the great work of educating the poor to be undertaken by the voluntary zeal of the rich. And here, therefore, it is, that I must look forward to legislative interference, as both safe and necessary. I am aware how dry and uninteresting this subject is to many persons present.—(*There was considerable noise about this time in some parts of the house.*)—It has nothing of a political, or party, or personal nature. It involves no inquiry into the conduct of the royal family. It regards no violation of the privileges of the house. It is alike unconnected with the preservation and the pursuit of place, and can afford gratification to no malignant or interested feeling. It has but a sorry chance, then, of fixing the attention of such as love to devote their minds to those higher matters. But I stand here to do my duty as chairman of your committee, and if the task which interests me should prove dull to others, I only beg to assure them, that I neither desire their attention nor their presence; and if perchance they have any more pressing avocation elsewhere, at this particular moment, I should feel obliged by their pursuing it, and leaving us, without disturbance, to the dull, plodding, ignoble work, of vindicating the cause of the poor; of supporting those who can have no other advocates; of urging the necessity of universal education, and imploring parliament to impart that blessing which can alone preserve the virtue of a populous, commercial, and luxurious empire, and prevent its stability from being shaken, by the progress of its refinement. The only plan to which we can look with confidence for securing this mighty object, is the application of a parish school system to those parts of the country where voluntary exertions are not to be expected from the higher classes of society. In Scotland this system has long been established with the happiest effects, and it was begun there at a time when all that portion of the island was in the same situation with those districts of England, to which I now consider it as peculiarly applicable. To towns of a considerable size I deem it inapplicable; and if applicable, not

desirable. But there seems no other way of providing education for all the poor in smaller towns, and in country parishes. Something of this sort has heretofore been submitted to the attention of the house. About eleven years ago, a very dear and most lamented friend of mine broached it, prematurely, perhaps, but usefully, and with all the force of his powerful and virtuous mind—a mind which ever seemed to bend its faculties most earnestly to subjects that touched the well-being of the poorer, and more helpless classes of the community. The benevolent views of Mr. Whitbread then met with great opposition; and I think not unnaturally; for the house was called upon to legislate upon a great and complicated question, without any previous inquiry, and to proceed, as it were, in the dark, among a variety of unascertained obstacles. He had besides strong prejudices to encounter, even in men of high character and talents. Among these, it is painful to recollect that there was one, who ranked with the greatest ornaments of his age; one who never failed to captivate his hearers by the brilliant displays of his fancy, even while they felt that his subtleties were leading their good sense astray; whose ingenuity, indeed, was constantly laying snares for his own better judgment; and who too often tried to mislead others by paradoxes, which, on cooler reflection, he must have been the first to despise. It is melancholy and even humiliating to reflect on this, the greatest of all his paradoxes, that Mr. Windham, himself the model of a finely educated man, the most finished specimen of the power of cultivation, should have stood forward as the active opponent of national education. He was followed, as great men usually are, by persons who would have been left at an immeasurable distance, if they had attempted to reach the course of his noble genius and virtues, but who found it an easy matter to ape his eccentricities and errors. Nay, with the servile zeal of imitators, they outstripped their master, and maintained, that if you taught plowmen and mechanics to read, they would thenceforward disdain to work. It is a most comfortable reflection that such prejudices and fancies have now entirely died away. During this, and the two last sessions, in all the discussions that have taken place, both in the house, in the committee, and in the country, I have never heard a single whisper hostile to the universal diffusion of knowledge. Every thing like opposition to the measure itself is anxiously disclaimed by all. The only question entertained is touching the best, that is, the surest and the most economical method of carrying it into effect.—I have stated, that, in my humble opinion, we ought to adopt the system which has already been tried with so much advantage in Scotland, with such changes as may adapt it to the situation of this country. The attention bestowed from the earliest times, upon the important subject of national education in that part of the kingdom, reflects immortal honour upon its inhabitants. As far back as the fifteenth century, in the year 1494, when it would be very difficult to trace any attention to such matters in the proceedings of the English or the Irish parliament, that comparatively poor and barbarous country introduced into its statute book an Act, the mention of which, I suspect, may excite merriment in the house—an act to compel persons of a certain station, barons, and freeholders of substance, to have their eldest sons well grounded in Latin at the grammar schools, and afterwards to study the laws for three years, to the end that "justice might remain universally through all the realm." Other legislative provisions of inferior importance were made in the course of the sixteenth century, and, at length, in the reign of Charles I., the attention of government was directed to the establishment of parochial schools.

[illegible]

[illegible]ently marked the difference of his conduct towards England, and towards his ancient hereditary kingdom. In this respect he somewhat resembled a celebrated chief of our own times, who always treated with much more favour the country of his birth, than that of his adoption. So, whatever Charles I. may have been in England, in Scotland he was a great reformer. She owes to him the most beneficial change that was ever effected in ecclesiastical polity, the general commutation of tithe; and, about the same time, he laid the foundation of another improvement, hardly less important both to the state and the church, the system of parish schools. In the preceding reign, an Act of Council had passed, 1616, directing the bishops "to deal and travail," with their respective dioceses for "providing the means of entertaining schools." And the Statute of Charles, in 1633, compelled the landholders to undertake this work. It was not, however, till after the revolution, that the measure was rendered effectual, in 1696, by one of the last and best acts of the Scottish parliament; a law justly named among the most precious legacies which it bequeathed to its country. The experience of above a century has borne irresistible testimony to the salutary tendency of this scheme. The expense attending it is moderate. The school-house is a building little better than a barn, which, in Scotland, may cost 40*l.* or 50*l.*; and, in England, may be erected for 100*l.* or 150*l.* The yearly salary of the master, originally from 5*l.* to 11*l.*, was raised in 1803 to its present amount of 16*l.* to 22*l.** For sums no greater than these, expended in every parish, the whole of Scotland enjoys the inestimable benefits of an education, which extends to the

* By 43 Geo. 3. c. 54. More accurately, the old stipends were from 5*l.* 11*s.* 1*d.* to 11*l.* 2*s.* 2*d.*; the new stipends are from 16*l.* 13*s.* 3*d.* to 22*l.* 4*s.* 4*d.* and they are to be corrected every 25 years, according to the price of grain.

poorest classes of her inhabitants, and, in its effects, confers a thousand advantages upon the highest orders in the state. The system is efficient as cheap—extensive as useful—permanent as salutary. The distinctions which it bestows are as honourable as its effects are beneficial; and neither the one nor the other is confined to the country itself. Go where you will over the world, the name of a Scotchman is still found combined in the minds of all men, perhaps with some qualities to which sincere regard for that good people restrains me from mentioning; but certainly with the reputation of a well educated man. To the possession of this enviable characteristic, and not, I trust, to the other qualities sometimes imputed to them, we may fairly ascribe the high credit, the great ease, and what is usually termed the success in life, which generally attends Scotchmen settled abroad. Other countries where they have settled have partially followed their example, as, indeed, into what part of the world have they not emigrated?—(*There was considerable cheering at this question.*)—Aye, Sir, and let me ask, where have they gone without conferring benefits on the place of their adoption? In what place have they settled, that has not reaped, at the least, as much advantage from them as it has bestowed upon them? In Sweden, where a number of the noble families are of Scotch extraction, something upon the model of the parish school system has long been established. In the Swiss Cantons and in many of the protestant countries of Germany, the example has been followed, with more or less closeness, and wherever the plan has been adopted, its influence upon the improvement of the lower classes, and the general well-being of society, has, if I may trust my own observation, and the concurring testimonies of other travellers, been abundantly manifest*. America affords another instance which deserves to be cited as a triumphant refutation of the whimsies of ingenious men, who fancy they can descry something in education incompatible with general industry. That is surely the last country in all the world, where idleness can expect to find encouragement. The imputation upon it has rather been that the inhabitants are too busy to be very refined. An idler there is a kind of monster; he can find no place in any of the innumerable tribes that swarm over that vast continent. In the rapid stream of its active and strenuous population, it is impossible for any one to stand still a moment; if he partake not of its motion, he will be overwhelmed or dashed aside. Yet such is the conviction there, that popular education forms the best foundation of national prosperity, that in all the grants made by the government of their boundless territory, a certain portion of each township, I believe the twentieth lot, is reserved for the expense of instructing and maintaining the poor.—I have already adverted to the introduction of this subject some years ago by Mr. Whitbread. The only sound objection which was then urged against a plan, resembling in some of its principles the one I am now upon, though differing in many important respects, is so germain to the matter in question, and proceeded from so respectable a quarter, that I must here shortly notice it. Mr. Perceval deemed my honourable friend's proposal premature; he thought it was beginning at the wrong end, to legislate before we had inquired; and he recommended (what I was not aware of two years ago, when I first proposed the present measure) that before any thing farther were done, a commission should be appointed to examine the present state of the charitable foundations, and other institutions for educating the poor. The committee has already made great progress in the investigation of

* In the year 1814, the Editor passed four months in Switzerland, where he had an opportunity of witnessing the great advantages derived from education. With respect to Scotland, it is only necessary to compare the present state of that country with what it was a short time before the parish school system was completely established. In 1698, the celebrated FLETCHER of Saltoun declared—"There are at this time in Scotland 200,000 people begging from door to door; and though the number of them be perhaps double to what it was formerly, by reason of this present great distress"—a famine then prevailed—"yet in all times there have been 100,000 of these vagabonds, who have lived without any regard or subjection, either to the laws of the land or those of God and nature." He accuses them as guilty of robbery, and sometimes of murder. Soon after parochial schools were established, these beggars disappeared; they betook themselves to honest employments, and mixed with the other population of the country. With respect to the commission of crimes, HUME, in his introduction to the Laws of Scotland, says, "I am certain that I am within the truth when I mention, that on an average of 30 years preceding the year 1797, the executions for all Scotland have not exceeded six in a year; and as to inferior punishments, I have it from good authority, that one quarter sessions for the single town of Manchester has sent more felons to the plantations, than all the Scotch judges do for ordinary in a twelvemonth."—On an average of the last nine years, commitments for crimes, in proportion to population, have been estimated as follows:—In Manchester, 1 in 140; in London, 1 in 800; in Ireland, 1 in 1,600, and, in Scotland, 1 in 20,000! Taking this upon a scale, much less favourable to Scotland, what an irresistible argument does it afford for the religious, moral, and mental culture of the people of this country!—In the first Report of the Police Committee, Mr. Evance, one of the magistrates at Union Hall, states, that "the public schools established in the Borough, have not lessened the number of children that commit crimes," and Mr. Stafford, of Bow street, says, that "he has not observed any material alteration in morals since public schools were established." Some other witnesses express the same opinion; but these statements should not discourage those who have hitherto protected those noble institutions. In another part of the Report it appears, that there has been a great

this subject; it has received a prodigious mass of information from all parts of the country. We are now diligently employed in prosecuting these researches, and in digesting their results into tables, which may exhibit, at one view, a general, but minute chart of the state of education throughout the empire; so that the eye may readily perceive in each district, what are the existing means of public instruction, and wherein those means are deficient; how many children in any given place are taught, and after what manner; how many are clothed or maintained; how the funds for their instruction or support arise; with much information of a miscellaneous nature, affording valuable suggestions to the commission which is about to issue, for the more rigorous investigation of all charitable abuses. When these tables shall be laid before the house, an ample foundation will be prepared for the legislative measure, which, sooner or later, I am convinced must be adopted; for they will indicate the kind of districts where parish schools are most wanted, and enable us to frame the provisions of the law, so as not to interfere with the exertions of private charity, and to avoid unnecessary, and, what is worse, hurtful legislation.—The more immediate subject, however, of our consideration at present, is the measure of inquiring effectually into the state and management of charitable funds, and I am persuaded that the house will feel with me the necessity of adopting it, when I state a few particulars to shew the large amount of those funds and the abuses to which they are liable. The returns in pursuance to the 26th Geo. III. commonly called Mr. Gilbert's act, are known to be exceedingly defective; yet they make the yearly income of charities about 48,000*l.* from money, and 210,000*l.* from land, in the year 1788 *. It appears from evidence laid before the committee, that in one county, Berkshire, only a third part of the funds was returned. If we suppose this to be the average deficiency in the whole returns, it will follow that the whole income actually received by charities was between 7 and 800,000*l.* a year. But this is very far from an accurate estimate of the real annual value of charitable estates. Several circumstances concur to keep the income down. In the first place, the trustees have, generally speaking, very insufficient powers for the profitable management of the funds under their care. They are thus prevented from turning them to the best account. I know of many cases where, for want of the power to sell and exchange, pieces of land in the middle of towns lie waste which might yield large revenues. The right hon. gentleman opposite (Mr. Huskisson), connected with the department of the land revenue, is perfectly aware how important an increase of income might be derived from an addition of this sort to the powers of trustees. It is a power which the donors would in almost every instance have conferred, had they foreseen the change of circumstances that renders it so desirable. Another source of diminution to the revenue of the poor is the loss of property through defects in the original constitution of the trusts, and a consequent extinction in many cases of the trustees, without the possibility of supplying their places. Negligence in all its various branches is next to be named, including carelessness, ignorance, indolence, all the sins of omission by which men suffer the affairs of ohers to perish in their hands, when they have the management of them gratuitously, and subject to no efficient check or control. Add to all these sources of mismanagement, the large head of wilful and corrupt abuse in its various branches, and we shall probably underrate the amount of the income which ought now to be received by charities, if we say that it is nearer two millions than fifteen hundred thousand a year; by far the greater part of which arises from real property.—It is very material to observe the intimate connection between this subject and another, which at present justly occupies a large share of our attention, and excites

increase of juvenile offenders, but that most of them were deserted by profligate or indigent parents at an early age, and scarcely any of them had received the least education. The latter fact is fully confirmed by the evidence of Mr. James Miller, who belongs to "a Committee for inquiring into the causes of juvenile delinquency." He is asked, "Have you generally found the children you have visited in the different prisons to be without education?" He replies, "About two thirds of them are without education; and, as to those who state they have been in schools, when we come to investigate, we find they have not attended schools with any regularity, nor been enabled to read." This answer must be highly satisfactory to those who are friendly to the plan of educating the poor, and reminds one strongly of the language of Minutius Felix to the enemies of Christianity:—"Your prisons overflow with criminals; but there are no Christians to be found in them; except those whose only crime is their religion, or who have abandoned the faith!"—Upon the whole, we should keep our eyes continually fixed on the benefits which Scotland has derived from her parochial establishments. Horace very justly asks, "*Quid leges sine moribus vanæ proficiunt?*" My lord Bacon remarks that, "The ancient wisdom of the best times did always make a just complaint, that States were too busy with their laws, and too negligent in point of education." (Works, 4to. vol. i. p. 11.)

* According to the returns under this act, in the East Riding of Yorkshire, 73 places are said to possess 67 charitable donations for schools, and their united revenue is stated at 880*l*: whereas, it is now ascertained, that one school alone, that of Pocklington, has a revenue of about 900*l.* a year. In Middlesex the whole revenue is returned under 5000*l.* in 151 donations, possessed by 64 places; but the revenues of 3 schools, the Charter-House, Christ's Hospital and St. Paul's School, are proved to exceed 70,000*l.* a year.—In Pocklington School, at the beginning of the present year, only one boy was taught, and the room was converted into a saw-pit!

a most lively interest throughout the country—the poor laws. Were I to suggest that an inquiry into the extent of the funds already destined to charitable purposes, and the best means of making them available to those ends, ought naturally to accompany, if not to precede a revision of the laws for supporting the poor, I should hardly be accused of taking a fanciful, or sanguine view of the question, or of falling into the error so commonly observed in projectors and authors, who are prone to imagine that their favourite subject shoots its ramifications into all others. I have the authority of the legislature, which by its practice has sanctioned the position, that the present inquiry is connected with the poor laws. The first statute of charitable uses, which was a temporary one, passed in the 39th of Elizabeth, at the time when the state of the poor was attracting the notice of Parliament. The well known act of the 43d of that reign which followed, was passed in the same year with the celebrated poor law, and stands next but one to it in the statute book. The preamble to Mr. Gilbert's act recites the expedience of inquiring into charitable donations at the time when "the legislature are directing inquiries into the state and condition of the poor*." The present then seems an equally appropriate occasion for undertaking the investigation which I now recommend, when we are occupied in revising the system of the poor laws.—As the mass of evidence examined by the committee cannot for some time be accessible to the members of this house, I think it may be useful if I now state a few cases of mismanagement and abuse, to serve for a sample of those which may be found in every part of the country. I shall not at present name the particular places, but only the counties whence the cases have come; because inaccurate reports of the charges made here against individuals are apt to get into circulation. When the whole details shall be presented in the committee's report, the persons accused will be pointed out; but they will then have an opportunity of seeing the statements on which the charges rest, and knowing the names of their accusers. A strange neglect, to say the least of it, has appeared in the administration of some Berkshire charities. In the reign of Charles I. the sum of 4000*l.* was left to be laid out in land for the use of a school, and in 1660 the purchases were completed, for 3900*l.*, the remaining 100*l.* having probably gone for the expenses of the conveyance. What rent does the house think these lands have yielded? In 1811 it was only 196*l.* a year, five per cent. on the original purchase money a century and a half ago, and only 10*l.* more than was received a few years after the restoration. The good and diligent trustees in Charles the Second's time dealt wisely and well with the estate, for they very soon made it yield 5 per cent; but the less careful, I will not say less honest, stewards in the reign of George III. granted a sixteen years' lease at a rise of ten pounds above the rent in the seventeenth century. In 1811, indeed, the rent was doubled; though there is every reason to believe that it is still very inadequate. To another school in the same county belongs an estate let at 450*l.* which the surveyors value at above 1000*l.* a year. And the income received from lands purchased seventy years ago, by different charities, with sums amounting in the whole to 22,000*l.*, is now only 379*l.*, being little more than one and a half per cent on the purchase money. A certain corporation in Hampshire has long had the management of estates devised to charitable uses, and valued at above 2000*l.* a year by surveyors. They are let for 2 or 300*l.* a year on fines. How are the fines disposed of? No one knows; at least no one will tell. Those interested in the application inquire in vain. The corporation wraps itself up in a dignified mystery, and witholds its books from vulgar inspection. The same worshipful body has obtained possession of a sum of 1000*l.*, part of a bequest well known by the name of White's charity. In former times sir Thomas White, a merchant in London, left certain estates to form a fund for assisting poor tradesmen with small loans, somewhat according to the plan adopted by Dean Swift, but which his peculiar temper frustrated, and rendered a source of great uneasiness to himself. The corporation to which I allude, became intrusted with 1000*l.* of this money; and what they have done with one half of it I know not; they may have lent it to poor traders; but I am aware that the other 500*l.* has not been so lent, either with or without interest, but applied to pay a corporation debt, and in this ingenious manner: it has been lent without interest to the creditors of the corporation in satisfaction for the present of their debt, and a truly marvellous recommendation has been entered on the corporation books to their successors, to do the same as often as the demands of the creditor might require the operation to be performed. I hold in my hand forty or fifty more instances of abuse, extracted from the numerous returns made by the resident clergy. The committee room is directed to be opened to every member of the house; gentlemen will there see the returns arranged in piles, under the heads of the several counties, and the praise-worthy zeal of the two learned gentlemen (Mr. Parry, and Mr. Koe) who assist the committee, will help them to

* On the 6th of June, Mr. Wm. Dutton Harding was examined before the Education Committee, relative to the real value of the charitable funds at Croydon in Surrey. He then delivered in a statement, entitled, "an abstract of the estates belonging to the hospital of the Holy Trinity in Croydon, on the foundation of archbishop Whitgift," from which it appears, that the rental of 1812 was 336*l.* 7*s.* 9¾; that the new rental in 1818 is 860*l.* 4*s.* 1¼*d*; but that the real annual value of the estates, surveyed by a land surveyor of great eminence, amounts to 2,675*l.* 2*s.* 6*d.*

find any of the particular cases to which I am now referring, as well as many others which I am obliged to omit. At a place in Devonshire the question, What funds exist, destined to the purposes of education, is answered by a statement, "that the funds of the foundation school are known only to Mr. Such-a-one." In another return it is said, that no account whatever can be obtained of the funds; and in a third, the estate belonging to the charity is alleged to have been let on a ninety-nine years' lease. Now this lease of itself I hold to be an abuse. To let and take a fine is an abuse; to let for so long a term without taking a fine is a gross mismanagement of the property. What then will the house say of leases for eight and nine hundred years? We have evidence of both; and in one case for a peppercorn rent. In the county of Norfolk, a school was founded in 1680, for educating forty children; but none are now taught there at all. The reverend author of this return observes, that great mystery hangs over this charity—a remark the less surprising, when we find that the estates produce 300*l.* a year, and that the accounts have not been audited for thirty years. A school was anciently endowed in Derbyshire, and the lands produce 80*l.* a year, but no children are taught; and the return describes the management of the funds to be "most shameful and abominable." The master has done nothing for ten years; the trustees are all dead; and no successors have been appointed. In Essex a school was founded many years ago, and at one time it had fallen into such mismanagement, that only a few boys were taught, I believe, by a mechanic whom the master appointed. The present incumbent provides for the education of 70 children, but so ample are the funds, that he receives about a thousand a year, after paying all the expenses of the establishment. Owing to the neglect of the trustees, the whole management of another school in that county has lapsed to Magdalen College, Cambridge, and the clause in the present bill exempting all charities under the control of colleges, will prevent the commissioners from inquiring into the causes of this devolution, for which no blame can attach to Magdalen, but certainly the greatest neglect must be imputed to the trustees. In one place, in Leicestershire, the property belonging to a school has lately been offered for sale, by what possible right or title I am unable to divine. A surplus fund is stated in another return to have been pocketed by the trustees. In Nottinghamshire there is a free school, the funds of which our reverend informant scruples not to say are grossly abused. The scholars are wholly neglected, and hush money is given to the master. The income is stated to be 400*l.* a year. In Worcestershire a charitable foundation, which existed a few years ago, is said to have entirely disappeared. In the same county there is a school endowed with an income of 1000*l.* a year; and timber was lately cut upon the estates which sold for 370*l.* By the deed of foundation all the inhabitants of the place are entitled to have their children educated; but the master has made so many exceptions and restrictions, that only eight boys belonging to that place are taught. In the North Riding of Yorkshire is a school, the revenue of which amounts to 1800*l.* a year; six boys are taught. The master of a school in the East Riding receives his salary and lives in the West Riding; he has done so for thirty years past: it is needless to add, that "the school is a sinecure, and the funds grossly misapplied." In one of the Northamptonshire returns, the clergyman says, he can learn nothing of the application of a school estate of 75*l.* a year, which never was registered, and he adds, that other charities in his parish are misapplied, and more in danger of being lost, "in consequence of the parish clerk having been plundered of all writings relative to charities." In Derbyshire one return gives this answer to our question, What funds exist in your parish for education? "None; my lord Such-a-one and his ancestors have withheld the rent of certain lands of considerable value from the grammar-school." A similar case seemed to be presented to our notice, by a remark in a county history: the author says, that in a certain parish (in Westmoreland) a school was amply endowed and begun, "but being only in its probationary state, it was thought fit by the owner of the estate to be discontinued." In other words, the scholars were (to use the technical phrase) dismissed, the school broken up, and since that time no man had heard any thing of it. Pursuing this hint we caused the probate office to be searched, and there found a will in 1700, devising a manor, a capital messuage, the tithes of a parish, and the tithes of a hamlet, for the establishment and support of a school. Yet this school had never passed beyond "its probationary state." It is true, that some of those to whom the estate devolved have lately, as an act of their own charity, founded a small school in their own name. But it is fit that all persons should learn one lesson; when funds are given to the poor, gratitude is due, and I trust is always rendered; and then the funds belong to the poor, who are not to be called upon a second time to thank those from whom by piecemeal the same property is again doled out, which had been given entirely, and once for all, above a hundred years ago. I know another instance, in the Northern parts of Yorkshire, where for an income of nearly 500*l.* a year the master teaches four or five scholars, when, within the memory of many now living, the same endowment used to educate forty or fifty.—It may be observed of the cases which I have stated, that they are all (except two) taken from the returns furnished by the parochial clergy; and consequently they are beyond every suspicion of exaggeration. Indeed there can be no doubt that those reverend persons are rather disposed to understate the abuses in their neighbourhood, from a disinclination, perhaps pardonable upon

the whole, to become the accusers of those with whom they live in friendly habits. I must add another observation upon the source of our intelligence. The returns and indeed the labours of the committee relate only to charities connected with education, and consequently we have received no evidence regarding any other abuses, although it is manifest that all charities are as liable to mismanagement as the class more particularly examined.—I shall now strengthen the inferences which I am pressing upon the house, by the high authority of the committee which sat in 1786 and 7 upon the returns under Mr. Gilbert's act. The report states, that many charitable donations have been lost, and others were in danger of being lost, from the neglect and inattention of those who ought to superintend them; that the matter seems of such magnitude as to call for the serious and speedy attention of parliament; and it admits that the returns under the act are exceedingly imperfect.—Yet, strange to tell, this recommendation has been wholly neglected by parliament for above thirty years. I shall add another testimony to the general existence of abuses, the more unexceptionable because it comes from an unexpected quarter: I mean the late Lord Kenyon; an authority greatly to be respected on every account, but peculiarly entitled to deference when it appeared in opposition to public malversations, which that noble and learned person never shewed himself peculiarly zealous to denounce. I allude to a case in the sixth volume of the Term Reports, the King *v.* Archbishop of York. A schoolmaster had been refused a licence on account of unfitness, and the court of King's Bench was applied to for a mandamus. The lord chief justice begins his judgment in the prelates favour with these remarkable expressions*. "Whoever will examine the state of the grammar schools in different parts of this kingdom will see to what a lamentable condition most of them are reduced, and would wish that those who have any superintendance or control over them, had been as circumspect as the archbishop of York has been on the present occasion. If other persons had equally done their duty, we should not find as is now the case empty walls without scholars, and every thing neglected but the receipt of the salaries and emoluments. In some instances that have lately come to my own knowledge, there was not a single scholar in the schools, though there were very large endowments to them."—When such are the abuses that exist, and so high the authorities which proclaim them, I surely may venture to assert the absolute necessity of parliament taking immediate steps thoroughly to investigate and sift the whole matter to the bottom. But let me here notice the clamour which has already been raised against the powers proposed to be conferred upon the commissioners charged with this important inquiry. I hear it said, that they are inconsistent with the rights of private property. Under the flimsy pretence of great tenderness for those sacred rights, I am well aware that the authors of the outcry conceal their own dread of being themselves dragged to light as robbers of the poor, and I will tell those shameless persons, that the doctrine which they promulge, of charitable funds in a trustee's hands being private property, is utterly repugnant to the whole law of England. That law regards the inheritance of the poor as matter of public, not of private jurisdiction, and deals with it as it does with the rights of the crown and the church. I am anxious to correct once for all the misrepresentation of which I now complain, because it is artfully disseminated with a view to excite prejudices against the proposed measure, by appealing to the very just delicacy that prevails on every thing connected with private rights. I therefore again assert, that a more gross abuse of language never was committed by ignorant or by wilful perversion, than the statement that charitable funds are of a private nature. The legislature has at all times treated them as public. The 43d of Elizabeth orders commissions to be issued for examining all abuses of those funds, with powers not merely to inquire, but to reform by making "orders, judgments, and decrees." Who ever thought of a commission to investigate, or control the management of private property? When a private estate is dilapidated—when land is let for an elusory rent—when the interests of the remainder-man are in any way sacrificed by the tenant for life—who ever dreamt of allowing any one not interested (except in tthe case of an infant) to apply for a judicial investigation of the injury? Yet, by the statute of Elizabeth, commissioners may be sent into any county with powers to impannel a jury, and proceed judicially against all who mismanage, or abuse funds destined to charitable uses, without any previous complaint at the instance of any party interested in the property. In like manner Mr. Gilbert's act requires every person in whose hands any such funds are, whether arising from land or other sources, to return the nature and amount of the estates within three months, on pain of forfeiting one half of the property at the suit of a common informer. The two statutes passed in 1812, proceed upon the same view of the question. By one of them (52 Geo. III. c. 101) a registry of charitable donations is prescribed; and the other (52 Geo. III. c. 102) gives a remedy for any abuse of them, by petition to a court of equity, which any two persons may present; a proceeding which has, however, proved most inadequate to the correction of the mischief. Such is the light in which charitable fnnds have always been regarded by the legislature, and so little have they ever been considered as private property! But I might appeal to the view which the common law takes of them, when it places them, as it were, under the joint protection of the crown and the community, authorising the attorney-general to file an information on the relation of any individual,

* 6 T. R. 493.

who may state that a charity has been abused. What is there analogous to this in the whole law of England with respect to private rights, unless, perhaps, in the case of infants? It seems as if the law regarded all charitable funds in the light of an infant's estate, and took the poor under its especial protection. But it is said, that there is some hardship in calling upon individuals to produce their title deeds. I have endeavoured so to frame the measure in contemplation, as to remove every pretence for this complaint. Where the whole of a deed or other document relates to the charity, the person possessed of it must shew it; and he cannot possibly apprehend any injury from doing so. Where only a part of the writing relates to the charity, and the rest may be supposed to regard the other titles of the possessor, then he is only compellable to produce an attested copy of the portion which relates to the charity. And if a document is called for, which the possessor will swear does not relate to any charity, he will then not be required to produce either the instrument or an excerpt. Thus, where the title of the charity is mixed up with the title of the private property, the latter is sacred from all inquiry; although indeed the great majority of such cases are matter of public notoriety, being generally bequests and devises in wills disposing of whole estates, and accessible to all at the probate offices. Where documents are in the hands of agents, trustees, or mortgagees, a provision is made that they shall not be obliged to produce them without due notice being given to their principals, cestui-que-trusts or mortgagors, so that any objection available to the latter may hold good to prevent the production in the hands of the former. The power of commitment given to the commissioners has also been objected to: I answer, that such a power appears essentially necessary to make the machine work. Where abuses of such magnitude, as I have described, exist, we cannot expect the strong interest of individuals in concealing them to be overcome without the application of a force which shall at once defy such resistance. Ample guards and checks are however provided to preclude the possibility of this power being abused, and to give the party aggrieved speedy relief, particularly by a direction that the whole examination which leads to any commitment shall be set forth in the warrant.—The provisions exempting the two universities, and the four great schools, is the only other part of the details of the measure that may require observation. It has been asked, why those bodies should be excepted? If there be no abuses in the management of their funds or in the administration of their other concerns, what have they to dread from inquiry? If, on the contrary, there are such abuses, why no examine and correct them? I confess myself one of those who feel the force of the remark. I will allow much to the high dignity of those bodies, especially the universities; but I cannot easily imagine that it could be injured by an investigation leading to an acquittal which must place them beyond all suspicion. Nay, I think, the truest dignity is that which, conscious of innocence, defies and courts inquiry; not that which wraps itself up in mystery and affects to place itself above being questioned. For it must be observed, that as such a refusal is equivocal, and may proceed alike from fear of exposure, and repugnance to being suspected, there will never be wanting persons to believe that all the mystery so proudly affected, is intended to consult their safety rather than their dignity. But, beside the apprehension that a refusal might have endangered the bill in certain quarters, the reason which has influenced me in acceding to the proposed exemption is, that those great establishments are placed conspicuously in the eyes of the public, and may be examined by the ordinary proceedings in chancery, and by the inquiries of this house. In most cases the danger of abuses arises from the obscurity of the charity, the existence of which is often unknown, even to those who ought to act as the trustees. Into such cases, the committee above stairs cannot inquire as they may into the universities; and individuals can neither discover the abuse nor undertake a litigation for that purpose. It is singular enough, that the statute of charitable uses originated in a charge of abuse preferred against the universities. From a passage in D'Ewe's Journals*, it appears that a complaint was preferred to this house, "of many corruptions in the masters of colleges in Oxford and Cambridge, in abusing of the possessions of the same contrary to the intents of the founders, converting the benefit thereof to their own private commodities," and the "advice of the house was prayed for reform and for a bill." In consequence of this statement, a bill was passed, and sent up to the lords. But mark the progress of it. Their lordships returned it by the hands of the Archbishop of Canterbury, with an amendment; upon looking into which, it was found to be a clause exempting the universities from the provisions of the act: the act having been deemed necessary, in consequence of supposed malversations by those very universities!—It has been said, that the statute, of which I have just mentioned the notable origin, affords a sufficient remedy for the evil. The history of the proceedings under it affords the best answer to this objection. During the first year after it passed, forty-five commissions of charitable uses were issued. From that time to the year 1643, the returns are defective, the docket books in the crown office having been destroyed. From 1643 to the Restoration, there were two hundred and ninety-five commissions. The troubled state of the country during the civil wars having probably occasioned great neglects and abuses of charities, a considerable

* 39, 40. Eliz. anno. 1597.—*D'Ewes*. 559.

increase took place in the number of commissions, and no less than three hundred and forty-four were issued, between 1660 and 1678. From that time to 1700 there were one hundred and ninety-seven: from 1700 to 1746, only one hundred and twenty-five: and from thence to the beginning of the present reign no more than three. So that the whole number from 1643 to 1760, was nine hundred and sixty-four. Since the latter period, and indeed for twenty years before, this remedy may be said to have fallen into disuse. There have been only three commissions in this reign, and only six in the last 75 years, of which number only one has issued since 1787, when the committee stated the urgent necessity of investigating charitable abuses. It is hardly needful to shew the reasons, why the statutary remedy is inapplicable to the present times, and in itself cumbrous and inefficacious. Suffice it to observe, that it leads him who pursues it sooner or later into the Court of Chancery; and in truth, as the law now stands, that well known court is the only refuge of those who complain. See then the relief held out to us by those who oppose, or threaten to oppose this measure, and who bid us resort to the ancient laws of the land! It is admitted to be true, that glaring abuses everywhere prevail—true that hardly a parish or a hamlet can be named where complaints are not heard—true, that the highest judicial authority proclaimed the extent of the grievance—true, that a committee of the house of commons, thirty years ago, vehemently urged you to afford redress. But your remedy is at hand, say the objectors—what reason have you to complain? Is not the Court of Chancery open? Come, all ye who labour under the burthen of fraud or oppression—enter the eternal gates* of the Court of Chancery! True, you are the poor of the land—the grievance you complain of has robbed you of every thing: but pennyless though you are, you are not remediless—you have only to file a bill in equity, and the matter will take its course! Why, if there were nothing in the reality, there is something in the name of the Court of Chancery that appals the imagination, and strikes terror into the unlearned mind. I recollect a saying of a very great man in the court of King's Bench. The judge having said of his client, "let them go into a court of equity;" Mr. Erskine answered, in an artless tone of voice, which made Westminster Hall ring with laughter, "would your lordship send a fellow creature there?" There may be some exaggeration in the alarms created by the bare name of this court; but, as long as it exists, a barrier is raised against suitors who only seek redress for the poor, though no bars of oak or of iron may shut them out. Yet that the prevailing panic has some little foundation, I will shew you by a fact. I have mentioned that only one commission had issued since 1787, and I am now enabled to state the result of its execution. It was fully executed in 1803; and in 1804, a decree was made, and the court was petitioned to confirm it. Exceptions were taken as usual. Much and solemn argument was held, and I will venture to say, from what I know of that court, the case was most learnedly and plentifully debated. In 1808 the matter was deemed ripe for a decision, and since that time it has, to use the technical, but significant expression, *stood over for judgment*. For ten years it has awaited this final issue; and during the last four years it has stood at the head of the Lord Chancellor's paper, first among the causes waiting for judgment†. Now, in the

* Per me si va nell' eterno dolore;
Per me si va tra la perduta gente;—
———— ed in eterno duro
Lasciate ogni speranza voi che 'ntrate!
DANTE.

† On the 1st of June, Mr. George Watts, Mr. William Wilmington, and Mr. Henry Collins, were examined before the Education Committee. They had all been churchwardens at different times of the parish of Yeovil, in Somersetshire. In that parish there are estates possessed by trustees, and destined to four different charities, one of which is a school. An estate, it appears, worth 700*l.* a-year, educates only seven or eight boys; lands valued at 1100*l.* or 1200*l.* a-year, afford only a wretched pittance to 16 paupers; and property worth 150*l.* a-year is let at 2*l.* 1*s.* 4*d.*, chiefly to the trustees themselves. The following is an extract of the examination relative to proceedings in Chancery.

"*To Mr. Watts.*] Did you go into the court of Chancery soon after the year 1802?—We instituted proceedings there in 1804.

How long were you in Chancery?—We are not out yet; we have paid twelve or thirteen hundred pounds, and only received about three hundred from the town.

Have you found that court afford you relief?—Oh, it has ruined me.

Have you found the expenses heavy?—Oh, good God, I have wished myself out of the world a thousand times since I have got into it; it has entirely ruined me; I had a nice business, which brought me in four or five hundred a-year, which it has ruined; and I have now a wife and family.

To Mr. Wilmington.] Have you suffered any thing in this court?—My heart is almost broken; indeed my nerves are so shook by the losses I have sustained by this proceeding, that I scarcely know what I am speaking of, and I have a wife and eight children; it is the most grievous thing to me I have ever known; I was a churchwarden only two years.

To Mr. Collins.] What have you found the court of Chancery to be?—It has cost me about 500*l.* and I am afraid I do not know the worst of it yet; I suppose the other party will bring in a bill against us.

To Mr. Watts.] By whose desire did you institute the proceedings?—By an order of the vestry, dated 24th April, 1804, to the following effect: "At a vestry duly called and held, we whose names are hereunto signed, do order and authorize the churchwardens to call upon the occupiers of the church lands, and every other person whom it might concern, for payment of the rents and arrears thereof, and on nonpayment, to sue any person or persons for the said rents and arrears thereof; and also to

language of the profession, "*this is my case.*" If any one tells me that the statute of charitable uses affords a remedy, I answer that the grossest abuses being everywhere notorious, the remedy has only thrice been resorted to for above half a century, and only once within the last thirty years; and I bid him look at the fate of that one attempt to obtain justice. I trust that the time is now come when parliament will adopt the only measure which can secure a real, effectual investigation of all charitable abuses. For this purpose it is absolutely necessary, that able and active men of business, chiefly lawyers, should be engaged to devote their whole time to the inquiry. They must be persons not only of incorruptible integrity, but of a stern disposition, and inaccessible to the cajolery which oftentimes shuts the eyes of those whom grosser arts would assail in vain. They must be easy of approach to all accusers—never closing their ears to suggestion or information, because it may proceed from spiteful or malicious motives, or may denounce abuses too enormous to be credible, or accuse parties too exalted to be suspected—not even rejecting the aid of informers who may withhold their names, as well aware that their office is to investigate and not to judge, and that anonymous, or interested, or malignant sources may supply the clue to guide inquiry; in a word, their propensity must be to suspect abuses, and lean towards tracing them; their principle must be, that no man who complains of an evil is to be disregarded, be his apparent motives what they may. It is only by such persons that this measure can be well carried into execution; and I consider the peculiar excellence of its mechanism to consist in the divisibility of the board. The eight acting commissioners are to be separated into four bodies of two each, who move from place to place through the country, and carry on their inquiries at the same time. Thus it becomes hardly possible to appoint mere cyphers, as each individual will be called upon to act almost alone; it becomes equally difficult to waste time in debates of a board, where all can talk and nothing may be done; it becomes certain that a rivalry will exist among the different bodies, which shall detect most abuses or neglects; and even if each body were only to do as much as the large boards usually named for such inquiries, four times more business would be transacted in the same space of time by their multiplication. I confess, that I am very sanguine in my expectation of the benefits to be derived from this part of the measure; I consider it as a contrivance of eminent utility and of universal application; and I trust that no new board will ever henceforth be created without the adoption of this principle.—I have already detained the house much longer than I could have wished, but in justice to individuals whose

request of the trustees of the church lands, or any other person, to produce to them all deeds and writings relative thereto for their information; and further, to prosecute any suits, to the maintaining and re-establishing the charity and rights of this town; and we hereby authorize and empower the said churchwardens to reimburse themselves all costs and expenses attending this business aforesaid by rates. As witness our hands this 24th of April, 1804." Signed by fourteen principal inhabitants of the town. This was a meeting held after many different vestries had been called on the subject. The reason of this was, that Mr. Phillips, the vicar, promised to meet the vestry three weeks before on that day; and instead of his coming, he sent a note by his curate, Mr. Tomkins, to say, the gentlemen that had any books, deeds or writings relative to the charities, were to withhold them; and if the town and churchwardens were not satisfied, there was a court to apply to.

Is it, according to your estimate, estates, some in hand, and some on leases, to the amount of upwards of 2000*l.* a-year, that ought to be applied to four charitable purposes in Yeovil?—Yes, I know the property well; I have been over it and seen it several times, and I have no doubt of that being about the valuation, was it not leased out, or more.

How came you to be so much money out of pocket, and that you have not reimbursed yourself out of the rate?—Many of the trustees would not pay a farthing.

Have you any means of reimbursing yourself?—Only by the court of Chancery; the parish is in our debt about 523*l.*, as on the church book.

Have you ever levied a rate for it?—They will not grant any thing.

Do you mean to say, that you have been ousted of your places as churchwarden by the opposite party, in consequence, as you represent, of having taken part in these inquiries, they being in possession of the offices, refuse to levy a rate to reimburse you?—Yes.

Might you not have brought your action against your successors of the parish generally?—Yes, but what can we do; we have no money to go to law with, we have spent so much already.

Do you mean to represent, that having found the court of Chancery so expensive, you were unwilling to go to further expense?—We cannot go further; we have dropped every thing. There was a man who promised to pay his share, amounting to 50*l.* of that 500*l.*; I went to law with him; it came on at the last assizes, and it cost me nearly 200*l.*

Did you recover the 50*l.*?—No, they said it could not be done, because it was not out of Chancery.

How much has it cost you altogether for your proceedings in Chancery and at law?—About 1200*l.*, besides our trouble and travelling expenses, and about 200*l.* at the assizes the other day.

For this 1400*l.* and upwards, what have you gained for the charity?—It is almost as bad as ever it was. There is little or no difference, and we suppose, have got our opponents to pay likewise.

How long have you been in the court of Chancery?—Ever since 1805; it is complete ruination; it is worse now than ever it was, as the attorney employed is dead.

Is the case heard, and does it stand for judgment? is it ready to be decided?—It is in no state at all, that we know of; it is not two pence better than it was at first."

characters may seem to be aspersed, I cannot conclude without observing, that many abuses exist without blame being imputable to any one. Neglects may be handed down as it were from father to son, until the right course of administration is forgotten. A person may hold funds as his own which some remoter ancestor diverted from their proper object, and for many years the existence of the misappropriation may have been unsuspected. Trusts are everywhere found defeated by their originally imperfect construction; most commonly by defective powers of appointment where vacancies arise. And cases have come before the committee, where those who were bound to make payments could find nobody entitled to receive, so that they were obliged to keep the money in their own hands. My decided opinion is, that a great majority of the abuses discovered will be found to consist of these classes, and to reflect no blame on any one, except perhaps the original founders of the charity, who may have been negligent, or their immediate successors, who may have begun the abuses that time has both perpetuated and made innocent by concealing their origin.—It is impossible for me to close these remarks without expressing the extraordinary gratification which I feel, in observing how amply the poor of this country have in all ages been endowed by the pious munificence of individuals. It is with unspeakable delight that I contemplate the rich gifts that have been bestowed—the honest zeal displayed by private persons for the benefit of their fellow-creatures. When we inquire from whence proceeded these magnificent endowments, we generally find that it is not from the public policy, nor the bounty of those who in their day possessing princely revenues, were anxious to devote a portion of them for the benefit of mankind—not from those, who, having amassed vast fortunes by public employment, were desirous to repay in charity a little of what they had thus levied upon the state. It is far more frequently some obscure personage—some tradesman of humble birth—who, grateful for the education which had enabled him to acquire his wealth through honest industry, turned a portion of it from the claims of nearer connections to enable other helpless creatures in circumstances like his own, to meet the struggles he himself had undergone. In the history of this country, public or domestic, I know of no feature more touching than this, unless, perhaps, it be the yet more affecting sight of those who every day before our eyes are seen devoting their fortunes, their time, their labour, their health, to offices of benevolence and mercy. How many persons do I myself know, to whom it is only necessary to say—there are men without employment—children uneducated—sufferers in prison—victims of disease—wretches pining in want—and straightway they will abandon all other pursuits, as if they themselves had not large families to provide for, and toil for days and for nights, stolen from their own most necessary avocations, to feed the hungry, clothe the naked, and shed upon the children of the poor that inestimable blessing of education, which alone gave themselves the wish and the power to relieve their fellow-men! I survey this picture with inexpressible pleasure, and the rather because it is a glory peculiar to England. She has the more cause to be proud of it, that it is the legitimate fruit of her free constitution. Where tyrants bear sway, palaces may arise to lodge the poor, and hospitals may be the most magnificent ornaments of the seat of power. But though fair to the eye, and useful to some classes, their foundations are laid in the suffering of others. They are supported, not by private beneficence, which renders a pleasure to the giver as well as a comfort to him who receives; but by the hard-won earnings of the poor, wrung from their wants, and frequently by the preposterous imposts levied upon their vices. While the rulers of any people withhold from them the enjoyment of their most sacred rights,—a voice in the management of their own affairs—they must continue strangers to those noble sentiments—that honest elevation of purpose, which distinguishes freemen, teaches them to look beyond the sphere of personal interest, makes their hearts beat high, and stretches out their arms for the glory and the advantage of their country. There is no more degrading effect of despotism than that it blunts the charitable feelings of our nature, rendering men suspicious and selfish, and forgetful that they have a country*. Happily for England, she has still a people capable of higher things. But I have been led away from my purpose, which was only to express my admiration of those humane individuals, whose conduct I have so long witnessed—of whom if I have spoken very warmly, it is because I feel much more for them than I can describe—and whose deserts are indeed far, far above any praise that language can bestow. (*Hear, hear, hear.*)

Lord *Castlereagh* said, that after the speech, so interesting and so full of information, which the house had heard from the hon. and learned gentleman, he should not long occupy their attention. His speech had been in the first place directed to national education, and, secondly, to what was the particular object of the bill. The latter subject was that to which attention was drawn, because it was rather their business at present to consider the state of charitable funds, than to enter on any other part of the question. Notwithstanding the statute of Elizabeth, there

* The poet Gray observes, that "To a native of free and happy governments his country is always dear:

"He loves his old hereditary trees." (Cowley.)

While the subject of a tyrant has no country; he is therefore selfish and base-minded; he has no family, no posterity, no desire of fame; or, if he has, of one that turns not on its proper object."—Works, by Mason, v. 2. p. 62.

had been greater abuses in former times than at present: but the natural tendency of all institutions towards abuse, required specific remedies to be applied from time to time. The hon. and learned gentleman had insinuated, that much injury arose from the delay of decisions in the Court of Chancery. In that court it was well known that decisions were founded upon the spirit of equity, as well as upon the precedents in similar cases; and a power of deciding quickly, and a power of deciding at the same time equitably, were two great desiderata that seemed hitherto undiscovered. All that the hon. and learned gentleman had proposed was a commission of inquiry, and a report upon the management of institutions for education. He protested, therefore, against the introduction, in making such a motion, of invidious complaints against the Court of Chancery; for after all that parliament could do, recourse must be had to that court. The hon. and learned gentleman could not propose that the commissioners should of themselves decide in all cases of abuse. He went along with him in thinking that a commission would do great good. They would do good, in the first place, by calling the attention of parliament to the management of funds for education. Individuals who were interested must be impelled to diligent inquiry and active vigilance, by the knowledge that the disposal of the charities which they superintended was under the consideration of parliament. The nature and the amount of the funds would thus be ascertained and directed to their proper object. He agreed with the hon. and learned gentleman in thinking that those funds were, in some respects, public property; at least they were public property so far as that the laws ought to attend to the management of them: but as they must have been appropriated to specific objects by the original founders, they ought not to be diverted from those objects. (*Hear, hear,* from Mr. Brougham.) If the proposed commission should not be modified differently from its original intention, as he had understood it, he could not give it his support. It was not in any view similar to the naval inquiry instituted by Lord St. Vincent. He thought it was much more similar to the inquiry into the administration of education in Ireland, and ought to be similarly conducted. In 1806, commissioners had been appointed to inquire into that subject. Of those, six had been named by the Lord Lieutenant, and five by the Corporation of Charitable Donations. They had taken a long time to bring their investigations to a conclusion; for it was not till 1813 that a bill had been introduced into the house to regulate the charities which they had been appointed to inquire into. He believed that great good could not have been done in a shorter period. That, therefore, was a valuable precedent. When the house should have an account of the funds appropriated to education, they could then legislate for the application of them, better than if they instituted an inquiry and a remedy at the same time. Notwithstanding the enactments of the statute of Elizabeth, those inquiries were not to be rashly taken up; for, as they could not be concluded in a short period, they could not be conducted without considerable expense. He should suggest, too, that according to the precedent which he had mentioned, men of rank and consideration ought to be named in the commission. The six named by the Lord Lieutenant of Ireland had been persons of considerable importance in the country, and the five named by the Corporation of Charitable Donations had been distinguished as men of eminence. But, much more ought this to be the case in a country where the charities were more numerous, where the funds were much richer, and where the difficulties of every kind to be encountered were much greater. A certain proportion of the commissioners ought, therefore, to be persons of great station, who, although they should not go into the laborious part of the investigation, could yet be aiding and assisting by their counsel and authority. If the commissioners were persons unknown to the public, it could not be expected that their investigations would be successful, or their report satisfactory. They should, therefore, be partly persons of rank and station, such as he had described, and partly persons who could give the ministerial labours required. He wished the hon. and learned gentleman had mentioned those who were to receive remuneration. He begged leave to say on this point, that it were better that they should come to parliament and receive pay during their labour, as the remuneration could, in that case, be proportioned to their trouble. The hon. and learned gentleman had named 1000*l.*; but, as they would have to go into various parts of the country, their expenses must be added to any allowance of that kind. Upon these views of the subject, he should feel great gratification in supporting the bill. The better mode of proceeding, he thought, was to have the bill printed, and to defer all further proceedings till after the holydays. He had only further to say, that as the universities and great schools, which were always in the eye of the public, had been excepted from the operation of this bill, the Charter-house ought also to be excepted. The hon. and learned gentleman had himself borne testimony to the good management of that school. It ought, therefore, to be excepted, on the same principle on which Winchester and every other great school had been excepted.

Mr. *Brougham* said, he intended no insinuation against the Court of Chancery, but had only expressed his wish, that as much delay would necessarily occur, a receiver should be appointed upon the filing of a bill, in order to prevent further dilapidation in the funds. A second point on which he had been misapprehended, was that of giving a power to the commissioners to file a bill. It did not require any act of parliament to empower a person to file a bill;

but, without such a power they would be liable to expenses. He willingly acceded to the proposal to print the bill, and to defer further proceedings till after the holydays.

Mr. *Leslie Foster* made some observations on the commission of the same kind in Ireland, and remarked that in filing a bill in Chancery, it would give a great advantage to a person that he had a substantial interest in the management of the funds.

Mr. *F. Robinson* proposed that Harrow school should be excepted. A bill had been filed in Chancery against the managers of that school eight years ago, and the late Master of the Rolls had completely confirmed the whole system upon which it was conducted.

Mr. *Brougham* thought it was most unreasonable in itself, and destructive of the whole object of such a measure, that one gentleman should except one school, another some other school, and so leave the bill to operate only as to schools for which no member could say any thing. If Harrow school were so well managed, this bill could bear no hostility towards it.

Mr. *Peel* contended, that Harrow school ought to be excepted, as the Master of the Rolls had decided that it was conducted according to the will and intentions of Mr. Lyon, its founder.

Mr. *Abercromby* said, that if Harrow school should be excepted, every school that happened to have been in Chancery ought to be excepted. It was no proof that no inquiry ought now to be instituted into the management of a school, that it had been well managed 8, 10, or 20 years ago. It was not becoming in any school to claim exemption; because, if there was nothing wrong, inquiry could do them no injury. On the same principle every school ought to be exempted, unless there should be a specific ground of suspicion. The commissioners ought to inquire into all charities, otherwise the object of their appointment could not be effected. The noble lord had divided the subject into two parts—the inquiry, and the remedy. He must express his hope, that the only remedy was not to be found in the Court of Chancery. His hon. and learned friend had not represented those charities as public property, any farther than they were intended by their founders. If the commission consisted of persons who should take no active part in the investigation, it required no spirit of prophecy to foresee the result. On the contrary, they ought to be persons who would be most persevering in the discharge of a difficult duty. They ought to anticipate every opposition from those who knew every branch of the subject, who were interested in the present system, and who would naturally resist any improvement. They ought to be persons of integrity, activity, and of no other occupation. The noble lord, by some of his observations, seemed to hint that they ought to be gentlemen at the bar. Those gentlemen were, in his apprehension, the most unfit of any; they had professional duties to occupy them, and compared with which they must consider any other employment as secondary. Another class recommended by the noble lord were persons of the greatest respectability, and of high rank. The propriety of appointing an ornamental class of this description he could not perceive. Let them be persons of character, talents, and reputation; but he could not conceive the good of appointing men of high rank: nay, he believed it would be detrimental, because those ornamental commissioners, if not active in the inquiry, must retard the purposes of the commission. They must be persons to go into the country, and to investigate the wills or deeds by which charities were founded, as well as the manner in which they were managed. High rank could be of no advantage then; and if legal advice were necessary, the learned member opposite (the Attorney-general) would be the proper person. But, above all, he hoped provincial barristers would be excepted. The house and the country were much indebted to his hon. and learned friend for having applied his great talents to this subject, and for the lucid statement he had given this night. (*Hear, hear, hear.*)

The house went then into a committee on the bill.

Mr. *Robinson* proposed an amendment to the clause, excepting from the operation of the bill, the schools of Eton, Westminster, Winchester, and the Charter-house, for the purpose of adding that of Harrow.

Mr. *Brougham* protested against adding any further to the number of exceptions. If this mode of proceeding were to be adopted, the bill ought to be entitled, not a bill to promote but to exempt from inquiry.

Mr. *Mills* said, that if the proposition for exempting Harrow were adopted, he should feel himself justified in proposing the exemption of Rugby.

Mr. *Harvey* said, that if Harrow and Rugby were exempted, he should propose the exemption of the free school at Norwich. (*A laugh.*)

Mr. *Bennet* thought that the free school of Shrewsbury was equally entitled to exemption. (*A laugh.*)

Sir *M. W. Ridley* felt satisfied that the free school of Newcastle had strong claims on the consideration of the committee. It had produced many great men, among whom he might number the present Lord Chancellor and his brother. (*A laugh.*)

Lord *Castlereagh* wished the question to be met fairly upon its own merits. It appeared to him that there was sufficient reason for excepting Harrow, and he had no objection to include Rugby; but beyond Rugby he could not consent to go. (*A laugh.*)

The committee then divided.

For the exemption of Harrow . 30
Against it 53

The house then resumed, and, on the motion of Mr. *Brougham*, an instruction was given to

the Committee, to extend their inquiries to Scotland.

SCOTCH BURGHS BILL.] This bill was ordered to be read a second time on this day three months.

CONTAGIOUS FEVER IN IRELAND.] Sir *J. Newport* presented the report of the committee on this subject.—It represented, that the origin and progress of the disease were generally ascribed to the privations under which the lower orders had suffered so severely for some time past, and to the crowds of wretched mendicants by whom the country had been traversed in all directions.—The mortality had been much greater among the higher ranks of society, whom the disease had attacked, than in the labouring classes; and the physicians and other medical attendants, as well as the clergy of different denominations, had felt its destructive force in much more than an ordinary proportion, as the discharge of duty, uniting with the claims of humanity, exposed them peculiarly to its visitation.—The disease was now generally on the decline, but it had frequently abated for a time to break out with renewed violence.—The committee therefore recommend, that a greater number of Fever Hospitals should be established, and observe, "that it is highly desirable that some exemptions from the Hearth and Window taxes should be granted to lodging-houses, under certain regulations, so calculated as to secure the benefit of such exemptions to the persons who lodge therein."

ADJOURNMENT OF THE HOUSE.] On the motion of the *Chancellor of the Exchequer*, the house adjourned from this day till Wednesday, the 13th instant, for the Whitsun holydays.

HOUSE OF LORDS.

Wednesday, May 13.

COTTON FACTORIES.] Lord *Kenyon* intimated, that certain noble lords, who wished to be present when this bill came under consideration, could not attend on Monday next. He therefore moved that the bill be re-committed on Tuesday.

The Earl of *Lauderdale* repeated what he had formerly stated, that in consequence of the great importance of the subject, it would be impossible for their lordships to avoid going into the consideration of the measure to the fullest extent.

Lord *Holland* said, he held in his hand two petitions against this bill. They had been intrusted to him to present, though, from the view which he had taken of the subject, he disapproved of their prayer, namely, that the bill should not pass. The petitions were from Mansfield, near Nottingham, and Teesdale, in Derbyshire. They stated, that the children in the factories were generally in good health, and that they were never overworked; that the principle on which they were engaged applied to other manufactories as well as the cotton; and that if the bill passed, it would ruin the petitioners.

The petitions were ordered to be referred to the committee on the bill.

MARRIAGE OF THE DUKE OF KENT.] The Earl of *Liverpool* brought down the following message from the Prince-Regent.

"George, P. R.

"The Prince Regent, acting in the name and on the behalf of his Majesty, thinks it right to acquaint the house of lords, that he has given the royal consent to a marriage between his royal highness the duke of Kent, and her serene highness Mary Louisa Victoria, widow of the late prince of Leiningen, and sister of the reigning duke of Saxe Cobourg of Saalfeld, and of his royal highness Leopold George Frederick prince of Cobourg of Saalfeld.—His Royal Highness is persuaded that this alliance cannot but be acceptable to his Majesty's faithful subjects; and he has the fullest reliance on the concurrence and assistance of the house of lords in enabling him to make a suitable and proper provision with a view to the said marriage.—G. P. R."

The Earl of *Liverpool* gave notice, that he would propose the consideration of this message to-morrow.

HOUSE OF COMMONS.

Wednesday, May 13.

COPYRIGHT BILL.] Mr. *Smyth* presented a petition from Trinity College, Dublin, against this bill. He presented it because the hon. member for that university was necessarily absent.—Ordered to lie on the table.

MARRIAGE ACT.] Dr. *Phillimore* moved for leave to bring in a bill to amend certain parts of an act passed in the 26th of Geo. II. commonly called the marriage act. His object was, first, to enact, that in all cases where the marriage of any person under the age of 21 years should have been solemnized by licence, without the previous consent required in the said act of the 26th Geo. II. if no suit should have been instituted for the purpose of annulling or setting aside the same before the party or parties should have attained the age of 21 years, or within one year after the party or parties so married had attained the age of 21 years, such marriage should be good and valid to all intents and purposes whatsoever.—Secondly, that all marriages where either of the parties (not being a widower or widow) should be under the age of 21 years, which should be solemnized under a publication of banns made in any other church or chapel than in the parish church or public chapel of or belonging to the parish or chapelry within which the usual place of abode of one of the parties about to be married should *bonâ fide* have been for 14 days immediately preceding the publication of such banns, should be absolutely null and void. Provided nevertheless, that if no suit should have been instituted for the purpose of annulling or setting aside any marriage so solemnized before the party or parties so married should have at-

tained the age of 21 years, within one year after the party or parties so married should have attained the age of 21 years, such marriage should be good and valid.—Thirdly, that the bill should extend only to that part of the kingdom called England.—Leave was given to bring in the bill.

WELCH JUDICATURE.] Mr. *Jones* moved for leave to bring in a bill " to alter and correct the practice of the several courts of great sessions in Wales, and to amend the laws relating to the same." His object was, 1st, to enact, that witnesses residing out of the jurisdiction of the courts of great sessions might be summoned by writs of *subpœna ad testificandum*, and of *subpœna duces tecum*, issued from the court of King's Bench. Provided always, that no person should be compelled to appear, in obedience to such writs, in any cause depending in the chancery of any of the said courts of great sessions (excepting upon any issue directed by such court of chancery to be tried by the court of common law in any of the courts of great sessions.)—2dly, that in all actions upon the case for words, action of debt, trespass on the case, assault and battery, or other personal action, and all transitory actions, which should be brought in any of his Majesty's courts of record out of the principality of Wales, and the debt or damages found by the jury should not amount to the sum of and it should appear upon the evidence given on the trial, that the cause of action arose in the principality, and that the defendant was resident in the dominion of Wales at the time of the service of any writ or other mesne process served on him in such actions, and it should be so testified under the hand of the judge who tried such cause, upon the back of the record of *nisi prius* (on such facts being suggested on the record or judgment-roll) a judgment of nonsuit should be entered thereon against the plaintiff, and the plaintiff should pay to the defendant in such action his costs of suit, and the defendant should have like remedy to recover the same, as in the case of a verdict given for the defendant in such action; and in the taxation of all costs allowed and given to the defendant, the proper officer should allow to the plaintiff out of the defendant's costs the full sum given by the verdict to the plaintiff for his debt or damages, and although no judgment should be entered for the plaintiff upon such verdict, yet nevertheless such verdict, without any judgment entered thereon, should be an effectual bar to any action commenced in any court whatsoever, by the plaintiff for the same. Provided always, that no person should be precluded from commencing and carrying on any action, against any defendant so resident in the dominion of Wales, and from trying the same at the assizes at the nearest English county to that part of Wales in which the cause of action should be laid to arise, and obtaining full costs in such action, if the judge before whom the cause should be tried should certify on the back of the record, that the Title or Freehold of Land was chiefly in question, or that such cause was proper to be tried in such English county.—3dly, that for better preventing vexatious delays and expense, no writ of *certiorari* should be allowed to remove any action, or other proceeding at law*, commenced in any of the courts of great sessions, unless it be duly proved upon oath, that the party suing forth the same had given days notice thereof in writing to the other party concerned in the action, or other proceeding sought to be removed, and unless the party so applying or suing forth such writ should, upon oath, shew to the court in which application should be made, sufficient cause for issuing such writ, and so that the party therein concerned might have an opportunity to shew cause, if he should so think fit, against issuing or granting such *certiorari*; and that the costs of such application be in the discretion of the court wherein the application should be made for such *certiorari*.—4thly, that the fees to be paid on any fine or recovery levied or suffered at the several courts of great sessions, and the amount of king's silver to be paid thereon, should be in the same proportion as the fees and king's silver now payable on fines and recoveries levied and suffered in his Majesty's courts of common pleas at Westminster, and should not exceed the same. Provided always, that in every case where such fees and king's silver are now payable to any person duly authorized to receive and compound for the same, under any patent, the same sum as is now demandable and payable under such patent should be paid during the term thereby granted.—5thly, that fines which can now be levied in the courts of great sessions twice only in the year, might be levied four times, as in England.—6thly, that securities should be taken for money paid into court; such security to be given by a bond, binding every officer of the court, together with two or more sufficient sureties, in such penal sum as to the justices should seem proper, for duly accounting for the money so paid.—7thly, that his Majesty and his successors should be impowered to settle salaries on the respective judges of the courts of great sessions, in the like manner as his Majesty and his successors are impowered by the act of the 31 Geo. III. c. 10. to settle salaries on the judges of England. Provided always, that no salary to be settled on any judge of the said courts should exceed the sum of for the life of any chief justice of Chester, or the sum of for the life of any other chief justice of any other of the said courts; or the sum of for the life of any other judge of such courts.—

* The ordinary original writs or process of the king's courts at Westminster do not run into the principality of Wales, though process of execution does: as do also all prerogative writs, as writs of *certiorari*, *quo minus*, *mandamus*, and the like.

But, in Penry *v.* Jones (1 Doug. 212.), it was held, that a *latitat* from the King's Bench runs into Wales.

8thly, and lastly, that no person should be compellable to serve on any petit jury, at any court of great sessions, unless he possessed an estate of freehold of the clear yearly value of or upwards, or any chattel estate for the term of any life or lives, or for the term of 99 years from the commencement of such chattel estate, of the clear yearly value of .—The hon. member observed, that it would, perhaps, be better to alter the whole system; but the committee which sat on this subject in the last session (See Vol. I. pp. 786—1761) had not thought so, believing that, by some proper alterations, benefits might be derived from the separate jurisdiction. The present system had existed from the time of Henry VIII. and in part, from the time of the conquest of Wales by Edward I. He should therefore content himself with proposing the alterations he had mentioned, which, if carried into effect, would be very advantageous to the Principality.

Leave was given to bring in the bill.

BREACH OF PRIVILEGE.] Mr. *Wynn* rose, in pursuance of his notice, and moved "that an humble address be presented to his royal highness the Prince Regent, praying that he will give directions that Thomas Ferguson, who hath been guilty of a corrupt attempt to subvert the freedom and independence of election, and a high breach of the privileges of the house, be removed from the office of Surveyor of Taxes for the county of Lanark." The hon. and learned gentleman then cited a variety of cases where individuals, interfering improperly in the election of a member of parliament, were removed from their offices, in consequence of addresses from the house. He next quoted the acts of 5 and 6 William and Mary, 12 and 13 of William III. and 22 Geo. III. which prohibit, under severe penalties, any commissioner or officer employed in collecting or managing the duties of excise, customs, stamps, salt, or houses or windows, or any person concerned in the post-office, or in the conveying of mails, from interfering in the election of members of parliament.—He said, he was aware that it must be painful to the feelings of members to inflict additional punishment upon the individual who had offended; but the house must look to the circumstances of the case, to precedents, and to their dignity. The case in 1809, which had been referred to by an hon. baronet (Sir F. Burdett) on a former night, did not form a precedent for the present case; for there the house did not go into the question, and of course gave no decision upon it. But here they had decided, that a gross attempt at corruption, and a violation of the privileges of parliament had been committed.

Sir *F. Burdett* rose and moved, that the Petition, praying for a Reform of Parliament, presented on the 6th of May 1793 by Mr. (now Earl) Grey, from the Society of the Friends of the People, be read.

Mr. *Wynn* said, he would not oppose this proposition, but he begged to observe, that the mere circumstance of a petition being allowed to lie on the table, involved no acknowledgment on the part of the house of the truth of its allegations.

The clerk then read the Petition.—It stated, among other matters, "that 84 individuals do by their own immediate authority send 157 of your hon. members to parliament. And this your petitioners are ready, if the fact be disputed, to prove, and to name the members and the patrons.—That in addition to the 157 hon. members above mentioned, 150 more, making in the whole 307, are returned to your hon. house, not by the collective voice of those whom they appear to represent, but by the recommendation of 70 powerful individuals, added to the 84 before mentioned, and making the total number of patrons altogether only 154, who return a decided majority of your hon. house."

Sir *F. Burdett* then moved, that the Resolution of the 18th of April, 1793, relating to the Great Grimsby election, be read.

The Clerk read the Resolution, as follows: "Resolved, that it appears to this committee, that the hon. W. W. Pole was, by his agent, guilty of bribery at the last election of members to serve in this present parliament for the borough of Great Grimsby in the county of Lincoln."

Sir *F. Burdett* said, these documents needed no comment. He had desired to have them read merely to shew the gross injustice of adopting any farther proceedings against Mr. Ferguson, when cases of a much more heinous nature had been suffered to pass with impunity.

Mr. *S. Bourne* observed, that cases of this nature must stand on their particular circumstances. Ferguson had been brought before the house, and treated with as much severity as the house had power to inflict on him in their own way of proceeding. He had been committed to the custody of the sergeant-at-arms, which must involve him in considerable expense. He had been subsequently sent to the most ignominious gaol in the kingdom. He had, therefore, been severely punished; yet it was now proposed to remove him from his employment and means of living. He had no desire to excuse or palliate Ferguson's offence; yet, if information of circumstances of a criminal nature were obtained from an individual by interrogatories, while he was not cautioned or guarded against the consequences, he thought the house ought to act with moderation, let the crime be what it might.

Mr. *Bathurst* observed, that parliament had recognized the offence to be a very heinous one, and it was, in fact, one of considerable guilt. Ferguson had, he believed, other sources of emolument than that arising from the office of surveyor of taxes.

Mr. *Denis Browne* said, that as the individual had been already imprisoned, he

might be supposed to have been sufficiently punished.

Mr. *Jones* observed, that Ferguson had answered such questions as were put to him, and yet he was to be punished by taking away the means of subsistence from him. He understood that he derived his whole subsistence from being surveyor of taxes. *(Cries of no, no.)* But he had another objection to this mode of proceeding, namely, that it would be taking away the benefit of the trial by jury. *(Hear, hear, hear.)* If Ferguson were convicted under an act of parliament, he would be declared incapable of holding any office under the crown. But what did the house do to him? They first extracted from him a confession of guilt, and punished him by sending him to Newgate, and then they proposed to punish him a second time, by depriving him of his office. *(Hear, hear).*

Mr. *Methuen* thought that Ferguson had been already sufficiently punished, and that any further punishment would amount to persecution.

Mr. *Lyttelton* believed that the house would not suspect him of being inclined to favour bribery and corruption. He could not, however, vote in favour of the motion. He thought that any further proceeding would be, on all grounds, extremely objectionable. If the hon. member meant to ground on his motion any general measure, there might be some greater reason for supporting it, than if, when he had spent his wrath upon Ferguson, he took no further proceeding. But he had not mentioned any general result whatever, and therefore he could not concur in his motion.

Lord *Folkestone* fully agreed with those who had stated, that the great offenders ought to have been punished; but he could not come to the conclusion, that the smaller one ought now to be permitted to escape. If the house did not sanction the motion, they would mark their approbation of all persons in similar situations who employed their means to influence votes at elections.

Lord *Binning* said, his hon. and learned friend had adduced certain precedents, but he thought he could shew, that scarcely one of them applied to the present proceeding. The first was that of the Bishop of Worcester, who was lord almoner, and who, as a peer of the realm, had interfered in an election. The crown, in consequence of an address of the house, deprived him of the office of almoner with a salary of 100*l.* per annum. (See page 1270, and the *note.*) It was only necessary to state the fact, to shew the difference between the direct interference of a peer and the present case of a poor man, between the bishop interfering in his capacity and the person in question, who was merely led away by his own corrupt zeal to serve his friend. The next case was that of the mayor of Winchester, the returning officer, who had been guilty of threats and other improper conduct in an election. Had he been sent to Newgate, and afterwards deprived of his office in the customs? He had been taken into custody, but he had not been sent to Newgate: but they had sent Ferguson to Newgate, and, in his opinion, there was not an atom of ground for depriving him of what was almost his only subsistence. The next case was that of the receiver-general of the county of Stafford, Mr. Burslam. And what had happened to him? He had been guilty of bribery at an election, and two members were elected chiefly in consequence of his proceedings. Had the house sent him to Newgate? It had been advised to remove him from his office, and he had been removed; they had taken him into the custody of the sergeant-at-arms, but he had not been imprisoned. The next case was that of a person who had been inspector of the customs between Berwick-upon-Tweed and Hull. He had engaged to pay annually a part of his yearly salary to a voter, for his vote, for the borough of Haydon. He had not been taken into custody at all; but the crown had been advised to remove him from his office, which, he believed, had been done. Another case was that of Mr. Middleton, high-sheriff for the county of Denbigh, for having returned sir John Middleton, contrary to a majority of votes, taken by him upon the poll; contrary to the state of the votes at the close of the poll, without any examination of the voters, and with having presumed to alter the poll, by giving a false colour to the returns. It would be wasting the time of the house to attempt to shew the difference between that case and the present. The sheriff had acted partially, unjustly, and illegally. The rights of freeholders, and the most important privileges, were attacked by his conduct. And for such conduct he had lost the situation of receiver which he held, and had been sent to Newgate. It was their duty to meet every violation of the law in such cases with proper severity, in order to discourage such proceedings; but he submitted, whether imprisonment in Newgate were not sufficient, if not to prevent such offences, at least to inform Ferguson and all others, that they could not offend in that way with impunity? Ferguson received 120*l.* a year as surveyor of taxes, and wrote in an office in Glasgow; but his salary arising from that was so small, that, if he lost his office of surveyor, he would be reduced to extreme penury. For all these reasons, therefore, he felt it his duty to move the previous question.

Mr. *Brougham* said, that with respect to the inquiry in the committee, it was decided to his satisfaction, that lord Douglas had had no concern in this transaction. He was glad of that, because he had been one of those who stated, when the case was first brought forward, that, *primâ facie*, there was enough against that noble lord to call on him to challenge farther inquiry.

Mr. *Canning* thought that the measure of punishment in this case had been sufficient. It had been originally in the option of the house whether they would send the man to prison, or

move the address to the crown for removal from his office. As it was, his punishment had been all that justice demanded. There were precedents on which the hon. and learned mover had relied; but surely he would not say that the peccant part alone of each person had been punished. He would not say, that it was as almoner that the bishop of Worcester was punished. He had been removed from his situation as a general punishment, as the only mark of displeasure which the house could inflict on him: and they had given a substantial mark of their displeasure by sending Ferguson to prison. Upon full consideration, after a fair and complete examination, the house had made its option; and therefore, not as it would be a mark of its displeasure, but as it would be the utter ruin of the individual, he could not consent to the motion.

Mr. *Wynn*, in reply, observed, that the present proceeding was consonant to the invariable practice of the house. He could not see how the offence of the mayor of Winchester was greater than that of a person making use of corrupt influence to obtain votes. It ought to be recollected, that the office promised had been very nearly gained.—An hon. gentleman had doubted, whether he meant to introduce any parliamentary provision as a consequence of his motion. He had no idea of introducing any, for the laws at present were amply sufficient for carrying such proceedings into effect. When cases came before them, the house ought to deal with them as the laws and constitution required. He was not surprised, however, that the noble lord had moved the previous question. That noble lord had moved the same question in the case of Lord Castlereagh:—*(hear, hear)* but, though the house then felt a strong wish to favour the noble lord (Castlereagh), the previous question was negatived almost unanimously. He could not see what the petition which the hon. baronet had caused to be read had to do with the subject. Whatever was the mode of election, it would be still equally necessary to watch over the rights connected with it. Whether we had septennial or triennial parliaments, or whether according to the wishes of the great reformer of the day (Major Cartwright), who had lately published a letter to prove that Mr. Prynne was in favour of annual parliaments, as his work, entitled "*Brevia Parliamentaria Rediviva*," meant "*short parliaments revived*," *(loud laughter)*—whether he said, we had septennial, triennial, or annual parliaments, still it would become the house to watch over the purity of elections, and punish those who sold votes, or procured them by corruption. On the subject of reform he might say, that the very motion now before them was one of reform. The house had the power of reforming itself, by applying the existing laws to the punishment of offences. He had distinctly stated, when he moved for the committal to Newgate, that if the house were to take its choice, the removal from office was by far the more advisable proceeding. He had held, however, that both the one and the other ought to be resorted to, and that he should begin by moving for the committal, intending to follow it up with a motion for the removal from office. Where a man had been guilty of such an offence, there was no instance of his not having been removed from his office. The right hon. gentleman (Mr. W. Pole) had held no office, when his transaction was before the house. Commitment to Newgate would soon be forgotten; and, in fact, it was a much lighter punishment than remaining in the custody of the sergeant-at-arms, as the daily fees payable to that officer were very heavy. He should therefore persist in his motion.

The house then divided.

Ayes, 57—Noes, 100.

MARRIAGE OF THE DUKE OF KENT.] Lord *Castlereagh* presented a message from the Prince Regent, respecting the marriage of the Duke of Kent, in the same terms as that delivered to the Lords by the Earl of Liverpool. (See page 1726.)

On the motion of Lord *Castlereagh*, the house agreed to the following Address.—"To return his Royal Highness the thanks of this house for his most gracious communication of the intended marriage between his Royal Highness the duke of Kent and her serene highness Mary Louisa Victoria, widow of the late prince of Leiningen, and sister of the reigning duke of Saxe Cobourg of Saalfeld, and of his Royal Highness Leopold George Frederick prince of Cobourg of Saalfeld; to express our entire satisfaction at the prospect of this alliance with a protestant princess of illustrious family; and to assure his Royal Highness that this house will immediately proceed to the consideration of his Royal Highness's gracious message, in such a manner as shall demonstrate the zeal, duty, and affectionate attachment of this house to his Majesty's person and family, and a due regard to the importance of any measure which may tend to secure the succession of the crown in his Majesty's illustrious house."

The message was then ordered to be considered in a committee to-morrow.

GRAND JURY PRESENTMENTS BILL (IRELAND).] Mr. *V. Fitzgerald* brought in this bill, which, after some observations by Sir Frederick Flood, was read a first time.

ASSESSED TAXES (IRELAND) ACTS.] The *Chancellor of the Exchequer*, in a committee on this subject, observed, that whatever might have been the understanding or intention when Mr. Corry, the Irish Chancellor of the Exchequer, first proposed the window tax, it could not be repealed at a time when the charges of the state required its continuance. As well might it be contended, that some of the customs in England, which had been originally imposed for the current expenditure, but which were afterwards appropriated to the consolidated fund, ought to be repealed. He felt, however, that it was the wish of parliament to extend some relief to Ireland; and from the experience of the last three

years, as well as from the particular distress occasioned by the window-tax, he was anxious to give relief, so far as would be consistent with the wants of the empire. From this tax he proposed to make a reduction of 25 per cent, which would bring it to what it had been before the last augmentation.—He proposed also to reduce the duties on servants, horses, and carriages. These taxes were partly of the nature of sumptuary laws, and he trusted, that a reduction of them would induce gentlemen of fortune to reside in their own country, and spend their incomes among their tenants and dependents. But there was one class of carriages in particular which he intended to relieve, namely, the jaunting car, which was the national carriage of Ireland. The tax on this vehicle was to be reduced from 6*l.* 10*s.* to 2 guineas. This, he hoped, would add considerably to the comforts and enjoyments of the people of Ireland. At the same time, however, he must observe, that he had no intention of proposing any alteration in the Hearth tax.—He had thus stated the nature of the measure much more shortly than the importance of the subject merited, and he would only further add, that he should be happy to answer any questions that might be put to him. He should therefore move, "That it is the opinion of this committee that the rates, duties, and taxes in Ireland imposed by former acts of parliament, in respect of Fire Hearths, Windows, Male Servants, Horses, Carriages, and Dogs, do henceforth cease and determine, and that the rates, duties, and taxes specified in the schedule annexed be substituted in lieu of them."

Sir *H. Parnell* admitted, that the objections to the hearth-tax referred more to the mode of collection, than to the tax itself. But the increased severity of surveyors had made the tax itself, as well as the mode of collecting it, odious and oppressive. The hon. baronet then referred to the proceedings in England, in the first year of the reign of William and Mary, respecting this tax, (see page 1480) and appealed to the committee, whether, with these proceedings before them, they would choose to deal out a different measure of justice to the people of Ireland.

The *Chancellor of the Exchequer* observed, that he certainly could not object to any argument which proceeded on the justice of applying the same principles of revenue and government to Ireland which had been established in Great Britain. There was, however, a very material difference in a constitutional point of view, between the present hearth-tax in Ireland, and the mode in which it was formerly levied in this country. The collecting officer in Ireland could not enter into every room of a house in order to make a correct return, but was obliged to form an estimate upon a general view, the tenant being obliged to shew the contrary, if he objected to it. It should be recollected, that if Ireland were relieved from the burthen in question, some equivalent measure, probably in the shape of a house-tax, must be resorted to. Much consideration had been given to the question of how far it might be expedient to substitute a tax on houses for the window-tax, but he had great reason to believe that the people of that country would not approve of such a commutation.

Sir *H. Parnell* said, that if the hearth-tax were abandoned, he should not at present press for the repeal of the window-tax. He therefore moved, as an amendment, to omit the hearth-tax.

Mr. *Leslie Foster* contended, that no tax in Ireland was felt as less oppressive than the hearth-tax. It had existed since the reign of Charles II., but had been considerably reduced. At the Union, every house having more than two hearths was taxed; but, since the Union, none under four. This went to exempt almost the whole of the agricultural population; for there was scarcely a farm-house which had more than four hearths and seven windows.

Mr. *Denis Browne* declared, that he had never known a single case of hardship in the collection of this tax. If it were abolished, some other tax, more burthensome to the lower orders, must be imposed in its stead.

Sir *F. Flood* said, that a tax which had been pronounced to be oppressive and slavish in England ought not to exist in Ireland. He appealed to the justice and generosity of British members, who had shewn in this session that they were as much alive to the interests and happiness of Ireland as of their own country.

Mr. *V. Fitzgerald* said, that if this tax were repealed, a substitute must be found for it, which the lower orders in Ireland might consider more oppressive.

Sir *John Newport* wished that the sum of 40,000*l.* could be raised in some other mode, than one which had been stigmatized so long ago in England. He denied that, in a discussion of this nature, it was incumbent on those who exposed the impolicy of one tax, to point out the means of providing another.

Mr. *Peel* thought that the best course would be, to continue the duty until the next session, and then to consider whether some substitute could not be adopted.

Sir *H. Parnell* then withdrew his amendment.

The *Chancellor of the Exchequer* moved, that the taxes on windows, specified in the schedule, be paid in Ireland.

Sir *John Newport*, after observing that he could add nothing to the unanswerable arguments lately argued by his right hon. and learned friend (Mr. Plunkett) against the continuance of this measure, said, he proposed at present only to submit a further modification of it, namely, that the reduction of this tax should be 50 instead of 25 per cent. One of his principal objects was to restore the benefits of light and air to lodging-houses, which were now too commonly the centre of contagion and disease in Ireland.

Sir *F. Flood* observed, that by the reduction of 25 per cent. the Chancellor of the Exchequer

admitted that too much was laid on before. If the right hon. gentleman would reduce it 50 per cent., he would make the people of Ireland happy.

Mr. *Peel* observed, that the hon. member for the university of Dublin, (Mr. Plunkett) had argued this question upon the ground that, in the preamble of the act of 1800, it was stated, that the tax was to continue for one year only. But that hon. gentleman had omitted to state, that it was the practice of the Irish parliament to continue the tax annually. By this act, the custom and excise duties, and, in fact, all taxes were continued, though it was called an act for the continuance of the window-tax. It must be obvious, then, that there could be no breach of good faith in proposing the continuance of this particular duty; for if there existed any obligation to discontinue this tax on the return of peace, there must be the same obligation to discontinue every other tax. He acquitted the hon. gentleman of all intention to mislead the house, conceiving that he was not aware that the act on which he had founded his argument was an act which continued all taxes. But he would ask, when the right hon. baronet (Sir John Newport) continued this act in 1806, why did he not exclude the window-tax? It was, because it never entered his mind that there was an obligation on him to discontinue this tax on the arrival of peace. Nothing was more easy than to draw an affecting picture of the state of any country. He had no doubt whatever that there existed in Ireland a very general wish for the repeal of this tax; but that wish was a very fallible criterion of the policy of repealing it. The total charge in Ireland, in the last year, was 4,865,000*l*. The revenue was 4,388,000*l*. so that there was a deficiency of 477,000*l*.; and to this must be added at least 150,000*l*. more, if this tax were to be repealed. In that case, the deficiency must be supplied by this country, and he knew not where his right hon. friend (the Chancellor of the Exchequer) would be able to find a substitute. The present charge of England for the Irish debt was 4,476,000*l*. This was the sum which had been transferred from Ireland, and to it must be added the consolidated fund, which would make the whole extent of the burthen at least 5,000,000*l*. per annum. In the present financial situation of the country, he must beg to repeat, that the question was not merely the repeal of a tax in Ireland, but where we could find a substitute for it.

Sir *John Newport* said, that his reason for not making an express reservation with respect to this tax in 1806 was, because he knew not, at the time of its existence, of any such thing as a war tax in Ireland. What he had said or done in 1806, had nothing to do with the question. If he acted wrong then, there was no reason for pursuing the same measures now, nor any reason to prevent him from confessing his error; but he did his best then, and no false views of popularity would induce him to depart from his duty of recommending to the house what he considered necessary for the public interest.

Mr. *James Butler* thought that some other mode of taxation would be preferable to the present; he left it to the fertile mind of the Chancellor of the Exchequer to devise what; he should only state, that 900 four-wheel carriages, and 5000 two-wheel carriages, had been put down in Ireland in the last year. The same amount of taxation might be easily raised where the mode was not unpleasant. He knew a parish in Kilkenny where there had existed the greatest difficulty in collecting tithes, till the rector agreed to take 2*s*. 6*d*. an acre, and afterwards they were regularly paid.

Mr. *V. Fitzgerald* said, he could not understand the illustration given by the last speaker. He thought there was no tax that would not press heavier than those already established. He could add, however, nothing to the argument of his right hon. friend, by whom, he thought, the question of good faith had been set entirely at rest. It was a fair argument to refer to the conduct of the hon. baronet in 1806: but it was not fair to measure the question on statements made by members from the representations of their constituents, and petitions on the table. If the whole of the taxes of last year would not have met the debt of the country, it was too much to attribute the distress of Ireland to the rapid increase of taxation.

Mr. *R. Shaw* said, he still thought that the citizens of Dublin had a strong claim for the repeal of this tax, from the pledge given by Mr. Corry. The same faith ought in that respect to be observed towards Ireland as had been observed in England.

Mr. *L. Foster* maintained that Mr. Corry never entertained any idea that he was bound to redeem the pledge given by him in 1802, and yet at that time the property-tax was reduced in England. So that the comparison that had been made between England and Ireland in this respect was not a fair ground to proceed on.

Mr. *Chichester* thought, that a substitute might be found for this tax, if the Chancellor of the Exchequer would revise the present distillery system.

Sir *F. Burdett* observed, that there was but little cause for jealousy on the ground of taxation, since England, Ireland, and Scotland, were all equally burthened to the utmost they could sustain. It appeared to him that one strong part of this case was, that this impost upon windows was originally adopted only as a war-tax, and if the Irish had not shewn that "ignorant impatience of taxation" which it had been said the people of England had evinced, it was no reason, now that they had remonstrated, why they should not be relieved. The other strong part of the case was, the grievous oppressiveness of the tax: it was a tax upon life, the most odious of all taxes, for, on the most authentic evidence, it appeared that disease and death were promoted by it. When Ireland was

compelled to agree to the Union, she had little or no debt; it had nearly all been incurred since that calamitous event: yet the pretence of taking this burthen upon England had been made a matter of boast on the other side, and it was urged that on this account Ireland ought to sustain additional deprivations. Admitting, for a moment only, that she ought, the thing was impossible; Ireland could bear no more, and it would have been impracticable to collect more there than in this country at the time the income-tax was repealed. Each was equally overlaid; and before this tax were continued to the destruction of the population, Ireland had a right to call upon ministers to make all possible retrenchments, by the abolition of sinecures, and the reduction of the needless emoluments of office. The repeal of the tax would be most importantly beneficial in all views—it would augment the population, render the natives contented and happy, and diminish the necessity for so large a standing army.

Lord *Carhampton* expressed his decided hostility to this tax, and, in its place, recommended an extension of the hearth duty.

Lord *Castlereagh* said, that nothing would be more gratifying to him than to adopt any measure conciliatory towards Ireland, after the many sufferings she had recently endured in a manner that well merited the gratitude of the rest of the empire. It was easy, however, to rail, as the hon. baronet had done, against sinecures and a standing army; but each of those questions had already been decided by the house, and such topics were not likely to sooth feelings already too much irritated. The point urged by the hon. baronet, that the fever was to be attributed to the window-tax, was only one of those pictures which he was rather too fond of painting to the house, in which a visitation of Providence was charged as the consequence of the misconduct of ministers. The fever had not broken out till last year, though the tax had long existed; and it even pressed upon Scotland more severely than upon Ireland, for no house of less than seven windows was subject to it: so that to state that disease and death were promoted by it among the poor was both a perversion of reason and of fact. It was impossible, however, to exempt Ireland without burthening other parts of the empire, or other classes of subjects; for the hon. baronet would find few to agree with him in the opinion, that the exigency of public affairs did not require the collection of the present amount of revenue. He was, therefore, quite ready to sustain his share of the unpopularity that would attend voting against this unjust and unnecessary relaxation.

Sir *George Hill* expressed his approbation of the course taken by ministers, and was willing to share in the unpopularity of voting with them on this question.

The committee then divided.

For the original motion 88—Against it 55.

The several resolutions were then agreed to.

PORTUGAL SLAVE TRADE TREATY BILL.] This bill was read a second time.

STEAM BOATS BILL.] This bill was reported, and ordered to be read a third time on Friday next.

HOUSE OF LORDS.

Thursday, May 14.

COTTON FACTORIES BILL.] The Earl of *Lauderdale* rose, in pursuance of the prayer of the petition which he had submitted to their lordships some days ago, to move that several persons be ordered to attend on Tuesday next, to give evidence before the committee on the bill. Four of the persons he proposed to call to the bar were petitioners in favour of the bill. One was the clergyman of the parish; and another, one of the first surgeons in Manchester. As their lordships had agreed to hear counsel, it was proper that witnesses should be in attendance, to be ready if called upon. He therefore moved, that the Rev. Dr. Black, Mr. Samuel Archer, Mr. W. Simmons, surgeon, &c. be ordered to attend to give evidence on Tuesday next.

Lord *Kenyon* did not conceive that any further evidence was necessary. The house had before them the evidence taken in the committee of the commons, and he did not suppose that any thing could occur to alter the opinion which he had already formed respecting this measure.

The Earl of *Lauderdale* said, he could not suppose that the house would determine not to hear evidence in despite of whatever might be stated in the case of the petitioners, for nothing could be more repugnant to justice than such a decision.

Lord *Kenyon* observed, that the house had made an order for hearing counsel, but he must repeat, that unless something were stated which should induce him to alter his opinion, which he was far from expecting would be the case, he should resist the examination of witnesses.

The Earl of *Lauderdale* said, he had read with great attention all the evidence in the report on which the noble lord placed so much reliance, and could shew that it abounded with inconsistencies and absurdities.—The motion was then agreed to.

CHIMNEY-SWEEPERS REGULATION BILL.] Lord *Auckland* rose, to move that this bill be read a third time this day six months. He did not at first expect that any thing could have occurred to have induced him to postpone a measure, the object of which was to put an end to a most severe labour so unnaturally imposed on children of a tender age; but the investigation which had taken place in the committee proved the necessity of a delay to which he was reluctantly bound to accede. During the investigation which had taken place, it had been asserted, that there were in this trade many well-disposed persons who treated with humanity the children they employed; but it was at the same

time admitted that many, whether instigated by poverty or the desire of gain, were guilty of acts of great inhumanity, and that the unfortunate children employed as chimney-sweepers had often scarcely a home, and when they grew too large for their employment, were frequently dismissed, destitute of any thing to support them, and without any means of rendering themselves useful to society. It had been suggested, that these evils might be corrected by a modified bill; but it was his opinion, that the whole practice ought to be put an end to. Abounding as this trade did with so many and such enormous evils, he could not approve of any attempt at modification, which, while it corrected some, would leave others in full vigour. Much had lately been said in that house on the impropriety of imposing restrictions on labour; but he was sure, that the affording of protection to the unfortunate children who were the objects of this bill could not be called interfering either with a free or a fair trade. What he conceived ought to be the principle which should guide their lordships in a case of this kind was, that no persons should be permitted to impose on others, and especially on children, any labour calculated to injure their health or impair their bodily strength. This was what no individual ought to be allowed to do for his own advantage; and he never could suppose that their lordships would give their sanction to the continuance of a trade in which such a practice prevailed, especially as it appeared that it could be done away with at a very inconsiderable expense. He had been fully persuaded, that to convince their lordships that the practice could be abolished was all that was necessary to induce them to agree to the bill. With this view he had entered into the investigation; and it would be found, that though there had been much contradictory evidence, yet that, after all that had been stated by persons of the utmost experience, the preponderance was greatly in favour of the abolition of the practice. In the meantime, an address had been voted by their lordships, for the purpose of causing an experiment as to the practicability of using machinery, to be made by the surveyor-general. That experiment had already commenced on a very extensive scale, and 60 of the most difficult chimnies had been swept without any failure. The result of the experiment would afterwards be considered by a board composed of bricklayers and masons; but it was obviously impossible that this investigation could be brought to a conclusion in the present session. On that account, he could not now press the third reading of the bill; but the delay would give farther time to the public for preparations to meet the change of practice, and might smooth many difficulties which otherwise would have occurred. The bill would be introduced early in the next session, with a full confidence of success in the accomplishment of a measure which would prove not only beneficial to the individuals who were the objects of it, but to the whole community. The abolition of this practice might be said to raise at least one degree in the scale of civilization those who removed from themselves so disgraceful a stain.—He concluded by moving that the bill be read a third time this day six months.

The motion was agreed to*.

MARRIAGE OF THE DUKE OF KENT.] The Earl of *Liverpool* moved the order of the day for the consideration of the Prince Regent's message on the subject of the marriage of the Duke of Kent with the Princess of Leiningen.

* The practice of sweeping chimnies by means of children is attended with so much cruelty, that no inconveniences of a private nature, such as the alteration of flues, ought to stand in the way of its abolition.—Beckmann in his History of Inventions, has clearly proved, that the houses of the ancients had no chimnies; they had merely an opening in the roof, under which the fire was made. The oldest certain account of chimnies occurs in the year 1347, at Venice. While they continued to be built in so simple a manner, and of such a width as they are still observed to be in old houses, they were so easily cleaned that this service could be performed by a servant with a wisp of straw, or a little brush-wood fastened to a rope; but after the flues, in order to save room, were made narrower, or when several flues were united together, the cleaning of them became so difficult, that they required boys, or people of small size, accustomed to that employment. The first chimney-sweepers were Savoyards and Piedmontese. The Lotharingians undertook this business also, and on that account the Duke of Lotharingia was styled the Imperial Fire-Master. The first Germans who condescended to clean chimnies appear to have been miners; and their chimney sweepers still procure boys from the Hartz forest. The greater part of the chimney-sweepers (*ramoneurs de cheminées*) in Paris, at present, are Savoyards; and there, as in this country, we see their little children who, clad in linen frocks, will, when called upon, scramble up at the hazard of their lives, with their besoms and other instruments, through a narrow funnel often fifty feet in length, filled with soot and smoke, and in which they cannot breathe till they arrive at the top.—It will be highly honourable to England, if this cruel practice should be abolished in the next session of parliament: it will afford another instance to the nations of the continent, that she is ever anxious to be first in ameliorating the condition of mankind. Great good has been effected by the steps which the legislature has already taken. Recent accounts from America state, that the substitution of Smart's machine for climbing boys has been adopted in Pennsylvania with complete success; and Lord Dalhousie, governor of Nova Scotia, has issued orders for bringing the machine into general use in that colony.—Mr. Simpson, the superintendent of the chimney-sweepers at Halifax, having reported to his Excellency, that, after four months' continued use of the machine, he is induced to adopt it in preference to the former mode, convinced by practice of its utility, and that it is competent to perform every thing essential in the cleaning of chimnies.

On the message being read, the noble earl observed, that after what had already passed in parliament on the subject of making provision for the members of the royal family who might contract marriages with the consent of the crown, it would not be necessary for him to detain their lordships with any detailed observation on the present case. He should merely state, that it was the intention of his Majesty's ministers to propose to parliament the same arrangement as had already been sanctioned by their lordships in the case of the Duke of Cambridge.—He then moved an address of thanks to the Prince Regent for the communication, expressing their lordships' satisfaction at the intended union, and their readiness to concur in the measures necessary for making a suitable provision for the Royal duke.

The Marquis of *Lansdowne* said, he did not rise to oppose the motion; on the contrary, there were some circumstances, and particularly the relation in which the princess named in the message stood to an illustrious person with whom their lordships had condoled on account of a late melancholy event, which must render this alliance very satisfactory to parliament and the country. The noble earl had stated, that he intended to propose an arrangement of the same nature as that which had been sanctioned by parliament in the case of the Duke of Cambridge; but he thought it due to the illustrious duke who was the object of the message, that from what he knew of the state of his affairs, it was but justice that an increase should be made to his present income. He had suffered considerable embarrassments, but they arose from no improvidence on his part, but solely from his having been left for several years without any provision. It could not be expected of him that he should particularize the embarrassments of his royal highness, but it appeared to him proper that their existence should be known. As the increase proposed was the same as that which had already been voted by parliament to the Duke of Cambridge, it would doubtless receive the approbation of their lordships.

The address was then agreed to.

ALIENS.] Lord *Holland* rose to move for copies of correspondence between this and other governments on the subject of aliens and passports. He was induced to bring forward this motion partly on account of a bill for renewing the alien act being in progress in another house, and partly with the view of bringing under the consideration of parliament the conduct of the Prince Regent's government, with respect to those unfortunate and persecuted persons who were exiled from France. The papers he should move for were necessary to the right understanding of the bill now before parliament, and of the situation of the persons who would be liable to its operation. With respect to the alien act itself, when he considered it in relation to the habits of the country, to the constitution, and to state policy, he could not but seriously disapprove it. Every thing concurred to make him object to that measure; but it was, above all, necessary to consider what was the system intended to be built upon this act, and to be carried into effect by his Majesty's ministers throughout Europe. But if inquiry and deliberation were necessary before, much more were they now necessary, when the persons who brought forward the measure varied so much as to the grounds on which they recommended it to parliament. When he some time ago asked the noble earl, whether there subsisted any engagements between his Majesty's government and any foreign state on the subject of aliens, the noble earl answered in the negative. When he again asked, whether any intercourse or communication had taken place between his Majesty's government and foreign powers, relative to the considerations on which this bill had been founded, the noble earl replied, that the measure was to be proposed solely on British views; and yet it appeared that, in another place, it was not from any apprehension of danger from the residence of aliens in this country that the bill was introduced, but because it was necessary for the tranquillity of other countries. These declarations were apparently very contradictory, and it would require reasoning of rather a subtile nature to reconcile them. He supposed his Majesty's ministers meant to say, that it was necessary to the tranquillity of Europe that France should be tranquil; and that the tranquillity of Europe being necessary to the peace of this country, we must endeavour to keep France quiet; and that this object was to be accomplished by joining in the persecution of a few unfortunate men who had fallen under the displeasure of the present French government. But how did this declaration appear, coming from that statesman who had taken so much merit to himself for the adjustment of the present system in Europe, obtained at the expense of so much blood and treasure? It was a rare acknowledgment, that the fabric which he had by unheard-of sacrifices raised, was after all found to be of so frail and tottering a nature, that if a few wretched, homeless, individuals should be allowed to breathe the air of England, or find a resting-place in any part of this free country, it would infallibly be overthrown. It was also a complete acknowledgment that the introduction of this bill depended on the opinions which might be entertained by other governments with regard to their safety; that the opinions of a Fouché, a de Caze, or any French minister of police, were in future to regulate the administration of justice in Great Britain. This was the evident conclusion to be drawn from the measure. If the noble earl opposite dissented from it, did he mean to say that the ministers of the Prince Regent possessed such all-seeing faculties as to be able of their own knowledge to declare whether any foreigner who might arrive in this country was

a friend of Buonaparte or the Bourbons? It was evident that they must intend to take the opinion of the French minister on the character of any individual, before they put the law in force against him; and what was this but rendering the laws of this country subservient to the government of France—nay, to the police of France, that establishment which had proved itself through the various stages of the revolution the most abandoned and the most unjust that ever disgraced even an absolute monarchy. He knew it had been urged that, if an alien act had been properly enforced in the Netherlands, the attack upon a noble commander at Paris might have been prevented; but this attack had been made since the establishment of an alien act there; and in the two years when no such act existed, no attack had been made. That the principles of the Netherlands had once been the very opposite of those now pursued, was clear from the statement of one of the great writers of this country, who knew those principles better than any other person—he meant Sir William Temple. In tracing the prosperity of that country, he had said, "that the object of its government had been to make that country the common refuge of all miserable men; that this was a principle from which no treaties could move them. Even during their dependence on Henry IV. of France, all persons banished from that country made Holland their refuge." Those refugees, too, were connected with what was called the French party in Holland, so that there was a particular objection to them. He need not point out the advantage of such a line of policy. (*Hear.*) So strictly had it been pursued by Holland, that when, in the time of Charles II., the Earl of Shaftesbury was forced to fly, where did he take refuge?—in Holland; he who had terminated every speech with "*Delenda est Carthago.*" Could there be a stronger proof that it was a fundamental maxim with that government to receive all who sought its protection? But his Majesty's ministers, it seemed, had discovered a new system, and notwithstanding the *dictum* of William III., which stated that country to be too small to maintain a large army, and too weak to repel a small one; after acting in defiance of that policy, and in opposition to what had been laid down by De Witt; after doing what they had deprecated, and dividing the Spanish Netherlands between Holland and France, they proceeded to call on the former kingdom to depart from the principles which had made it a great state.—These were the grounds on which he thought their lordships were entitled to have the papers for which he intended to move. The progress of the alien act had certainly brought the subject to his mind, but he called for these papers exclusively of that consideration. If their lordships agreed to their production, they would find that our foreign ministers were employed in hunting out a few miserable men, and marking them for destruction; that we were using our influence with all foreign governments to check every notion of liberality. He said this with reference to what fell from a noble lord opposite during the late war. After Napoleon had committed that atrocious and unjustifiable act, the invasion of Spain, the noble lord said, that the war had assumed a feature different from what it had ever done before; that it became a war of the people; that the successes afterwards obtained over Napoleon arose from the indignation of the people of Europe, and that our best hope was in the concurrence of the people. Did the noble lord now think that it was of no importance to have the concurrence of the people in our foreign policy? How did it happen that, go where you would, after these liberators and allies had so long managed the government of Europe, England was represented on the continent as being more emphatically opposed to liberty than any other nation? Was the noble lord so thoroughly persuaded of the stability of the system which he and his colleagues had completed, that he conceived there was no possibility of war—of war, the theatre of which might be that country to which the present motion referred? Should such a war occur, would it not be important for us to have the people of that country our friends? Did he not think he was carrying his farce of interference too far, for the sake of him who had been called no other than the constable of the peace for France? It was time for parliament to know the whole of the system, and to see whether this country had the strength, the power, and the will to put it in force.—He should therefore move, that an humble address be presented to the Prince Regent for copies and correspondence of all measures relating to aliens since November 1815, and also relating to passports refused to persons going to or coming from the Netherlands since that period.

The Earl of *Liverpool* said, the noble lord had admitted, that the alien bill had been in some measure the occasion of his thus addressing the house; and he (Lord Liverpool) had before explicitly stated, that that measure had not been adopted in consequence of any communication with foreign powers, but because it was expedient for the safety of this country. Whenever that measure should come before the house, he should be ready to shew the expediency of it; but this was not the time for so doing. The noble lord had thought proper to connect the flight of certain persons to the Netherlands with this measure: but under the last act, only three persons had been sent out of this country, and not one of them in consequence of any communication with any other government: there was no ground shewn, therefore, that the present bill should have been asked for on that account. This, however, was not an occasion for entering into the grounds of an act passed two years ago, or of the one now proposed; but he had no hesitation in saying, that it was not safe, in the present state of the world, that facilities should

not exist for sending aliens out of the country, which the common law did not afford, although it gave the right without those facilities. We must look at the state of Europe; and if there existed an alien act in other countries, driving all persons of the worst character into this country, was it fitting that this government should not have the power to send them out? He certainly thought it most fit, on British principles, that it should have this power. He should not enter into the detail that the noble lord had given of the former policy of the Netherlands; but he would assert that this government had never interfered with any other in the fair exercise of their legitimate powers. As to the objection to annexing the Netherlands to Holland, this was not the time for entering on that question; but he had no difficulty in stating (without disputing the authorities quoted, or their applicability to other times,) that, for the interest of Holland, the Netherlands, and Europe, no arrangement could have been more wise. The attachment of the people to their sovereign had not been weakened by the measure; we all knew what that attachment was before the French revolution; but, even now, there was no country where the people were more attached to their sovereign. They had the advantage of enjoying their own laws and privileges, and a free constitution, he would say, materially improved. It had unquestionably been the policy of Holland and this country to receive oppressed persons from whatever country, and much of our prosperity in commerce and manufactures was attributable to this system. He hoped that such would always be our policy. But did it follow that we were to open our doors to the worst and most desperate characters? Were we to be precluded from sending out men tainted with every species of crime?—for to that extent did the noble lord's reasoning go. We were not to open our doors to foreigners, except under condition of admitting thieves and villains of every description. The power of excluding such persons had been admitted in every system of international law, and by treaties stipulating to give up offenders, and call municipal regulations in aid of such stipulations. Whether such a system, and such treaties, were wise or not, he should not now inquire, but he adduced this as an argument to shew that the principle had been acted on. The noble lord, he conceived, had not made out a case to justify his motion, and he must therefore refuse his concurrence.

The Earl of *Carnarvon* supported the motion, because he wanted to know on what grounds the alien bill was to be again obtruded on the house. He could not agree that it was a necessary consequence of present circumstances, that other nations who had an alien act should send their offal here; but if they should, was this the danger that we were to apprehend—that persons of this description would inundate the country, and make an attack on our own constitution? If so, what was the consequence? Not that the present alien bill should be a temporary measure, but that it must last as long as there should be any one despotic power in Europe. He would not say that circumstances might not exist which would justify the measure now in progress; but, in order to ascertain whether they did exist or not, it was necessary that those communications should be made that were now called for.

Lord *Holland*, in reply, said, that the intention of his motion was merely to shew the object of the alien bill, and the effect it would have on persons in other countries. He should be ready to prove, when the time came, all the ill effects of this measure; and that honest men were exposed under it to the same inconvenience as persons of the most abandoned principles.

The question was then put, and negatived without a division.

HOUSE OF COMMONS.

Thursday, May 14.

Wool Trade.] A petition was received from certain Wool growers, praying the house to repeal those laws which prohibit the exportation of wool.—Ordered to lie on the table*.

Copyright Bill.] A petition was received of the Senatus Academicus of the University and King's College of Aberdeen against this bill.—Referred to the select committee on copyright acts.

Lunatic Asylums (Scotland) Bill.] A petition was received of commissioners of supply, justices of the peace, and others, of the county of Dumbarton, against this bill.—Ordered to lie on the table.

Petition of William Cobbett.] Lord *Cochrane* said, he held in his hand a petition from an individual who had been induced to leave this country in consequence of those flagrant acts of spies and informers, by which the legislature had been excited to suspend the constitution. This petition referred to two affidavits, sworn before the mayor of Philadelphia, whose hand-writing was attested by the British consul. One of those affidavits was signed by William Stevens, the other by Charles Pendrill; both of them persons who were implicated in the various transactions which had induced par-

* It will be seen (page 1325) that Mr. Walter Burrell's motion, for a select committee to inquire into the state of the Wool trade, was negatived by a majority of 85 to 80. The following observations have since appeared in a foreign journal. "When the Grand Duke Michael visited Leeds, Mr. Gott, the most respectable of the manufacturers of that place, told him 'that he preferred wool from Odessa, not only to the finest Spanish, but even to the Saxon, which had hitherto been considered by far the best for making fine cloth.'—Upon this the *Petersburgh Gazette* remarks, that the removal of every kind of pressure from the proprietors of the establishments for rearing sheep, and in particular the freedom of the woollen trade, had greatly contributed to bring the wool to its present state of perfection.—*Bremen Paper.*

liament, in the last session, to suspend the act of habeas corpus. These affidavits clearly shewed, that those transactions were attributable to the machinations and efforts of spies and informers, and particularly of Oliver. They described, indeed, such practices on the part of that person, that he was persuaded the house would feel it incumbent on them to institute an inquiry into the subject.—He would add, that the petition was exceedingly respectful. It stated various matters, and, among others, the conviction of the petitioner that ministers intended to establish a censorship over the press, something like that existing in France. It then prayed the house to take into their serious and impartial consideration the public documents annexed.

Mr. *Speaker* observed, that the appendix containing the affidavits, could not be received. (See page 1212, *note*.) It would be for the noble lord to consider how far the petition itself would be intelligible without the affidavits.

Lord *Cochrane* replied, that he would not say that the word "annexed" occurred in the petition, although it certainly referred to the affidavits to which he had alluded.

The petition was brought up, and read by the clerk. It purported to come from William Cobbett, of Botley, Hants, now residing at North Hampstead, in the State of New York, and was dated March 7, 1818. He stated his feelings of veneration for the numerous acts of justice and liberality performed by the honourable house, and prayed, with all humility, to approach the sanctuary of the laws. He prayed for their consideration of the effects resulting from the artifices of spies, informers, and designing men, and prostituted lawyers; and lamented the consequence of the house deferring their conscientious consideration of the important matters about which the documents would give some communication. He had met two of his countrymen in Philadelphia, who had related much of the practices of Oliver, the spy. They had drawn up their statements voluntarily, and authenticated them upon oath before the mayor of Philadelphia. These statements they delivered to the petitioner, who now presumed to submit them to the house, and to place them in their undefiled hands for proper examination. The petition made some strong remarks on the conduct and language of Mr. Cross, on the trials at Derby, and on the notorious Colonel Fletcher, who attended a meeting at Manchester. After the execution of Brandreth, he observed that it was stated in two ministerial prints, that there was an intention on the part of government to check or stop the publication and circulation of a certain description of writings. He had thought it his duty to the house and the country, to submit this petition with the documents added to it, especially as the latter were drawn up voluntarily. The persons who signed them were not at present in want of subsistence; what they required they could obtain by their industry, under the protection of a free country. The petitioner then prayed, that the house would retrace its steps, and inquire into the origin of the events which led Brandreth and his companions to the block.

Lord *Cochrane* moved that the petition do lie on the table.

Mr. *Bathurst* observed, that this petition could not be received. The object of the petitioner was not to state a complaint respecting any particular evil suffered by himself; on the contrary, he took up and dwelt on subjects which had been already considered in parliament. The whole spirit and substance of the petition were, in fact, founded on what was contained in the documents annexed to it, and to which it constantly referred. The opinion of the petitioner rested on the affidavits of two persons, who had left their country for reasons best known to themselves. One had gone away long before the suspension of the habeas corpus act. But, however, in America they were, and they went to a magistrate there, and swore to depositions which, in several respects, might affect the character of the general administration of justice here. The petition was an improper and libellous attack on the conduct of Mr. Cross, who so ably defended his clients; and on Colonel Fletcher, a most respectable magistrate in the county of Lancaster. There was no particular prayer relating to the petitioner himself. He complained generally of errors in justice on the authority of documents annexed to the petition. Without those affidavits the object of the petitioner could not be made out, as the whole of the matter could not be before the house; but those documents could not be received.

Lord *Cochrane* said, that he considered the petition as being very respectfully worded, and that the matter it contained was of high importance. He had, therefore, thought it his duty to present it, that the circumstances to which it adverted might be again brought under their consideration. He had, however, no objection to withdraw the petition on account of the word "annexed" being used in it as applying to the documents; but which he had not before noticed. He would do so, not from any certainty that another petition would be presented by the petitioner, but to give the earliest intimation to the two persons who had made the affidavits, that their way of proceeding had been irregular, so that they might adopt a preferable mode. For himself, he thought that if the government valued their own character at home, or in the eyes of all the world, they would embrace any opportunity of investigation for clearing away scandal.

Mr. *Wynn* asked, whether the petition itself would be entered on the journals?

Mr. *Speaker* said, it would be merely stated, that such a petition had been brought up and read, and that, with the leave of the house, it was withdrawn.

Mr. *Wynn* said, he was glad to hear that, as

he should have objected most strongly to allow charges against individuals, of the nature of those contained in the petition, to appear on their journals, whilst the person who brought them forward was residing out of the country.

The petition was then withdrawn.

COMMISSARY COURTS (SCOTLAND).] Lord *A. Hamilton* moved, "that an humble address be presented to his Royal Highness the Prince Regent, that he will be graciously pleased to give directions that there be laid before this house, a copy of any letter, or the substance of any communication that may have been made by the commissioners for inquiring into the duties and emoluments of the officers, clerks, and ministers of justice, of the courts of Scotland, or by any one of them, to the Secretary of State for the Home Department, relative to the inexpediency of filling up any office in the Commissary Courts: also, a copy or the substance of any similar communication that may have been made to the Secretary of State for the Home Department, from any of the commissaries, or commissary clerks, of the said courts."

Mr. *Bathurst* said, there were no such papers in existence, and he hoped that the noble lord would consider that a sufficient answer to his motion.

The motion was negatived.

FORGERY OF BANK NOTES.] Sir *James Macintosh* rose, agreeably to notice, to move that a committee be appointed to inquire into the means of more effectually preventing the forgery of notes of the Bank of England. He said, that in calling the attention of the house once more to this subject, he wished to spare both their time and their patience: to dwell on the magnitude of the evil was unnecessary. He would only recal to their recollection, that, for twelve years before the suspension of cash payments, there had been only one capital execution for forgery of bank-notes. It was the rarest of all criminal cases. In twelve years, only one person had suffered death for that crime; but, in the last seven years, not less than 101 persons had suffered. (*Hear, hear, hear.*) The crime which had been so rare and unfrequent, had become the most frequent and the most fatal. (*Hear, hear.*) There was another point of view in which this evil appeared still more striking and horrible—not less than 44 persons had been executed in London and Middlesex, for this crime, in the last seven years. (*Hear, hear.*) In the account of those crimes which terminated in capital punishment, forgery was at the head of the list—before murder, and still more, before the next crime which was visited with death—burglary. The expenses of prosecutions for forgery on the part of the Bank last year were 30,000*l.*; in the present year, in which prosecutions had made such gigantic strides, in the three months in which returns had been made, the expense was within a few hundreds of 20,000*l.* The average for each individual prosecuted was 265*l.* This called upon the house loudly and imperiously to do their duty. (*Hear.*) He feared that, without the resumption of cash payments, they could not entirely remove the evil; but, at least, it was their duty to mitigate it. The severity of punishment had produced no sensible effect. This he had frequently stated; and if he had argued so from observation and from experience, he could now fortify the statement by the authority of a learned judge, who, in passing sentence of death upon several persons for forgery, in the unfortunate county of Lancaster, lamented that the frequent capital punishments had not diminished the crime. On this occasion, the Chief Baron, whom he named only to testify his respect for him, said, that unless some other means were devised, it would be necessary to make examples still more horrible and striking. As a judge, it was his province to administer the law, and, however painful and horrible, he must perform his duty; but, by these words, "unless some other means were devised," he seemed to implore ministers and the legislature to interpose. A petition from Liverpool had been presented to the house on the 7th of this month, representing, that the number of capital punishments for forgery affected the national character abroad, impaired the humanity and generosity of our laws, and made the victims of punishment objects of commiseration. It stated, that the nation was not generally convinced that every means of preventing forgery had been used; and, as the public had a right to be satisfied that no means of effecting this most desirable object were neglected, (*hear, hear,*) the petitioners prayed, that inquiry should be made by the great council of the nation; and they added, what deserved the attention of gentlemen opposite and of the Bank of England, that otherwise a regard to the credit and security of mercantile transactions, as well as to public morals, would oblige them to encourage, as much as possible, the introduction and circulation of the notes of private bankers, it being found that the forgeries of private bank notes were very few in number, when compared with those of the Bank of England notes." The town of Liverpool, it would be recollected, was the second mercantile town in the empire. This petition had been unanimously agreed to at a public meeting of all parties in politics. He appealed to the right hon. gentleman (Mr. Canning), for whom many present at the meeting had voted, that the opinion of such a meeting on such a subject was of the highest moment. But he must further remark, that this meeting was held in the county of Lancaster, where, unfortunately, great experience had been afforded of the effects of the system; where the prejudice had been strong against private banks, and in favour of the Bank of England, ever since the unfortunate failures in 1793. Every circumstance which could give weight and authority to such an application enforced the prayer of the petitioners, when they called for

inquiry by the great council of the nation. The House of Commons—he would say it with due deference—the House of Commons could not, with impunity to its character, refuse to institute an inquiry. (*Hear, hear.*) It appeared, by the summary of the home office, of the state of crimes, that from the year 1805 to the year 1811, the number of capital punishments was 390. From 1811 to 1818, it was 580, which was in the proportion of one to eight of the whole number of crimes. If he were to assign a cause for this change, he should not name any moral or political cause, but ascribe it to what might be called the economical condition of the people. It proceeded from the prodigious ebbs and flows in the means of sustenance, from the various wages of labour, and from the perpetual changes in the currency of the country. Such variations might make the ignorant think, that they were the sport of some malignant demon; and from this, probably, they put on a desperate and gambling character. By the complete change occasioned by sudden peace, by the deep-rooted evils of a war of unprecedented length, by the greatest of all scourges, an inconvertible paper currency, which no nation had ever yet experienced and escaped from ruin, we had come into this dreadful and alarming state. The number of lives actually taken away by the severity of the laws, was not, indeed, a full criterion of the evil. They could not fail to compare the number thus taken away with the number of ordinary deaths, and to find that it formed a very small proportion. But this was not the fair view of it. Death was not itself an evil. Death in the performance of duty was the happiest consummation of life. But a life of misery and of crime, terminated by a death of suffering and shame: a father in life struggling to support his children by the desperate expedients which distress and crime suggested, and leaving by his death an example of unutterable misery, and lasting infamy, was the greatest evil which could befal men. He would say nothing of the losses arising from the present system, although they were very great. An hon. baronet (Sir J. Graham) had stated, that one half of the bank-notes circulated in the northern counties were forged. He might here suggest to the consideration of the house, that the principal sufferers in point of pecuniary loss were to be found in the class of small tradesmen, a description of persons eminently entitled to the protection of the laws. Instances of the destruction of forged notes must be numerous; because, to many, the positive loss would appear a much smaller evil, than the imputation to which they might be subjected by retaining them in their possession. The class of people to whom he had just alluded, were, in a peculiar degree, afraid of defending themselves under such circumstances, because they felt that even suspicion might prove their ruin. Having stated thus much, he now came to consider more immediately the grounds upon which his proposition for inquiry rested. And here he must express his hope that the understanding of the house would not again be insulted by the assertion, that the affairs of the Bank of England being those of a private company, were beyond the reach and authority of parliament. No private company, whose proceedings were so deeply implicated with the interests of public justice, could maintain such a principle: but in the relation which the Bank of England bore to the government of the country, it was as ridiculous as if the same doctrine should be set up by the officers of the Mint. (*Hear, hear.*) He did not mean to say, that the directors of the Bank had not adopted abundant precautions for their own security; but they had entirely overlooked that of the unfortunate people of England; in consequence of which oversight, the liability of the public to be plundered and harassed remained the same as in the year 1797. Had not the public, then, a right to call upon that house to inquire in its own capacity, whether the continuance of this evil might have been prevented, or was owing to an inevitable necessity? Inquiry was essential to the acquittal of the Bank directors, and for the purpose of removing jealousy and suspicion from the public mind. In addition, it might be well worthy their attention to consider, whether some mode of punishment might not be devised, that should prevent the repetition of those scenes of carnage which shocked and afflicted every mind. He hoped it was not to impute improper conduct to the Bank directors to say, that they were not exceptions to the general character of human nature; that like other corporate bodies, they adhered firmly to an established routine of forms, and felt a great reluctance to enter on the consideration of new projects. But, it ought to be recollected, that new projects, in the present case, did not go to increase or put to hazard a certain good, but aimed exclusively at the suppression of a monstrous evil. (*Hear, hear.*) Since the last discussion of this subject in the house, he had seen many ingenious artists and scientific persons, and was induced, from their representations, to believe that, although the evil could not be suppressed whilst the circulation of small notes continued, it might be considerably mitigated. In the United States of America, already an example of national happiness, and likely soon to become one of wise legislation also, he had been informed that a paper currency existed to the amount of 20,000,000*l.* sterling. America might, therefore, be fairly stated to be the second country in the world with respect to a paper circulation, as she undoubtedly was in the character of a shipping and commercial commonwealth. Her paper currency was, however, convertible into money, forgery was not a capital offence, and the crime was of rare occurrence. The circumstances of America might be unfavourable to the commission of the offence; but it was nevertheless remarkable

that the banks in that country, not having the assistance of the gibbet to depend on, had employed the utmost ingenuity in the fabrication of their notes. He was informed on the other hand by a very ingenious artist, that any boy who had been six months with an engraver, might imitate, so well as to make the difference imperceptible, the notes of the Bank of England. He did not mean to say that the Bank itself could be deceived, (they took good care to provide against that,) but the poor and helpless part of the community, on whose behalf he now implored the interference of the house. He had reason to believe that a lower degree of art could not exist than was displayed in the preparation of the Bank of England notes, and that the principle on which the Bank acted was like some of the compendious adages received from grandmothers, that, "if you cannot entirely remove an evil, it is useless to attempt any reduction of it." Undoubtedly, it would be found impossible so to manufacture a note, as to set at defiance all the efforts of a skilful imitator; but the smallest abatement of that guilt and bloodshed which at present constituted so alarming an evil in society, appeared to him in the highest degree worthy of the attention of the legislature. The increased number of such offences must prove the fruitful cause of other crimes, and tend to multiply in horrible progression the effects of a contagious depravity. It was worthy of consideration, that this particular temptation extended its toils amongst those who were not subject to the motives which led to the perpetration of other offences. It spread its snares for the feeble, for old men, for women, for children, for persons of education. It was equally tempting to all; and, therefore, he would ask the house, whether, after they had proceeded to the extent to which they had gone in the consideration of this subject, they would now declare all they had done to be useless, refuse to put the seal to their past resolutions, and transfer the duty of investigation to the care of others? In the belief that this was not the course which they could think it right or becoming to pursue, he should conclude by moving "that a committee be appointed to inquire into the means of more effectually preventing the forgery of notes of the Bank of England, and to report their opinion thereupon to the house." *(Hear, hear.)*

The *Chancellor of the Exchequer* said, he perfectly concurred with the hon. and learned gentleman, as to the propriety and necessity of some inquiry upon this subject. It appeared to him, however, that it would be more expedient, with a view to the production of a complete report, and the discovery of an adequate remedy, to address the crown for the appointment of a commission which should be charged with this inquiry. The hon. and learned gentleman had stated, that the crime of forgery was comparatively unknown before the restriction of cash payments by the Bank. This, he conceived, was rather an exaggerated statement. In the middle of the last century the number of executions for forgery equalled that of the present day. In the years 1749, 1750, 1751, 1752, the number of persons executed for forgery in London and Middlesex, was 19; and, during the last four years, the number for the same places was only 18. He was obliged, in making this comparison, to speak of forgeries generally. In the three years ending 1813, the executions for forgery throughout the kingdom, amounted to 112. In the last three years, they amounted to 90, exhibiting a diminution of 22. But other crimes had increased in the same period very considerably. The whole number of offences of all kinds, for the former three years, was 17,087, for the latter, 19,841. These comparative results were, he thought, sufficient to prove the inefficacy of the hon. and learned gentleman's grand panacea, namely, the resumption of cash payments. It appeared that the offence of coining had increased in a much greater proportion than the forgery of bank-notes, the number of convictions for the three years ending 1813, being 392, and for the last three years, 624. The fact was, that it kept pace with the increase of other crimes, and could not be prevented by a reduction of our paper currency. Forgery was a crime which had always existed in a commercial and enlightened country, where education was generally diffused, and the means of committing the offence were always at hand. In the earlier annals of the country, the crimes committed against society required strength and violence; fraud and craft were the qualities which distinguished a modern criminal. This, however, only rendered it the more imperiously necessary for the house to pay attention to every means of discouraging and preventing the growth of the evil. With this impression, he should move, to leave out from the word "That" to the end of the question, in order to add the words "an humble Address be presented to his Royal Highness the Prince Regent, that he will be graciously pleased to issue a commission under the great seal, for the appointment of commissioners to consider of the best means of preventing the forgery of promissory notes, issued by the Bank of England and other bankers, and other negotiable securities."

Sir *C. Morgan* declared his preference of the mode of inquiry proposed by the hon. and learned gentleman. He did not think the right hon. gentleman was aware of the alarm which existed in the country on this subject, or of the degree to which the expectations of the public, that the house would take some proceeding with regard to it, had been raised.

Mr. *Bennet* congratulated the country on the triumph which his hon. and learned friend had a few days since achieved over the right hon. gentleman and the Bank directors. (See page 1505.) He begged at the same time to state, that within the last three months, as many pro-

secutions had been commenced for the forgery of bank-notes as the right hon. gentleman had enumerated during the period to which he had alluded. In 1811, the number of persons indicted was 43; in 1812 it was 67; in 1813 it was 97; in 1814 it was 63; in 1815 it was 71; in 1816 it was 123; in 1817 it was 162; and for the last three months amounted to no less than 112. *(Hear, hear, hear.)* In former times conviction was followed by execution; but the Bank had lately assumed to itself a dispensing power, by omitting the capital part of the charge, and bringing individuals to plead guilty to the smaller offence. During a period of three years, 200 persons had been induced to plead guilty to having forged notes in their possession, all of whom would have been executed at the period when the right hon. gentleman commenced his comparison. The number of executions was, therefore, a fallacious criterion of the prevalence of the crime, which, he had no doubt, would be more effectually repressed by laws which would not terrify the injured from becoming prosecutors, and be more congenial to the humane spirit of a civilized age.—The hon. gentleman then commented with much severity on the conduct of the Bank in the cases of several individuals convicted of, or under prosecution for, this offence. The ordinary of Newgate had told the committee, of which he was a member, that when the sacrament was about to be administered to those who were in confinement, the persons who had been convicted of forgery on the Bank felt so indignant against their prosecutors, that he did not think them in that state of peace towards mankind that would justify him in administering it to them. At the time of execution, the utmost compassion was felt by the spectators for the wretched sufferers, and the greatest indignation against the law which had doomed them to suffer; but, above all, an indignation against the selection which had been made of their particular cases.

Mr. *S. Thornton* said, that with respect to the selection of which the hon. gentleman had complained, it was always made on a due consideration of all the circumstances of the case, and from a wish not to stretch the law to its utmost limits. The Bank had uniformly endeavoured to exercise the utmost lenity. And, with regard to the prosecution of particular cases, he could assure the hon. gentleman and the house, that the solicitor of the Bank was not allowed to exercise his own discretion, but always acted under the directions and on the responsibility of his employers. If any means could be devised to prevent the crime of forgery, or to render it more difficult, the directors of the Bank would feel the most cordial satisfaction.

Mr. *Huskisson* said, that a committee of the house of commons did not seem to him to be the fittest mode of carrying on such an inquiry as the hon. and learned mover, in his very able, eloquent, and ingenious speech, had been induced to propose. If there were any suspicion that the Bank of England had negligently, for he would not say criminally, suffered prosecutions to take place, then the house might institute those inquisitorial functions which belonged to that branch of the legislature: but, at this period of the session, he thought that such an inquiry would be nugatory. He did not know what course the committee could pursue but to ascertain the extent of the evil, of which there existed no doubt, and to recommend to the crown to institute a commission to ascertain by artists, or others, the best mode of checking the crime of forgery. It was not, therefore, because he was not sensible of all the inconveniences which the hon. and learned gentleman had so eloquently described, that he should support the motion of his right hon. friend. He thought it necessary, indeed, that some measures should be immediately adopted: for although the Bank, and those who issued their notes, could ascertain whether they were good or not, it was not in the power of the holder of a note to say whether it was genuine or not, nor could he compel another to receive it in payment, if he conceived it not to be genuine. This was not the case with the coin of the realm. (*Hear, hear.*) He was surprised, however, to hear the observations of the hon. member who spoke last but one. The result of his speech appeared to be, to bring into odium and disrepute, not only the laws themselves, but the judges who administered those laws. He (Mr. H.) wished that the house should take some steps to check the growth, and arrest the progress of the crime of forgery; but he could not admit, that any improper selection had been made of particular cases.

Sir *S. Romilly* said, it was a great inducement to him to vote for the motion of his hon. and learned friend, because he did not know that there existed any disposition on the part of the right hon. gentleman opposite to institute such an inquiry. His hon. friend, the member for Shrewsbury, had not attacked the character of the judges, nor the mode in which they administered the laws: he had merely observed, that great discontent was excited in the minds of the people from a selection of cases for execution. He (Sir S. R.) also thought that it was a sort of discretion that was most mischievous: it created that feeling in the public which made it impossible to consider the crime of forgery in the way that it was formerly considered. He did not mean to say that it was to be considered as a light offence; but it was a prevailing opinion, that it was an offence for which men ought not to suffer death. So strong was this feeling, that men frequently suffered great losses rather than press the execution of the laws to that extent. He thought that the system now acted upon led to all those mischievous consequences which his hon. friend had pointed out. In every case of selection the people criticised the distinction, and thought that great injustice had been committed. (*Hear, hear.*)

Mr. *Huskisson*, in explanation, said, he had not asserted that forgery was a crime which deserved the punishment of death. His opinion rather leaned the other way, that persons convicted of forgery ought not to suffer death.

General *Gascoyne* observed, that the necessity of inquiry was admitted on both sides, and the only question was, which would be the better mode, by a committee of the house or a commission? To him it appeared, that a committee would be the better mode, as it had been found in almost every instance of inquiry. The hon. and learned mover was too much interested in the subject to suffer any delay to occur.

Mr. *Manning* said, he could assure the house, that the Bank would be happy to concur in such measures as might be deemed most practicable for preventing the forgery of their notes; but it would be perfectly idle to adopt any project that might be submitted to them from day to day, and which might be copied by their engraver in three or four days. He had witnessed their patient attention to the subject, and he would add, that they would spare no expense whatever to adopt such a plan as might be found most effectual for checking the evil. The reason why they detained the notes, after the word "forged" had been stamped upon them, was, that in cases in which they had gone out again, that word had been erased by a chymical process. At the same time, the Bank always gave an undertaking to produce the notes in any part of England that might be required, for the purposes of justice*. With respect to a selection of cases, the solicitor of the Bank had no authority of that kind; he acted under the direction of his employers: and as to the directors, they judged of every case with the utmost solicitude. They were governed in their proceedings, not by a regard for their own interest and safety, but for the protection of the public: the expenses were paid out of the funds of the corporation, and for the express purpose of saving harmless those who had been imposed upon by forged notes, and who were unable to bear the expenses. It was not the practice of the Bank to interfere after judgment: but in the case of the woman who lately suffered death, he believed it would be found that it was totally impossible from the whole course of her life, for the executive government to have selected a more proper object for punishment.

Sir *A. Piggott* observed, that the whole of the evil of forgery had been ascribed to the restriction on cash payments, but he thought, most unjustly. It was true that there had been an increase of the offence since 1797, but the increase had been gradual from that period up to 1817, and could not be attributed to the restriction alone. There had been an increase of other crimes as well as that of forgery. In proof of this he might direct the attention of the house to the state of the gaols of Warwick, Lancaster, and York. This multiplication of offences had been owing to the pressure of the times, which equally prompted men to forgery as to other offences. He admitted the greatness of the evils which resulted from the facilities of forging bank-notes; and he was sure that no body of men lamented its existence more, or looked with greater anxiety to the discovery of a remedy, than the Bank directors. If parliament, by the appointment of a committee of inquiry, or if the crown, by any means that lay within its power, should find out a plan by which forgeries could be either diminished or entirely checked, they would confer not only a great obligation on the country, but a favour on the Bank that would be gratefully received by that corporation, who now not only incurred a heavy expense in prosecution to protect the public, but were, on account of their very anxiety to do their duty, held up as persons who delighted in bringing men to trial and punishment. Nay, in the eagerness of crimination, they were exposed to charges the most inconsistent and destructive of each other, being accused at one time of prosecuting with too much severity, and at another time of interfering too much to procure a mitigation of punishment. He was sorry to hear it said, that it was left to the solicitor of the Bank, however respectable that individual might be, to determine on the objects of capital prosecution. No such discretion was intrusted to him. He received his instructions from the direction, like any other law agent in a similar situation with regard to individuals; and it was his duty to follow those instructions, laying the prosecution which he was directed to institute before the proper court. The directors themselves examined the circumstances of each particular case, and proceeded according to the views which such an investigation suggested. When in doubt or difficulty, they asked the opinion of counsel, though in such cases they did not apply to their regular counsel*, and were guided by the legal advice they received. It did not appear fair, therefore, to make charges of this kind against the directors. Did any hon. member wish that no prosecutions for forgery should be instituted? Then let him come forward and move for a repeal of the law, instead of allowing the law to remain as it was, and making the execution of it a ground of accusation against men who did their utmost to execute it with wisdom and leniency. The directors were not only blamed for carrying the law into execution in some cases, but for not executing it in others. Was it, then, meant to be asserted, that every offence that might be prosecuted capitally, ought to be so prosecuted? The motto of the Bank would then indeed be, "hang, hang, hang." (See page 1499.) If all

* Since the case of *Brookes* v. *Warwick*, which was tried before Lord Ellenborough at the sittings for Middlesex, June 22, 1818, the Bank have returned the forged note to the holder, after having stamped the word "forged" upon it.

* Sir Arthur Piggott.

offenders were not to be prosecuted capitally, and if in cases where a milder punishment was prayed, the Bank was to be blamed, then let the house declare what conduct the directors were to pursue; let the proper line be marked out for them; let no discretion be allowed; let them be told, when a capital prosecution was to be instituted, and when the offender was to enjoy impunity, or to suffer a mitigated penalty. Those who directed charges against the conduct of the Bank, while they pretended to monopolize all humanity and justice, and accused the directors of delighting only in prosecution and punishment, shewed that they did not possess the qualities which they arrogated, and which they refused to others. Many projects had been already examined by the directors, and others would be attended to; but when it was considered that many experiments which had been tried had ended in failure, he thought it was not asking too much from the opponents of the Bank to allow two things—first, that the directors had not been idle or negligent; and, secondly, that a remedy was not so easy a thing as some people seemed to think.

Mr. *W. Smith* said, he did not think that strict justice had been done on either side in this debate. His hon. friends near him did not wish to monopolize all the humanity of the house, as they had been charged with a desire of doing; nor did the Bank and the opponents of the motion appear so averse to a remedy for an acknowledged evil as had been insinuated. All must acknowledge that the prevention of forgeries was a difficult undertaking, though most would confess that every thing had not been attempted which might have been done. The Bank appeared to him to have acted wrong, in withholding from the public that criterion by which they themselves were enabled to determine a forgery. The Bank inspectors and clerks had marks by which they distinguished between a forged note and a true one, but they kept those marks from the public, and thus deprived them of all means of detecting imposition. In America, a laborious, and, he believed, a successful attempt had been made to prevent the forgery of paper dollars. In Scotland, too, there had been no forgeries, though the circulation of that country was small notes as well as in this. This must be attributed to the nature of the notes themselves. For the last 20 years no new attempt had been made to prevent forgeries of Bank of England notes. The house now with one accord had agreed to take some method to inquire into the subject; and the only question was, whether the method proposed in the motion or in the amendment was the best. He was of opinion that a committee could best sift the subject, and would bring sufficient skill, diligence, and impartiality to the examination of any proposed remedy.

Mr. *Canning* said, that he should vote for the amendment of his right hon. friend. He did not mean to deny that the committee, if carried would not bring sufficient skill and diligence to the consideration of the subject; but, from the lateness of the session, its investigations could not lead to such a practical conclusion as a commission, which would suffer no interruption by the termination of the business of parliament. He was persuaded that a remedy to a certain extent might be found, but it would consist in the skill with which the plate was formed, and the greater difficulty of its imitation, from the delicacy of its execution. A coarse piece of art might be imitated with little ability; but a picture of Raphael, or the poems of Virgil, could not be imitated with any prospect of imposing on the most unskilful. He did not wish to diminish the evil which all acknowledged with regard to forgeries, but he would not hesitate to say that, on this night, and more particularly in the debates of a former night, there had been great exaggerations. There had been a lamentable increase of all crimes, and of forgeries in proportion. He felt that he had a right to complain of the manner in which the character of the Bank directors had been treated in the debate, and likewise of the suspicion which had been attempted to be excited against the conduct of the advisers of the crown in counselling the exercise of the prerogative of mercy. The character of the Bank directors had been ably defended by an hon. and learned gentleman, and it was unnecessary for him to say a word more on that subject; but he could not allow the opportunity to pass without entering his protest against the manner in which the exercise of the royal clemency had been treated. To call that a selection of persons for punishment which was really a selection for mercy, was unjust to those who had conscientiously discharged their duty; and to advance reproaches such as had been insinuated, would render the prerogative of pardon, which was one of the most amiable powers of the sovereign a cause of anxiety and a curse, instead of a glory and a pleasure. (See the note, page 1191.)

Sir *J. Macintosh* rose to reply. He regretted that his hon. and learned friend for whom he professed the highest respect, had made this a question not of measures but of character. It was upon the violent transition from a state when scarcely any forgeries were committed, to a state when they had become almost innumerable, that he founded his motion. Instead of having been guilty of any exaggeration, as charged by the right hon. gentleman who spoke last, he was ready to prove by documents every assertion he had advanced. The chief objection urged against a committee was, that its operations would not be sufficiently secret; but it was no great compliment to parliament to say, that twenty-one members could not be found in it who would not betray what was intrusted to them, more especially, when it was a matter of such high importance. It was next argued, that the inquiry would occupy time; but that was not a well-founded objection, because, where

was the difficulty of permitting the house to sit a fortnight, or even a month longer, for the purpose of satisfying the public mind upon this subject? If a royal commission were appointed, no report could be made before January or February, and in the mean time the whole evil would be continued. It had been said, "And wretches hang that jurymen may dine;" but it was now for the first time urged, that human beings ought to be executed, in order that gentlemen might a little sooner reach their country houses. He could not agree that men of science would be the best judges upon a question of this kind. They might be the best witnesses, but it was for men of sense and education to decide, uninfluenced by the power of the crown, and fearless of displeasing ministers. A commission would not in any respect remove the jealousy and distrust existing in the public mind; on the contrary, it would be immediately concluded that there was a collusion between the directors and ministers, and that the mere tools of the latter had been appointed for the purpose of gratifying the former. It was the duty of the house to be firm upon this subject; it was its duty to oppose itself as a proud barrier for the defence of the people against the directors of the Bank and ministers, unless it wished to confirm the ill opinion entertained of it by many out of doors.

The question was then put, "That the words proposed to be left out stand part of the question."

The house then divided.

Ayes, 62—Noes, 106.

The *Chancellor of the Exchequer* then moved, "That the words, 'an humble address be presented to his royal highness the Prince Regent, that he will be graciously pleased to issue a commission under the great seal for the appointment of commissioners to consider of the best means of preventing the forgery of promissory notes issued by the Bank of England and other bankers, and other negotiable securities', be added instead thereof."

Lord *Compton* proposed an amendment, to leave out from the words "Bank of England", to the end of the question.

The *Chancellor of the Exchequer* said, that he wished the investigation to be general, and not directed merely against the notes of the Bank of England.

Mr. *J. Smith* said, he was in favour of the commission, but he saw no pretence for empowering the commissioners to enter into the houses of bankers in the country, upon whom no forgeries had been committed.

Lord *Castlereagh* said, that if the measure were confined to the Bank of England, it would seem like holding them up invidiously as the only banking company whose notes were liable to forgery.

Mr. *Tierney* observed, that the whole of the debate had arisen on the evil arising from the forgery of Bank of England notes, and of those notes only. It was not difficult, however, to guess the reason why the words, "and other bankers" were now introduced. The Chancellor of the Exchequer was always extremely anxious not to give the slightest offence to the Bank of England. (*Hear, hear.*) He was therefore afraid, that the directors might complain that their old friend had deserted them, or, to use a vulgar phrase, had thrown them over the bridge, by appointing even a commission to inquire into their private concerns. To soften their displeasure, he wished to make it appear, that he thought others as bad as themselves, and, therefore he now came forward with this motion. But if such powers were given, the inquiry would do more harm than good. The right hon. gentleman might as well abandon his proposition at once, and have recourse to his old expedient, and say, it was a mistake. (*A laugh.*)

Mr. *Lyttelton* said, there were some cases in which it was advisable to move an adjournment of the house; and in order that further consideration might be given to so important a subject, he should make a motion to that effect. The hon. gentleman then moved, "that the house do now adjourn."

Mr. *Speaker* was about to put the question of adjournment, when

Mr. *Lyttelton* begged leave to withdraw it, until the house should have expressed their sense of his noble friend's amendment to the motion of the right hon. gentleman.

Mr. *Protheroe* said, there was no complaint relative to the notes of country bankers. He had voted for the commission, but he objected to its extension in the manner proposed.

Mr. *Gipps* asked, whether, if the commission should be appointed according to the motion of the right hon. gentleman, country bankers would be compelled to have their notes engraved in the same expensive manner as those of the Bank of England?

The *Chancellor of the Exchequer* replied, that nothing compulsory was contemplated by the measure.

Mr. *W. Smith* said, that as the whole of the discussion had turned upon the notes of the Bank of England, he should oppose the motion of the right hon. gentleman.

The house then divided on that motion.

Ayes, 87—Noes, 75.

The motion being thus carried, Mr. *Lyttelton* rose and moved, "that the house do now adjourn."

The *Chancellor of the Exchequer* said, that rather than have the business of the house interrupted, he would withdraw his motion, and confine the commission to the Bank of England.

Mr. *Speaker* said, that the house had already agreed to the motion, and, therefore, the only way of getting rid of the difficulty would be, to negative the entire question, and to propose a new one.

After a few words from Mr. *Wynn*, this recommendation was adopted.

The *Chancellor of the Exchequer* then proposed, after the word "That," to add the words "an humble address be presented to his royal highness the Prince Regent, that he will be graciously pleased to issue a commission under the great seal, for the appointment of commissioners to inquire into the best means of preventing forgery of promissory notes issued by the Bank of England, payable to bearer on demand."

Mr. *Tierney* said, he could have no objection to this proposition, if the majority had no objection to it. (*Hear, hear.*) What pleased him most was, the unhappy situation of the Bank directors; for, according to the doctrine of the noble lord, they would, by this motion of the right hon. gentleman, be invidiously held up as the only persons against whom it was necessary to take precautions. (*A laugh.*)

Lord *Castlereagh* said, that this remark was unreasonable and vexatious. The fact was simply this: his right hon. friend had consented to withdraw his proposition, to which no very great importance was attached, rather than have the public business which stood for that evening impeded.

Mr. *W. Smith* considered it much better to retract an error than to persist in it, and thought, that the right hon. gentleman had shewn abundant good sense and good temper on this occasion. He hoped that the majority who voted with the right hon. gentleman had also had the good fortune to convince themselves of the unimportance of the proposition in support of which they divided; and, if so, he begged leave to congratulate them on their facility. (*Hear, hear.*)

The *Chancellor of the Exchequer* said, he was very ready to acknowledge that he had been in an error. He was sure that those members who did him the honour to vote with him for the address, would feel that the error was in having contested a point, which, after all, was not worth contending for.

The main question, as amended, was then agreed to *.

TREATMENT OF COUNT LAS CASAS.] Mr. *J. P. Grant* said, that in consequence of the arrangement that business should proceed, he felt obliged to bring forward his motion on the treatment of Count Las Casas. That person had been taken from St. Helena under the authority conferred on the governor, and conveyed to the Cape of Good Hope. He had been thence sent up the country by the authority of the governor, and detained for many months against his inclination. With the circumstances of his coming from St. Helena he had nothing to do; that was not a subject of his inquiry, though he believed there was some suspicion respecting the transmission of letters from the island. Whatever was the ground of his being sent out, it was certain that no improper correspondence was traced to him. He had been detained amongst the savages in the interior of the country at the Cape, and was trans-shipped from thence to England, in a vessel which he had been told was scarcely sea-worthy. He was brought to the mouth of the Thames within the operation of the alien act. When he arrived in the Thames, that very night a despatch was sent from the alien-office, an officer was sent on board to him, and his papers were taken from him, by what authority he knew not. He was then sent to Ostend, where he was taken by two officers, who treated him as a prisoner. He was next delivered to the Prussians, and by them treated as a prisoner, and conveyed to Frankfort, where, he believed, he was still detained under the *surveillance* of the police.—The hon. and learned gentleman concluded, by moving an address to his royal highness the Prince Regent, praying that he would be pleased to give directions that there should be laid before the house "copies of all correspondence with his Majesty's principal secretary of state for the home department, relative to the transportation of the Count Las Casas from the Cape of Good Hope to Great Britain, and thence to the continent of Europe, together with copies of all orders which have been given relative thereto, by the said secretary of state."

Lord *Castlereagh* considered the motion as calculated to throw great odium on government, which, it would be found, they did not deserve. The fact was, that Count Las Casas had been detected in endeavouring to establish a correspondence between the prisoner in St. Helena and certain persons in Europe. He had not been delivered to the government at Ostend. He was conveyed in the common packet-boat, and there was no communication in order that he might be detained when he was there landed. With regard to his papers, when they were taken, his own seal had been put upon them, and they had been sent after him to Ostend. It had been expected that they would reach him there, but though they did not, they were afterwards received by him; and a letter had been transmitted from him in return, that he had received them just as they were when he had put his seal on them.

Mr. *Tierney* contended, that it was very extraordinary that two persons should by accident be waiting to receive Las Casas at Ostend. The fact was, a strong presumption of concert between this government and that of the Netherlands. Could the noble lord deny that a communication had been made to the ministers of that country, to prepare them to seize the Count

* A commission has been since issued under the great seal, directed to the following persons. Sir Joseph Banks, Sir William Congreve, William Courtenay, Esq. M. P., Davies Gilbert, Esq. M. P., Jeremiah Harman, Esq. Governor of the Bank, William Hyde Wollaston, M. D., and Charles Hatchett, Esq. Their first sitting took place on Tuesday, July the 21st.

as soon as he arrived? For the credit of the Alien bill, he hoped the noble lord would consent to the production of these papers.

Mr. *Goulburn* said, the noble lord had distinctly denied that any communication whatever had taken place relative to Count Las Casas. In no country was so much liberality shewn to aliens as in this. If the account of the arrest came from the count, he should doubt the accuracy of it. That person was in the habit of stating facts in a manner to bear two meanings. His account of his treatment at the Cape was an instance of this. He had been there in the governor's country house. Madame Las Casas had been consulted at Paris as to the place where she would meet her husband; she replied, "In London; but if that were refused, any other port was indifferent to her;" and Ostend was selected as the nearest place out of France. Considering the offence of the count, he had been treated very mildly.

Mr. *F. Douglas*, adverting to the sudden arrest of the count at Ostend, pressed to know, whether any communication direct or indirect was made to the ministers of any foreign government in this country, of the port to which the count was to be conveyed.

Lord *Castlereagh* denied any such communication.

Mr. *J. P. Grant* replied, that if this were so, there could be no ground for refusing the papers. He should be glad to find that the fact had been so; but hoped that a clause would be introduced in the alien bill, to enable aliens, whom the government wished to send out of this country, to fix the place of their destination, if they could procure shipping within a reasonable time. (*Hear, hear.*)

The question was then put, and negatived.

GRAND JURY PRESENTMENTS BILL.] This bill was read a second time.

MARRIAGE OF THE DUKE OF KENT.] On the motion of Lord *Castlereagh*, the consideration of the Prince Regent's message was deferred till to-morrow.

HOUSE OF LORDS.

Friday, May 15.

STEAM BOATS BILL.] This bill was brought up from the commons, and read a first time.

BUILDING OF CHURCHES BILL.] The Earl of *Liverpool* said, that in moving the second reading of this bill, he felt he was proposing the most important measure he had ever submitted to the consideration of that house. It had been his intention to bring forward a measure of this nature long ago, but various circumstances in the situation of the country had caused delay; and it was, besides, his most anxious desire that the subject should not be proposed without the most thorough deliberation. It was necessary not only to look at the measure as a whole, but to consider how far it might be practicable in all its details, in order that no crude and ill-digested plan might be brought forward. A measure which was the result of his own investigations, and of the deliberations of those whom he thought it his duty to consult, had come up from the other house, and was now to be decided on by their lordships. He should briefly explain the grounds on which the measure had been proposed, referring to the returns on the table of the house in support of his statement. In considering the important subject of the deficiency of churches, the first thing that suggested itself to many persons' minds was, that the evil was of so great a magnitude that no complete remedy could be applied. But if this were true to the extent to which it had been stated, or true in any considerable degree, still it would be possible to do a great deal of good, and there could be no reason for not attempting all the good which could possibly be done. He was, however, happy to say that the measure now before their lordships, if it did not come up to the wishes of every man, would at least substantially effect what had been so long desired. It would, in its results, have the most beneficial effects on the religion, morality, and general instruction of the country. He had said, that the evil appeared to many so great as to be past all remedy: but those who thought so had taken an erroneous view of the question; they had, like a most respectable individual (The rev. Isaac Yates—see page 1075.) who published a work some time ago on the subject, considered the proportion between the whole population and the churches, and estimated the number of that whole which the churches would not contain. A very slight considerasion was sufficient to shew the fallacy of this calculation. In considering what accommodation would be necessary, it was proper to deduct, in the first place, all those who were in a state of infancy; indeed, the deduction might perhaps be extended, at an average, to all children under seven or eight years of age; next should be deducted, all persons who were too old and infirm to attend public worship. These two classes would be found to form a very considerable proportion of the population, and in the estimate of the latter ought to be included all those detained at home by sickness or accidents. A third qualification of the estimate of the whole population, compared with the churches, consisted in the necessity of persons being left at home to take care of the houses. In no parish whatever did he believe it possible that the houses could be left without at least one individual in charge of each. If, therefore, a sufficient number of churches to contain the whole population were built, a part could not attend divine service. There was still a fourth qualification, founded on considerations connected with dissent; but, as the object of the measure was to remove dissent, he did not wish to give more weight to this ground of deduction than might be thought fairly due to it. In all populous

parishes, however, it was certain that some allowance must be made for dissenters. The result of the calculations founded on the considerations he had stated, was, that provision ought to be made for the accommodation, in churches, of one in every three, or one in every four. From the best consideration that he was capable of giving to the subject, it appeared to him that a provision, in the proportion of one to every three, would not be more than sufficient. It was thought, however, by many, that in parishes of a population of 4,000 and upwards, the proportion of one to four would be all that was requisite. These facts and views considerably qualified the evil, which he was far from wishing to undervalue. If their lordships looked at the returns on the table relative to the state of the manufacturing towns, they would find in them the most urgent motives for taking this subject into their earnest consideration. To supply accommodation for the metropolis, it was proposed to build additional churches in different parishes—in Mary-le-bone 5; in Pancras 4; in St. Leonard's Shoreditch 4; in St. Matthew's, Bethnal-green 4; in Lambeth 3: other parishes, which he need not enumerate, would have corresponding additions. In the country, the supply would be in a similar proportion to the present deficiency. Manchester, it was thought, would require an addition of 7 churches; Sheffield 4; Stockport 3; Birmingham 3 or 4, and so on. The measure brought from the commons which was to authorize this provision embraced three specific objects. The first was a grant of 1,000,000*l.* towards the expense of building churches; its second object was, to authorize subscriptions in aid of the grant; and the third, to appoint commissioners for carrying the act into execution. The sum proposed to be voted by parliament, he was convinced, would, with due care and attention, do a great deal towards the accomplishment of the object of the bill. It was estimated that it would afford the means of building about 100 churches, without any aid from subscriptions. But that the addition to be derived from the latter source would be very considerable he could not doubt, when he recollected what had been done by Liverpool, where no less than 6 churches had been built by subscription. That town, which was very inconsiderable at the commencement of the present reign, now possessed a population of 100,000, and had 14 churches. With the addition of two more, sufficient accommodation would be afforded for its population. Having this example of Liverpool before his eyes, he could not doubt but that much would be done by private subscription to aid the liberal vote of parliament, and that public spirited individuals would eagerly come forward in every quarter of the country to promote so desirable an object. From the nature of the provisions of the bill, and the judicious exercise of the authority it vested in the commissioners, it might not unreasonably be expected that, with the aid of the subscriptions, from 150 to 200 churches would be built. He was sure that he expressed the feelings in which every person who heard him participated, when he said that it was a duty paramount to every other to support religion, and, in particular, that established by law; which, without disparagement to any other, he believed to be the most pure. With this feeling, it would be unnecessary for him to point out many considerations, which, in a political point of view, would alone be calculated to induce their lordships to approve of this measure. The considerations to which he alluded were principally to be found in the vast increase of the population of the country within these 20 years. That increase had taken place chiefly in great manufacturing towns; and, with all the advantages the country had derived from the extraordinary extension of its manufactures, it was impossible for their lordships to conceal from themselves this fact—that great masses of human beings could not be brought together in the manner in which they were situated in these towns, without being exposed to vicious habits, and to corrupting influences, dangerous to the public security as well as to private morality. In the manufacturing districts a great want was felt of churches, which their lordships were most imperiously called upon to supply. The disadvantages with which the church had in other respects to contend in those districts of increasing population was another circumstance which deserved the serious consideration of their lordships. He should be sorry to say any thing that might be construed into a disregard to the toleration laws; but it was impossible to look fairly at this measure without considering what was the situation of those persons who dissented from the establishment. Their lordships must be aware that dissenters had in their power to build places of worship in any number, to any extent, and without any limitation. It was evident, then, that the establishment laboured under a disadvantage in this respect; for in building places of worship for the church of England, reference must be had to the rights of property and to the discipline of the church. Perhaps he might be of opinion that these restrictions were carried too far; but they existed, and could not be overlooked by their lordships in considering this measure; for if the dissenters possessed such decided advantages, it was the duty of their lordships to afford the established church the means of balancing them. The measures lately adopted for the benefit of the poor ought also to be taken into consideration. When the systems of education to which he alluded were first introduced, some persons had entertained doubts of their adequacy and propriety. Those doubts had, however, been removed. For his part, he had always been of opinion, that the benefits of instruction ought to be extended to all classes of his Majesty's subjects, and he had viewed with satisfaction the subscriptions entered into and measures adopted for that object: but then their

lordships must perceive in this an additional inducement to direct the education which was thus diffused into a proper course. It was their duty to take care that those who received the benefits of education should not be obliged to resort to dissenting places of worship by finding the doors of the church shut against them. By building additional churches, the establishment and the dissenters would be placed on a fair and equal footing. Their lordships were acquainted with the nature of the measure which was adopted in the reign of Queen Anne. It was then the opinion of parliament, that 50 additional churches should be built for the metropolis. At that time the population of the kingdom was not above one half of its present amount, and that of the metropolis stood in the same proportion. The recollection of that proposition was important, as it shewed what feelings had actuated parliament on this subject a century ago; and he was sure that corresponding feelings would be evinced by their lordships on the present occasion. It was proposed that commissioners should be appointed for carrying the act into effect; but under its provision they would interfere as little as possible with rights and property, either public or private. The bill, however, described no positive manner in which it should be carried into effect. Its operation would vary according to circumstances. Some parishes it might be found proper to divide; in others, the provision for additional services would in many cases accomplish the object so much desired, where no church was to be built. He could not anticipate any objection to the vote of 1,000,000*l*. for so important a purpose. It was certainly a satisfaction to him, that at a time when a spirit of economy had been manifested in the strongest manner, and a call had been made for reductions carried to an extent which, in some instances, he confessed he could not approve, no individual had yet opposed this grant. It was in his opinion highly creditable to those who, in another place, had considered it their duty, after a long war, to diminish as much as possible the public burthens, that they were, notwithstanding, willing to concur in an expense called for by the best interests of religion and morality, and, therefore, conducive to the true prosperity of the country.

Lord *Holland* thought it necessary to state the principle on which he acceded to the second reading of this bill. As far as it had been stated that a necessity existed for more churches, he agreed. As far as it had been contended that the state ought to lend its assistance in the accomplishment of such a measure, he agreed. But he should be dealing disingenuously with the house, he should be guilty of omission in the discharge of a duty which, however unpalatable, he considered a necessary one, if he did not state, that to this grant, as to a bill without any modification, he did not agree; nor could he agree to many things that had been laid down by the noble earl. It was not necessary for him to follow that noble earl through all the topics which he had then discussed, or to insist on the importance of this measure; for, in the present state of the country, to say that a measure which went to dispose of a million of money, was a measure of importance, he thought was little other than a truism. But when the noble earl by a flourish of rhetoric, called it the most important that could engage the attention of the house, he certainly did wonder that a minister, who had restrained the prerogative of the heir to the crown, who had called on the country to grant sums unprecedented in amount, who had suspended the liberties of the people—he did wonder that a minister who had been engaged in such transactions, should esteem the building of a few churches a measure of such paramount importance. He agreed, however, that it was a measure of importance. But he thought that a church so rich in endowment as the church of England, ought to contribute to its own support and increase. The noble earl had said, that one district of the kingdom, Liverpool, (and he had highly panegyrized that town for the part it had acted,) had accomplished the objects that were now deemed so desirable, without any assistance from parliament. Satisfactory as it must be to the people of Liverpool to receive these panegyrics from the noble earl, it could not be very satisfactory to them to say, "Now, gentlemen, having built churches for yourselves, and at your own expense, we must take more from you to build churches for others;" that was in effect what this measure would do, as all would in reality contribute to its completion. He did not mean to follow the noble earl, for it was unnecessary to contend with truisms. It was certainly impossible that all the population of the country could attend divine service, if there were accommodation for only one-fourth of it. It was true that, after all, dissent would exist; undoubtedly it would, and he thought that this was no evil, and he hoped he should never see it extinguished; for it was impossible that difference of opinion should not exist, and the expression of it could not be repressed but by the unjustifiable hand of power. The noble lord had insisted much on the advantages that the dissenters enjoyed, and the restrictions that were imposed on building church of England places of worship. He (Lord Holland) thought those restrictions too many, and he had that morning taken considerable pains to learn the nature and extent of them: but so confused and unintelligible were the statutes on this subject, that he feared, after all, he was not lawyer enough to explain the nature of them to their lordships. He believed, however, that under the conventicle act of the 22d of Charles the Second, (an act which was a disgrace to the legislature of that and of the present day, and which almost superseded the whole effect of the toleration act), under that conventicle act, persons conforming to the liturgy and doctrines of the church of England, even the parson of a

parish himself, were precluded, under severe penalties, from reading service any where in a parish but in the parish church*. But, whatever those restrictions might be, he thought that under the present circumstances of the country the church ought to contribute to its own necessities; when he said contribute, he did not mean voluntary contributions, for those made under the name of voluntary contributions were often the most forced, the most oppressive, and the most cruel of any: (*hear, hear, hear,*) but he meant that, in this instance at least, she should follow the example of a church which, however corrupt, and he thought it the most corrupt of any, had acted wisely and justly in this matter—he meant the church of Rome. By that church, even in countries where she was most powerful, and insolent he might say, it was made a habit and custom to suspend dignities that were not very essential to the cure of souls, in order to make a fund for the rebuilding and repairing of churches; he did not mean that they touched the emoluments of any living dignitary, but suspended the profits of the benefice between the death of one incumbent and the appointment of another. In Spain there was not a cathedral, where four or five canons or prebendaries were not suspended from time to time to provide for the exigencies of the church; and he did not see why deans and prebendaries should not be suspended with the same view in England. The noble earl had insisted that the church should be put on an equal footing with the dissenters, and a pretty manner the present was of putting her on an equal footing. It was no other than saying, "You, gentlemen, who pay for yourselves, who pay for your own chapels and your own clergy, in addition to paying tithes to ours, shall also contribute to the erection of those churches in which you have no interest whatever." He (Lord Holland) did not say that they ought not to contribute, but he thought it most invidious in the noble earl to affirm, under all these circumstances, that they enjoyed advantages beyond the established church. He agreed, however, that the situation of the country called for a bill of this nature, and thought the noble earl correct in making an apology for its tardy appearance; the more so, as a noble friend of his (he might name him as he was not present), Earl Grosvenor, had proposed a measure of the same kind five years ago. But he was not then listened to; nor was it then admitted or contended by the noble earl opposite, that this was the most important of all possible measures that could come before the house. The merit of originating this measure was with Earl Grosvenor, and with him only; the merit of the noble earl only went to the amount of the sum granted by this bill, and not to the principle of the measure.

The Earl of *Harrowby* said, that, with respect to the extent of this measure, it was certainly, not too much for the people to expect, that one fourth of their numbers should be able to attend divine worship. As to the source, it was not expected that parliament alone should defray the whole expense, but that it should be made up partly by parliament, partly by rates, and partly by subscriptions; and to this he could see no objections. But the noble lord had insisted, that the revenues of the church ought to supply the charges of a measure of this nature. Surely the noble lord did not think that this measure was intended for the advantage of the church, considered with a view to its clergy. Undoubtedly it was not, but for the advantage of religion in general and the community at large; and there was no more reason for calling on the revenues of the church than on those of any class of society. With respect to the merit that was due to the first proposer of this measure, and the claim made for that merit in another quarter, he thought that every parliament, since that disgraceful business in Queen Anne's time—(he called it disgraceful, not on account of the sum voted, but because 11 only of the 50 churches ordered were ever built)—that every parliament had to reproach itself with its neglect on this subject; and the consequence was, that dissenters of every species had the advantage of the established church, by being enabled to open places of worship. If, then, the advantages now proposed were not afforded the church, the general education of children that was taking place would have no other effect than that of turning them into dissenters.—To return, however, to the question of merit on this subject, he must beg leave to state, that in the midst of the momentous events of the late war, a dear and lamented friend of his—a friend with whom his fortune and fate had been much connected,—turned his attention seriously to this subject; a subject of which the noble lord seemed to him to underrate the importance. Other measures might be of great importance at the time, or for any transient period: this was a measure that was not limited in its effects to the present moment, or to passing interests, but concerned all ages and the interests of immortality. All this had been under the consideration of his dear and lamented friend, who was desirous, before

* Marvell calls this act "the price of money," adding, "the king told some eminent citizens, who applied to him against it, That they must address themselves to the houses; that he must not disoblige his friends; and if it had been in the power of the lords, he had gone without money."

But this act, as far as relates to dissenters, was repealed by the 52 Geo. III. c. 155. By the last act, however, no congregation or assembly for religious worship of Protestants (at which there shall be present more than 20 persons besides the immediate family and servants of the person in whose house or upon whose premises such meeting, congregation, or assembly shall be had) shall be permitted or allowed, unless and until the place of such meeting shall be certified and registered at the general or quarter sessions of the peace.

he proposed any thing, to collect information as to the wants and deficiencies of the church; and to aid him in that view, he (Lord Harrowby) had, in 1810, procured an address for a return of the number of churches and parishioners in the united kingdom.

The *Archbishop of Canterbury* congratulated the country, that a contest should have arisen on both sides of the house as to which should claim the merits of this measure. He had in his possession a letter from the distinguished individual (Mr. Perceval) to whom the noble earl had alluded, saying, that in five days he should have in his hands all the details which would enable him to take some active step; but, before those five days had elapsed, he was assassinated. As for the project of a noble lord on the other side for suspending prebendaries and canonries, that noble lord knew very little, if he thought that the measure could be effected by any such means; they would, indeed, be slow and inefficient, even if resorted to; for the noble earl who had first spoken had said, that the present grant, large as it was, with additional supplies from other quarters, would scarcely suffice. He thought one mode that had been suggested to supply the deficiency of churches would be attended with considerable difficulty—he meant that of multiplying the number of services, In that case, the services would approach so near to each other, that he feared confusion would be created, and the plan be found impossible. These, however, were things for future consideration; and he congratulated the country, that the measure had met with no opposition in point of principle in either house.

The Marquis of *Lansdowne* thought the measure most indispensable. While the state preserved an established religion, it was their duty to hold out to all the means of performing the duties of that religion. With respect to the mode in which it was proposed to defray the expense of this measure, he did not vote for it because there was any thing in the circumstances of the country that rendered it easy to defray that expense now, but because he should have supported it at any time whatever: he thought, however, such an additional burthen should not be created, except for an object of paramount importance. He did not understand that the measure was to enable the commissioners to extend its objects to Scotland, though it was very necessary there, as there were many extensive parishes without a church. The same was the case in Ireland. But, considering the amount of the protestant population in Ireland, perhaps the measure was not necessary for that country; and if so, he thought the burthen ought to be borne by that richer country which the expenditure was designed to benefit: he therefore felt a difficulty in calling on the presbyterian church of Scotland, or the people of Ireland, to contribute to this measure; he was interested for Ireland personally, though not for Scotland; but he thought it his duty to state these difficulties, and to hope that the house would legislate on principles of equity.

The Earl of *Liverpool* replied, that the same attention was due to the established church of Scotland as to that of this country, as this measure was proposed, not for the church of England alone, but the general cause of religion: Scotland had a fair claim to her proportion of assistance from the general revenue of the country. He believed that the same necessity existed there, and that the executive would make a similar proposition for that country. As to the hardship of drawing contributions from Ireland, it must be remembered that Ireland and Great Britain were united, and their exchequers consolidated; and he did not see how that country could be relieved without admitting the principle, that the charge ought in all places to be entirely local. In Scotland indeed, the case was different, as the union was not so intimate in all respects. It might be hard that places should contribute which did not stand in need of the operation of the measure, but this would be the case with many counties of England.

The bill was then read a second time.

HOUSE OF COMMONS.

Friday, May 15.

WELCH JUDICATURE.] Mr. *Jones* brought in his bill "to alter and correct the practice of the several courts of great sessions in Wales, and to amend the laws relating to the same."—It was read a first time.

MARRIAGE ACT.] Dr. *Phillimore* brought in his bill "to amend certain provisions of the act of the 26 Geo. II., for the better preventing of clandestine marriages."—Read a first time.

STEAM-BOATS BILL.] On the motion of Mr. *Harvey*, this bill was read a third time, and passed.

SAVING-BANKS (SCOTLAND) BILL.] Sir *G. Clerk* observed that this bill had excited a good deal of interest in Scotland; but that the second reading stood for an advanced period of the session. (the 25th instant.) He, therefore, wished to know from the hon. member who had brought it in, whether he had any objection to discharge the order, and to let the bill stand over till the next session.

Mr. *W. Douglas* assented to the hon. baronet's suggestion, and moved that the bill be read a second time on that day three months; which was agreed to.

WAR IN INDIA.] Mr. *Howorth* rose to move for certain papers relative to the recent transactions in the East Indies. He said, the sole object which he had in view was, to obtain information. In 1783, the late Lord Melville moved certain resolutions on the affairs of India, which were sanctioned by parliament; among which resolutions one stated, that to pursue schemes of conquest, and extension of dominion in India was repugnant to the wish, to the honour and policy of the British nation, and that it should

not be lawful either to declare war, or to commence hostilities, without the express command of the Directors or Secret Committe, by the authority of the Board of Control. In 1793, that resolution was embodied in a bill, which was now an act of parliament. It must appear to be deserving of inquiry how it had happened, that the governments of India, in succession, had ever since found themselves under the necessity of violating the spirit of this act. With respect to the frequency of wars, one might look to the north, south, east, and west of India for confirmation of the fact. Let any member look attentively at the map of India, and compare our possessions when that act was passed with what they were at present, and he would see how the system had increased. The alteration of circumstances was surprising. The war at present raging was called a Pindarrie war, a term not much understood in this country. On the decline and fall of the Mahommedan empire, a number of chieftains, under various appellations, set up for themselves, and robbed their neighbours and rivals as much as they could. A number of these were called Pindarries, which was synonimous with plunderers; and with these people the northern parts of India still abounded. Their system was, to meet in large numbers at the conclusion of the rainy season; they then branched out in various directions, to carry on their predatory operations, committing every species of plunder and devastation. When seriously attacked, they dispersed, but afterwards they reunited, to renew their inroads and aggressions. He was desirous of knowing why, on a Pindarrie war as it was called, so great an army was collected in the centre of India, to attack people of this description. The Marquis of Hastings had declared his intention to be, to put down these Pindarries. But they were the only enemy we had not fallen in with and beaten, though we had overcome the Peishwa of the Mahrattas, and the Rajah of Berar, and had conquered every power which we professed to attack. The governor-general of India was now in the field with a vast army, amounting to nearly 100,000 men, and was also at a distance of 1000 miles from the capital of Bengal. Probably, he had now gained possession of the capitals of Holkar and Scindiah; but it appeared that the war was most extensive, and that the Mahrattas were all in arms. Surely it was right that the house should inquire into the causes which had led to such a war. He therefore moved, "that there be laid before this house, 1st, Copies or extracts of all advices received from the government of India, relative to the origin and progress of the discussions which terminated in hostilities with the Peishwa. 2d, Copies or extracts of all advices received from the government of India, relative to the origin and progress of the discussions which terminated in hostilities with the Rajah of Berar. 3d, Copies or extracts of all advices received from the several governments of India, respecting the aggressions of the Pindarries. 4th, Copies of all treaties concluded between the British government in India and the native powers since the year 1804."

Mr. *Canning* said, that as to the first question, relative to the Peishwa, he was disposed to concur in the motion of the hon. member; but he was not yet in possession of official information as to the causes of hostilities with the Rajah of Berar. As to the war with the Peishwa, he flattered himself that he could prove, that the British government, instead of having acted harshly towards him, had in reality placed too confident a reliance on his good faith. With regard to the motion respecting the Pindarries, he believed that the question was not very well understood in this country. It was not then the time for him to go into any details upon it; but whenever the house should think fit to make it a subject of discussion, he should be ready to enter into particulars. He must, however, observe, that the Pindarries had for the last two years been making incursions on the territories of the British East India Company, carrying with them fire and sword, and committing every species of atrocity and desolation. When the facts were before the house, they must see the propriety of attempting to extirpate so fatal a pest, not only to the neighbouring nations of the natives, but to the subjects of the British empire in India. As to the fourth motion, he had not the slightest objection to it. There was no man more ready than himself to agree, that a pacific and forbearing policy was best suited to our interests and our character in India. But, unfortunately, however much we might bear and forbear, the circumstances of that country had occasioned peculiar causes leading to hostilities, which no prudence could anticipate, no moderation could prevent. The state of our power in India had arrived to such a height, and attained such a position, that, without going into an inquiry, as to how it rose to its present extent and elevation, it became necessary to give it a full protection. But when he said this, he did not mean to say that unnecessary or ambitious wars should be entered upon, but only such as were necessary for general security.

The first motion was then agreed to; and, Mr. Howorth having, with the leave of the house, withdrawn the second, the third and fourth were severally put and carried.

MARRIAGE OF THE DUKE OF KENT.] The house having resolved itself into a committee on the Prince Regent's message,

Lord *Castlereagh* rose and said, that it would not be necessary for him to trouble them at any length, as all the topics relative to the subject had been so recently discussed. The present question was certainly, in a considerable degree, in the view of the house on former votes. At that time he was not authorized to communicate the intended marriage of the Duke of Kent, but he had felt it his duty to open to them, that

a treaty of marriage would ere long be concluded. It might, he thought, be collected from the general character of the late discussions, that when a branch of the royal family entered into a matrimonial alliance, approved by the crown and sanctioned by parliament, the house was disposed to vote such a decent and proper additional income as ought to be granted to a member of the royal family under such circumstances, and not to expect that he could meet his expenses with the same means when married as when single. He thought it might also be collected, that there was no disposition on the part of the house to take into consideration, in their estimate of the proper grant to be made on such an occasion, the casual income which such branch of the royal family might derive from any military situation, whether conferred upon him at home for his past services, or abroad as a mark of honorary distinction. On these principles the house had voted an addition of 6000*l.* a-year to the Duke of Cambridge, with a similar dower to the princess to whom he was betrothed, in the event of her surviving him. He proposed now, in the case of the Duke of Kent, to follow the precedent strictly, both as to the income and the dower. He did not mean to propose any outfit, as he understood that, under all circumstances, his royal highness did not wish for it. He had only one or two further observations to make relative to this marriage. He apprehended that there could exist only one feeling as to its suitableness, as the connexion with Saxony was not new, and part of the family was so decidedly recommended to the good wishes of the country. (*Hear.*) In justice to the illustrious princess with whom his royal highness was about to ally himself, he might state, as a very favourable feature in her character, that although, when the treaty of marriage was in progress, she felt it her duty not to relinquish the personal guardianship of her children, by her former marriage, she did not extend that disposition to the pecuniary advantages of her widowhood; but that her marriage would deprive her of an income of 3000*l.* a-year on that ground, and of other pecuniary advantages arising from her guardianship, amounting, in the whole, to about 5000*l.* a-year; so that the provision of a dower for her was but an act of bare justice. It was due also to his royal highness to state, that he was desirous that 2000*l.* a-year of the proposed income should be settled on his royal consort by way of pin money. His royal highness had for some years been under the pressure of considerable incumbrances, to provide for the discharge of which he had assigned a large proportion of his revenue. It was not to be expected, therefore, that, immediately after his marriage, he would live altogether in that splendid style which he would otherwise do. Those incumbrances had been incurred at an early period of his life, and when he had been employed abroad. Until his royal highness was 32 years of age, he received only 5000*l.* a-year from his royal father, and about 5000*l.* from his situation as commander-in-chief of the British possessions in North America.—Under these circumstances he should move, "That his Majesty be enabled to grant a yearly sum of money out of the consolidated fund of the united kingdom of Great Britain and Ireland, not exceeding in the whole the sum of 6000*l.* to make a suitable provision for his royal highness the Duke of Kent upon his marriage."

Mr. *Curwen* said, that however painful it might be to himself, he felt it his duty to oppose the grant. He knew of no admitted principle by which he could be pledged to make a provision for every branch of the royal family, when a marriage was about to take place. One royal duke had declined the 6000*l.* a-year, and there were reports, that he would marry notwithstanding. He did not agree with the opinion that emoluments enjoyed from military or other situations by members of the royal family were not to be taken into consideration. The proposed grant could not be necessary, when it appeared that the Duke of Kent had 25,000*l.* a-year; particularly when he considered the burthened state of the country. He thought 25,000*l.* a-year sufficient. But were there no sources from which his royal highness might be relieved from certain difficulties? Had not the illustrious duke parents? Why could not her Majesty out of a privy purse of 50,000*l.* a-year, relieve her son on the point of marriage from his embarrassments? In that case, an application to parliament, to impose fresh burthens on the people would be unnecessary. He was glad that parliament had at length awaked to a sense of its duty, and had told the royal family, that, if they chose to contract debts, and did not discharge them, parliament could not conscientiously assist them. (*Hear, hear.*) What he had said might certainly not be personally agreeable, but he felt it his duty to say it; and to oppose the grant *in toto;* though he entertained in common with others, a high respect for the character of the illustrious duke.

Sir *R. Heron* said, he felt a great respect for the character of the exalted individual in question; but, in the present overburthened state of the country, if it were deemed necessary to make any addition to his royal highness's income, it ought to be made from some of those enormous establishments which had of late years been much increased for purposes of parade and patronage, and in which diminutions might easily be effected. For himself, he should have opposed the grant to the Duke of Cambridge on similar principles; and particularly on account of the great emoluments he derived from Hanover. If it were urged that those emoluments were temporary, it would be time enough when they should cease to come to the house for an additional burthen on the people of this country. To the proposal for the dower to the princess he had no objection.

Mr. *Brougham* observed, that if the merits of the Duke of Kent were the subject of consideration, and if the vote depended on personal character, the question might be easily disposed of. No man in an exalted rank had set a brighter example of public virtue, or used more actively and beneficially, his endeavours in behalf of institutions for the protection, the education, and the relief of the poor. But it appeared to him, that those views must be entirely laid aside in considering the present question. A marriage contract had been entered into, with the desirable view of continuing the succession to the throne in the house of Brunswick, with the full consent of the crown—a marriage generally allowed to deserve the sanction of parliament. It was also understood, that the pecuniary affairs of the Duke of Kent were so situated, as to render it necessary to apply for parliamentary aid, in order to enable his royal highness to enter suitably upon this permitted and expected alliance. With respect to the personal character of those illustrious individuals, the royal dukes, the house knew nothing of their merits or demerits; it was enough to know, that they were part of that family in whom it was desirable to secure the succession to the throne. The questions were, was the match calculated to obtain that object? Had it received the approbation of the crown? Did it deserve the sanction of parliament? If these points were established, as they were in the present case, and in the cases of the Dukes of Clarence and Cambridge, then came the last question—is the assistance of parliament necessary to enable the match to be concluded? To this question an affirmative was given in the case of the Duke of Clarence, on which account he voted for an allowance of 6000*l.* a-year to his royal highness; a negative was given to it in the case of the Duke of Cambridge, on which account he voted against an allowance to his royal highness. This was the only true constitutional ground on which the noble lord's proposition ought to be acceded to, and not the respect which every man must feel for the character of the Duke of Kent. With respect to the incumbrances of his royal highness, he understood that they had arisen entirely from the delay in providing a separate income for him. He had received only 5000*l.* a-year till he was 32, whereas his royal brothers received 12,000*l.* a year at the age of 24. The offices he had held abroad were not mere sinecures. He had been exposed to unhealthy climates, and, he believed also, to the chances of war. He had been employed in the West Indies, at Gibraltar, in Nova Scotia, and in Canada for 12 or 14 years, having no income adequate to his expenses. He had sustained great losses in his baggage, which, in the case of an ordinary officer, would have found their way into the army extraordinaries; but his royal highness had received nothing on this account, and he did not now ask for any thing relative to it. By the arrangements for liquidating his embarrassments, he had appropriated 17,000*l.* or 19,000*l.* a-year out of his 25,000*l.* (17,000*l.* a-year was mentioned across the table.) Well, then, here was a deduction of 17,000*l.* a-year, which must continue for some years to come.—On these grounds he should vote for the additional allowance; and, in adopting that line of conduct, he desired to observe, that as he was not influenced by any other feeling than that of propriety, so he would not be deterred by popular clamour from acceding to what he felt to be right.

Mr. *Methuen* said, he must protest against the grant, though he did it with every feeling of respect towards his Royal Highness. He could not, however, in the present circumstances of the country, agree to the motion.

Lord *Althorp* agreed with his hon. and learned friend in many of the opinions he had expressed, and perfectly agreed with his conduct when similar grants had been under discussion. He agreed with him that it was perfectly desirable that the succession should be kept up in the house of Brunswick, and for that purpose he was willing that every reasonable provision should be made. It had been stated, that the marriage of the Duke of Clarence could not take place, if the 10,000*l.* a-year should be refused, the noble lord not thinking 6000*l.* a sufficient sum. It was now rumoured, however, that the marriage was to take place. For his part, it did not appear to him that the marriage of all the branches of the Royal Family could be considered as any great public advantage. It might be desirable that some of them should marry, but it was not desirable that the country should be called on to enable all of them to marry. *(Hear, hear.)* It seemed to be implied, on his side of the house, that the marriage of the Duke of Kent depended on the vote of that night. The noble lord, however, had never even hinted that, supposing the grant should not be carried, the marriage could not take place. On that ground, there was a line of distinction to be drawn between the case of the Duke of Kent and that of the Duke of Clarence. He agreed with his hon. and learned friend on the subject of the royal duke's general benevolence; but felt himself called upon, in duty to the country, to vote against the motion of the noble lord.

Mr. *Brougham* wished to say a few words, in consequence of what had fallen from his noble friend respecting the marriage of the Duke of Clarence. All of them knew that the noble lord opposite had assigned as the ground on which he called on the house to consent to a vote of 10,000*l.* a-year to the Duke of Clarence, that, unless they voted that sum, it was impossible his Royal Highness could marry. But notwithstanding that threat—he did not mean the word in an improper sense—after that

argument, he might say, his Royal Highness, even with 6000*l.* a-year, felt it quite possible to proceed in the marriage.

Lord *Castlereagh* said, he had proposed 10,000*l.* as the sum which appeared to his Majesty's government most proper, after every investigation they could give to the affairs of his Royal Highness. Considering that he should live in England, and live as a duke was entitled to live, who was a member of the Royal Family, they had thought it was impossible to advise a marriage on a smaller allowance. They did not mean to express any opinion on what his Royal Highness's own feelings or sense of honour might dictate with regard to the marriage; but he would appeal to the house, if that marriage still took place*, whether it would be grateful to their feelings that the sum necessary to enable his Royal Highness to support himself in a married state, should be derived from any source than the bounty of parliament.

Mr. *Protheroe* said, that having opposed the grants to the other branches of the Royal Family, on the ground of the distressed state of the country, he could not vote in favour of the present motion.

Mr. *J. Smith* considered that the statements of his hon. and learned friend had been correct. There were some circumstances in addition, however, which ought to be known to the house. He believed that his Royal Highness had received some small sum of money, on account of losses he had sustained. The house, however, were not perhaps aware of the exact state of his affairs. For many years his Royal Highness had not had a larger income than the eldest sons of many gentlemen in that house. He had incurred a large debt, a considerable portion of which had been discharged from the appropriation of part of the droits of the Admiralty. When it was considered that he had not had the parliamentary grant till he was 32 years of age, there did appear a sort of want of liberality in the house towards him. It was scarcely necessary to mention what was generally known—the great benevolence, and the useful and generous conduct of his Royal Highness, of which no man could be ignorant. He had watched the progress of his Royal Highness; he had known what he had done for numerous charities, and his constant exertions to advance the interests of many institutions. Those things would be enough to influence him in his vote. But he thought it hard that it should be stated as a reason why he had not had the parliamentary grant till he was 32 years of age, that he had been in foreign service, exposing himself to the yellow fever, and to all the hardships of the West Indian climate. So far from agreeing with that idea, he thought that ought to be a reason why his allowance should be larger. His Royal Highness had set apart 17,000*l.* for the payment of his debts, and three years, he believed, would discharge them all. A mistake had been made with regard to the present amount of his income; for, though 7000*l.* remained, 1000*l.* and more had been long paid to certain widows of soldiers and officers, who had been his companions in arms in former days, and he had no doubt that sum would be continued to be paid by his Royal Highness. He voted for the motion of the noble lord upon principle alone, and he had seldom given his vote with greater satisfaction.

Sir *C. Monck* wished to shew the consistency of the vote which he intended to give. When the grant had been proposed to the Duke of Clarence as a member of the Royal Family, he was ready to accede to any grant of money that might secure to his Royal Highness a proper establishment. He had given his vote to the 10,000*l.*, thinking it not too large under all circumstances. But he could not agree with the noble lord, when he proceeded, he thought, in the most improper course which a minister of the crown could adopt; when he proposed to take that course which was calculated to record the motive for which that 10,000*l.* had been reduced. When he selected from the other end of the Royal Family, if he might so speak, a man who stood so high in the public opinion as the Duke of Kent, he thought the noble lord went far to display an opinion that had been entertained on the proposal of that former grant. While the marriage of his Royal Highness the Duke of Clarence was in course, he thought it was not proper that any other member of the Royal Family should come to the house and ask for an additional allowance for the same purpose. That should not, he conceived, be done, till all hopes of increase had ceased from the marriage then pending.

The committee then divided.

Ayes, 205—Noes, 51.

LIST OF THE MINORITY.

Althorp, Vis.	Folkestone, Vis.
Bennet, Hon. H. G.	Fergusson, Sir R. C.
Brand, Hon. T.	Guise, Sir W.
Byng, G.	Heron, Sir R.
Burrell, Hon. P. D.	Hornby, E.
Calvert, C.	Hurst, R.
Calvert, N.	Latouche, R.
Calcraft, J.	Lambton, J. G.
Campbell, Hon. J.	Lefevre, C. S.
Carhampton, Earl of	Lloyd, Sir E.
Carter, J.	Lyttelton, Hon. W.
Cranbourne, Vis.	Maddocks, W. A.
Coke, T.	Martin, John
Dowdeswell, E.	Monck, Sir C.
Dundas, C.	Moore, P.
Elliot, Rt. Hon. W.	Methuen, P.
Fane, J.	Newman, R. W.

* His Royal Highness the Duke of Clarence was married at Kew palace, on the 11th of July, 1818, to her Serene Highness the Princess Adelaide of Saxe Meiningen.

North, Dudley	Sharp, R.
Ord, William	Shelley, Sir J.
Osborne, Lord F.	Stanley, Vis.
Portman, E. B.	Tierney, Rt. Hon. G.
Protheroe, E.	Waldegrave, Hon. W.
Philips, George	Webb, E.
Pym, F.	Wynn, C. W.
Ridley, Sir M. W.	
Sebright, Sir J.	TELLER.
Sefton, Earl of	Curwen, J. C.

Lord *Castlereagh* then moved, " that the sum of 6000*l.* per annum be settled upon her Serene Highness Mary Louisa Victoria, Princess of Leiningen, when she shall become Duchess of Kent, in case her Highness should survive his Royal Highness the Duke of Kent, to be issuing and payable out of the consolidated fund of the United Kingdom of Great Britain and Ireland."

This motion was agreed to, *nemine dissentiente.*

ALIEN BILL.] Lord *Castlereagh* moved the second reading of this bill.

Mr. *Lambton* said, it was with no small surprise that he had heard from the noble lord the other night, that he intended to introduce an alien bill in a period of profound peace. Such a measure appeared to him to be little better than a gross insult offered to the character of that house. The noble lord had ventured to introduce what he called a mitigated and milder measure; but it was a measure which violated, at one blow, those ancient laws which protected the liberties and constitution of this realm—a measure in direct contravention of Magna Carta*, and having a tendency to assimilate England to the arbitrary and tyrannical governments which had before been held up to our scorn and detestation. Up to 1793, it was the policy of this country to encourage and protect those foreigners who visited her shores. That was the spirit which pervaded all the acts and institutions of our ancestors. Had the same spirit which commenced with the continental tyranny, introduced under the auspices of the noble lord, then prevailed in this country, would England have received those persecuted foreigners, who were banished under the edict of Nantes? Should we have derived the wealth and the industry which those people brought to the country in which they found an asylum? Even James II. received the persecuted Protestants of France; he had thought it right to protect them, at the same time that he was authorizing the greatest cruelties connected with religion, and when he was dispensing with the test act in favour of his Catholic officers. He had mentioned those facts merely to shew that in all times had foreigners enjoyed liberty and security in this country; they had enjoyed those blessings even when the country was subject to all the danger which threatened it from a pretender to the throne. (*Hear, hear.*) In 1793 the alien bill was first introduced, and it was stated in the preamble, that it had been constructed in consequence of the great and unusual recourse of foreigners to this country, and the danger likely to ensue from that, by the introduction of French revolutionary principles. The same pretences did not now exist. The bill of 1793 was a war measure; and if it could not be shewn that any danger was to be apprehended from the machinations of foreigners, no precedent could be drawn from the adoption of that measure. We were now at peace and amity with all the world; all revolutionary principles had been annihilated by the sad experience of the last 25 years, and Europe had subsided into tranquillity and repose. The noble lord had allowed that—he himself had stated it. Social order had been established. In every corner of Europe had legitimacy raised its head. In furtherance of that, the noble lord had assisted to plan and execute the partition of whole countries; he had handed over states to other governments, whose rule had always been the object of their detestation; and, in the nicety of his calculations, he had even divided his human merchandize into souls and half souls. Nothing had been left undone to ensure the safety of legitimacy. By the noble lord's own shewing, therefore, it would be found that every possibility of danger from foreign machination and interference was at an end. For what purpose, then, was an alien bill now introduced? It could not be for the protection of this country. No: it was for the purpose of assisting tyrants, and upholding continental despotism; (*hear, hear,*

* By Magna Carta, c. 30, it is provided, that all merchants (unless publicly prohibited before-hand) shall have safe-conduct to depart from, to come into, to tarry in, and to go through England, for the exercise of merchandise, without any unreasonable imposts, except in time of war: and if a war breaks out between us and their country, they shall be attached (if in England) without harm of body or goods, till the king or his chief justiciary be informed how our merchants are treated in the land with which we are at war; and, if ours be secure in that land, they shall be secure in ours.—MONTESQUIEU remarks on this law, with a degree of admiration, " that the English have made the protection of *foreign* merchants one of the articles of their *national* liberty." Spirit of Laws, 20, 13. And, in another place, (20, 6,)—" that the English know better than any other people upon earth, how to value at the same time these three great advantages, religion, liberty, and commerce."—It is remarkable that this provision of Magna Carta stands the very next to that famous clause which declares, that " no man shall be taken or imprisoned, or be exiled, but by lawful judgment of his peers, or by the law of the land." Now, no man can be exiled, or banished, except by authority of parliament, or in case of abjuration for felony by the common law; and lord Coke, in his comment on the above provision respecting foreign merchants, declares, that " the *prohibition* intended by this act, must be by the common or publique councell of the realme, that is, by *act of parliament.*" (2. Instit. 57.)

hear.)—for the purpose of annihilating that small portion of the world which was once the asylum of the destitute, the refuge of the oppressed. It had been the boast of Englishmen, that when once the foot of a slave touched British ground, he was free. However slavery and tyranny might degrade and oppress individuals in other countries, they were safe from the moment they reached the shores of England.

> " That sacred isle!
> Cut off from the continent, that world of slaves:
> That temple built by heaven's peculiar care,
> In a recess from the contagious world,
> And dedicated long to Liberty.
> That health, that strength, that bloom of civil life."

Such was this country in 1745, when the poet wrote, but the scene was now changed. The noble lord had denied that the renewal of the alien bill was connected with the policy of foreign states. If the noble lord asserted that, he called on him and the government to pledge themselves that it would not be put in execution against one class of persons—against those unfortunate men who had been outlawed by the king of France. When the valour of our arms had placed the Bourbons a second time on the throne, little more than a fortnight had elapsed before an edict was issued in direct opposition to the principles before recognized, by which the persons to whom he alluded were banished, in a measure proscribed and placed under what was called *surveillance;* proceedings that violated and trampled on the charter which the monarch had sworn to observe. Whether such proceedings had been instituted under the idea of any conspiracy that had been supposed to exist, he was unable to say. The French government, however, finding that they could not establish any fact on which even to ground a suspicion, pretended, that to persist in bringing those persons to trial would endanger the public tranquillity, and demanded a proscription, a sentence of banishment, of outlawry against them, without trial, and without any investigation whatever. Even those men who supported the monarchical power with all their might, who looked upon any act tending to injure it, or to bring it into contempt, as little less than sacrilege, even those ultra-royalists hesitated when such a proposition was laid before them. They at length granted a power of acting towards those men as the king might think expedient, and the very next day he banished them all. Three years had elapsed, and not one of them had been allowed to return. But this was not enough—all nations were leagued against them—they were treated like felons—and if any one of them happened to complain, he was answered by the treaty of Paris—the holy alliance—and was hurried off to the town allotted to him in Austria, Prussia, or elsewhere, to be watched by spies. Such, then, being the system, was it consistent with the honour or the integrity of this country to contribute to support it? He implored the house before they armed the government with such powers, to pause and consider whether they were not intended to be exercised only against those who had incurred the vengeance of foreign states. The character of England would be deeply injured by this measure. It was known abroad that all the laws of this country emanated from parliament, of which the house of commons was an essential part, and professedly the representatives of the people. Would that house, then, sanction a measure so subversive of the laws of honour and of justice, and so acceptable to despots as he believed in his conscience the present bill to be? He trusted that they did not repent of having shewn their independence on a recent occasion, and that they would now feel it their duty, in a case of much greater importance, to protect the honour and liberties of their country.—He should therefore move, " that the bill be read a second time this day six months."

Mr. *Protheroe* said, he saw nothing dangerous in this bill. (*Hear, hear,* from the Chancellor of the Exchequer.) From the returns laid on the table, it appeared, that the powers vested in ministers under this law, had been exercised with the greatest moderation. He should therefore vote in support of the motion.

A pause having ensued, and a division being called for,

Mr. *Lyttelton* rose and said, that it appeared to be the wish of gentlemen on the other side that this question should not be much discussed. He was surprised that they had nothing to say in defence of their measures, especially as what his hon. friend had stated against this bill deserved their utmost attention. He felt much reluctance in rising to offer any thing on a subject of the greatest magnitude and importance, considering that it was regarded in that house with such indifference. (*Hear.*) But he felt it his duty to state a case which had come to his knowledge, and which shewed the consequences of this measure on the unhappy victims. He had in 1816 stated the case of M. Befort. That man had been sent out of the country in 1813, although he had been established here, and had property to the value of 40,000*l.* He returned in 1814, and though he had stated, through the proper channel, the necessity of making some arrangements respecting his affairs, he was again sent away in less than 24 hours. He had kept a shop in town, and sold what was supposed to be an effectual cure for the gout, under the name of *Eau medicinale.* If this gout curer, this seller of drug-water, conspired against the peace and stability of England (*a laugh*) the noble lord and the secretary for the home department might be justified; but they ought to shew, that he could be reasonably suspected of any such conspiracy. If not, the house would consider that they exposed individuals of peaceable habits and considerable property to be thus sent away from the country of their choice, and

the property acquired by their industry, without any means of making their case known, but only through individuals like himself. When M. Befort came to this country in 1810, he was patronized by many gentlemen of distinction, particularly by Mr. Crawford, and by Mr. Reeves, of the Alien Office. When he was sent away on the 6th of August, 1813, he went to Portsmouth, accompanied by a person whom he would not name, but whom he could mention to any gentleman if required to do so. That person examined him in Portsmouth, strictly and personally, and in a very indecent manner. He examined, at the same time, a large trunk he had, although it had been made up in his presence. A portfolio was seized. He left the key of this depository of a suspicious musical instrument with captain Wodriffe, an officer of character, he believed. After he had left the country, then, for the first time was discovered in the bottom of this portfolio, which had been previously examined, in the presence of captain Wodriffe, a correspondence of a very extraordinary and certainly of a very alarming character —it was a correspondence between the Pope, the Irish Catholics, and the father of the order of La Trappe. (*A laugh.*) The very names at once impressed the noble lord, the home secretary, with terror and alarm. (*Much laughter.*) This was the kind of forgery, of all others, most likely to effect the object desired. The mention of such a correspondence was enough, and M. Befort was said to be the gentleman through whom it was conducted. But if any foreigner had really been engaged in such a correspondence, he should say, that he was amenable to the laws of the country, that his life was forfeited, or, at least, that he could be visited with adequate punishment. But the unfortunate foreigner whom he had mentioned had been sent out of the country for no such cause. The person who accompanied him, as he said before, had a design upon his property, and actually appropriated 400*l.* or 500*l.*, found in his portfolio, to himself. He must, however, mention a striking inaccuracy connected with this case— an inaccuracy, or at least a discordance, with a formal document, which might, in the opinion of that house, disprove all he had said. The return made to the house, which he held in his hand, represented, that no person had been sent out of the country in 1814. (*Hear, hear.*) If this were incorrect, then the whole account might be incorrect, and they had no return of the number of aliens who had suffered under the operation of this measure. (*Hear, hear, hear.*) If the act were to be carried into execution in a clandestine and private manner, if persons were to be sent out of the country, God knows how or when, what a horrible engine was put into the hands of ministers! But if the three persons mentioned in the return were, indeed, the only instances that could be given in justification of the bill, he could not avoid putting it to the magnanimity of the house, whether, for the sake of such instances they thought it worth while, in opposition to ancient practice, in opposition to those principles which had distinguished our ancestors, and rendered our country the favoured land, where persons and property were secure from persecution, violence, and outrage—he put it to the magnanimity of the house, whether it became them, for the sake of three individuals, to offer violence to the usage of our ancestors and the principles of the constitution, and in a manner which left to foreigners no redress whatever for any outrage or wrong. (*Hear.*) If such principles were, indeed, to be sanctioned in England, we were subject to a mere simple despotism. Those who conducted our administration were gentlemen, he admitted, and honourable men; but they had never manifested any feeling of sympathy with the sufferings of their fellow-men under oppression and tyranny. (*Hear, hear.*) They had aided and promoted despotism all over Europe. (*Hear, hear.*) They had never failed to support the powerful against the weak and injured. (*Hear.*) Gentlemen did not, perhaps, feel it to be a very serious and alarming evil, because it was only a system of injustice and cruelty to the weak and helpless; but to him it appeared, for that very reason, eminently entitled to attention, and calculated to excite the justest indignation. (*Hear, hear, hear.*) A case like the present was peculiarly galling to the feelings of an Englishman in a foreign country —and at present many were the Englishmen scattered over Europe—when he could not hold up his head, and whatever might be his personal character or conduct, boast that England was distinguished for the vigour of her trade, the magnanimity of her politics, and, above all, the liberality and generosity of her institutions. This consideration touched him very nearly, and if others regarded it with indifference, he must say, that the character of Englishmen was gone. (*Hear, hear.*)

Mr. *H. Clive* (under secretary of state for the home department) said, he believed that the cause of omitting the case alluded to by the hon. gentleman in the return was, that the return went back only to 1814, and that the person in question having been sent out of the country in 1813, it was not thought proper to mention his being sent away a second time in 1814. He knew nothing of the case, but he would inquire into the cause of its being omitted. It should be recollected, however, that we were at war in 1813, and that greater severity was, therefore, necessary. As to the present bill, he must observe, that France abounded with persons who lived only by warfare, and if they were allowed to settle in this country, their whole object would be to excite war. This country had surely a right to protect itself from such an evil.

The cry of "question" became now loud

and general, and the gallery was ordered to be cleared, when

Lord *Folkestone* rose and said, that he could not but express his astonishment that no arguments should be advanced by ministers, or by the law officers of the crown, in defence of a measure so contrary to the ancient laws of the country, and so hostile to the boast of Englishmen. *(Hear, hear.)* He should be unworthy of his descent, and of his fortune, if, descended as he was from ancestors who had taken refuge in this country, in order to exercise their faith with impunity, he did not protest in the strongest terms against refusing an asylum to persecuted foreigners and shutting the door of hospitality upon them. *(Hear, hear.)** It had been the policy of England, from the time of Edward III. down to the year 1816, to encourage foreigners to settle in this country, and this policy had greatly benefitted the commerce, the manufactures, and the literature of the country. But this policy was not confined to those advantages; it established a character and name in the world for England, as a place of refuge for those who were suffering under the tyranny of their own government. She had thus acquired a station which neither her territory nor her population could sustain, but which was sustained by her name and character among all who were attached to religious and civil liberty. This pride, this glory of the island, "that sacred isle" as it had been truly called, was now to be taken away. That temple "dedicated long to Liberty" was now to be demolished. That great bulwark of security, a fair and open trial by law, was to be superseded by this measure, and a door was to be opened to all the machinations of secret spies and informers. (*Hear, hear.*) After what they had heard at the end of the last session, and at the beginning of this session, of those respectable, and, as it now appeared, much esteemed characters, they could not have a doubt as to the mode in which this bill would be carried into effect. His hon. friend had stated the case of M. Befort. It strikingly shewed how this measure encouraged secret information and private malice, while it put the unhappy victims beyond the possibility of defending themselves. An hon. member had said, in the face of this, that there had been no abuse. How did he know that there was no abuse? Each of the three cases in the return might be a case of great abuse. In many other cases, measures of coercion might have been so successfully applied as to prevent the necessity of making a return. Surely this law was not necessary, in order to guard against the danger to be apprehended from three individuals. The noble lord opposite had asserted, that the bill was not intended for other countries, but for internal tranquillity. He had said, that foreigners would, in this country, excite war against France, France would embroil Europe, and we must take part in the general war. But, if this were true, why should not the measure be perpetual? or why should not a law be passed, declaring it high treason to attempt to excite war against France? Another argument had been used, the more dangerous as it was very plausible, that it was better to have recourse to prevention than to punishment. This might be true in morals, and, to a certain extent, in politics. In the case of forgery, for instance, it was right to remove the temptation to commit the crime; but when the supposed evil was to arise from feelings of human nature, which laws could not adequately control, then the principle, which was good in equity, became inapplicable to the laws of a free state. Men should not be intrusted with unlimited power. They might say that they would not abuse it—they might even conscientiously believe that they would not abuse it—but they could not really know what they might be induced to do. The security of a free people did not consist in their belief, however firm, that the executive power would not attempt to invade their rights, but in the consciousness that any such attempt would be wholly ineffectual. *(Hear, hear.)*

Mr. *C. Grant*, jun. said, that the prerogative of the crown extended to the prohibition and the removal of foreigners. The gentlemen opposite had declared, that the treaty of Paris, and the holy alliance, had sown the seeds of disorder in Europe. But, did they really believe that no danger was to be apprehended from the restless disturbers of Europe? Had they not heard of their attempts at assassination? When he recollected the convulsions of the last 25 years, the causes of those convulsions, the overthrow of principles, the avowed contempt of every thing sacred, the military grandeur associated with those events, he could not conceive how it could be denied that there was danger. Europe never contained so many instruments of mischief, so many conspirators by profession. The measure was not directed against foreigners generally, but against those turbulent and rest-

* Lawrence des Bouveries, a native of Sainghin, near Lisle, in Flanders, fled to England on account of his religion, and settled at Canterbury, in 1568. His son Edward was father of sir Edward des Bouveries, knight, born in 1621, who became an eminent Turkey merchant, received the honour of knighthood from James II. and died in 1694. His eldest son sir William des Bouveries, was created a baronet, 1714, by queen Anne. He was succeeded by his eldest son, Edward, who died unmarried, when the title devolved to his brother Jacob. In 1747, sir Jacob Bouverie was created a peer by the titles of baron of Longford and viscount Folkestone. His eldest son William-Pleydell-Bouverie was created earl of Radnor, in 1765, and was succeeded by his eldest son, Jacob, the present earl, father of lord Folkestone, in 1776.

The motto of the family is—*Patria cara, carior libertas.*

less spirits which still sought to torment the peace of Europe; those spirits which had at one time worshipped the goddess of Reason, and at another the idol Buonaparte. Surely, we might guard ourselves against the admission of such characters without incurring the reproach of inhospitality. If we adopted a less cautious policy, how could we feel secure that the country might not become the rallying point of foreign traitors and apostates, assembling under the wings of our free constitution—that constitution which, when they openly attacked, had baffled, and defeated, and blasted all their machinations, to plan a new conspiracy for renewing the convulsions of the world? Did the house believe that no feeling of revenge entered into the composition of those men, and that there were no materials upon which in this country they could work? Incendiaries must be at all times dangerous; but in the present state of the popular mind, and after those recent indications respecting it, which proved that there were many who would give a foreign enemy a welcome, that danger became imminent and alarming. He did not believe that this measure would excite umbrage amongst foreigners, when its nature and purpose should be understood. Were he to name a period when the hospitality of this country had been most conspicuously evinced towards them, it would be the 25 years during which we had had an alien bill. *(Hear, hear, hear.)* They came amongst us relying on the purity of their motives, and, therefore, assured of a kind reception. He saw no reason for believing that they would not still entertain the same confidence; and, therefore, considering the bill to be both constitutional and indispensable to the safety of the country, he felt himself bound to give it his support, and to vote for the second reading.

Mr. *F. Douglas* rose, and spoke as follows:—Sir, I feel the disadvantages under which I labour, in rising immediately after the eloquent speech of my honourable friend. I cannot pretend to his eloquence, though he will excuse me if, in this instance, as on some former occasions, I am of opinion that he has wasted it on a subject quite foreign from that which is, in fact, before the house. He has with powerful ability descanted on the morals and atrocities of the French revolutionists, and on the mischievous intentions with which the survivors of them are disposed to overrun Europe. Now the question before the house is not as to the mischievous intentions of those persons, be they who they may, but as to the dangers with which this country may be threatened from them. I think my hon. and learned friend acted most judiciously in opposing the introduction of this measure, because I could not contemplate any alteration in its subsequent stages that could justify it to the country. But useless and dangerous as I think this measure in itself, it is much more dangerous when connected with the system of policy now avowed by the noble lord, and when supported by the arguments with which the noble lord accompanied its proposition to the house. I was anxious to see the bill printed, in order to ascertain whether the noble lord would venture to record in the preamble any of the reasons which he thought might have so much weight upon the decisions of the house; but it now appears that the preamble, or rather the preamble maker, assigns no reason. — The accountant-general of the administration, the person to whom the difficult task is assigned of finding reasons for his Majesty's ministers, is actually at a loss to put any one reason on record to justify the measure he has drawn up. He thinks it safer to invite us to pass this important bill, without any recorded reason on the face of it to justify the enactment. *(Hear, hear.)* Are gentlemen aware of the powers they are about to confer by this bill?—Are they aware that it enables a minister to send any alien who may be domiciliated among us, out of the kingdom—to tear him at a moment's notice from his family and connexions, without the appearance of a prosecutor, or the imputation of a crime? *(Hear.)* It is true that there is a reservation in the bill—an appeal is granted to the alien, when the power is unjustly exercised against him. (*Hear, from the treasury benches.*) But what is that appeal?—It is an appeal from the minister, who may abuse the act, to his colleagues, who conferred on him the power of abusing it—an appeal from the injustice of Lord Sidmouth to the impartial decision of Lord Castlereagh! (*Hear, hear.*) This is adding mockery to injustice. (*Hear.*) And it is upon such grounds as those stated by the noble lord, that we are called upon to place 20,000 individuals, many of them connected with us by every tie of relationship and common pursuit, out of the protection of those laws to which they are compelled, equally with ourselves, to pay obedience. It is upon such grounds as those, that we are permanently to introduce the anomaly of a tyrannical power into the code of our free laws; laws, every enactment of which breathes a spirit of care for the rights of the individual, and of resistance to the encroachments of power. I have used the word "permanently" advisedly; because I am justified in stating that this measure will never be relinquished, if I can prove that no state of things can be contemplated in which such a law could be less necessary than at the present moment. This law is calculated to meet an external danger—a danger not merely to our foreign policy, for with this object it must be co-existent with our government itself, since no change can take place or be included in any part of the continent, that may not be somehow or other connected with the external policy of England—but it is against a danger external in its origin, but internal in its effect. It was originally a war measure. I have heard a great deal of the distinction between the peace alien and the war alien bill: but I cannot comprehend

the subtilty of some gentlemen's reasoning. I see in both one and the same great ruling principle, which leaves the person and property of the alien in the hands and at the summary disposal of the minister, and establishes an arbitrary power within the realm of Great Britain. My hon. friend who spoke last, in the fulness of his candour, says, that the circumstances of the present time, and of the time when the bill was first introduced, are certainly not similar in all their parts.—But are there any two of them alike?—The war of 1793, when this bill was first introduced, was a war unparalleled in the history of the world—it was a war of principles, not of men—it was a deadly contest for the universal establishment of opinions, which, at the time, found able and numerous abettors in every state in Europe. At such a moment, the external danger was mighty, and the internal co-operation not unimportant. Strong evils require strong measures, and they were then applied. But has the noble lord opposite the face to say, that there is at present any thing in the external dangers of the continent which is likely to act on the internal system of Great Britain? My hon. friend has expatiated on the lingering spirit of jacobinism. If, by jacobinism, he means the discontent felt by certain individuals at the existing order of things in their respective countries, and their practices where they have the power to change it, then, indeed, can we never hope to be without this law; but if, by jacobinism, he means what still remains of Buonaparte's followers, this danger must indeed be visionary here, when it is so little felt in France, the great hot-bed of its activity, that many of the prime agents and colleagues in office of Buonaparté himself, have a ministerial share in the administration of the Bourbon government. (*Hear, hear, hear.*) Then, as to the danger to be apprehended from Frenchmen in the Netherlands. (*Hear, from the Treasury benches.*) Is there really any danger to be apprehended from the machinations of the miserable outcasts and libellers that have found refuge in that part of Europe? Has England for twenty-five years shed her best blood, and defeated the combined efforts of whole nations opposed to her, merely to sit down at the first moment of a general peace, and avow her apprehension at a handful of miscreants in a corner of Europe? (*Hear.*) In the Netherlands, it is said, was hatched the plan (and none, I admit, could be more horrible) to assassinate the Duke of Wellington. (*Hear.*) What proof is there that the plot was hatched there? Is it not more likely that it was arranged in the bosom of France herself? (*Hear.*) I was surprised to hear the noble lord talk of the Netherlands in a strain of regret that these Frenchmen should have found refuge there. As an Englishman he ought rather to have boasted, that though a small power, and under the shade of France, she clung to that good old policy which once distinguished Great Britain, but from which she is now unhappily forced by the cabals of foreign conclaves, acting on the weakness of those ministers that ought to have made a firmer stand for the honour and character of their country. (*Hear.*) My hon. friend, to my great surprise, says, that there is unhappily a disposition in this country to unite with these foreign conspirators. It is impossible that any notion can be more unfounded than this. Our situation, our constitution, our character, our very language itself, renders the people of England less exposed than any other people of Europe, to the arts of foreign seduction. This fact does not depend on mere observation of the notorious dissimilarity of character, but it is fortified by the most incontestible proof. When last year all the elements of internal commotion were at work in parts of this country, did there occur the slightest appearance of any disturbance being set on foot, participated in, or in any way recommended by, the influence or chance of foreign aid or foreign advantages? There was not the slightest proof that any attempt had been made by the emissaries of any government but our own, to excite the public to commotion. (*Loud cries of "hear."*) The noble lord thinks it hard that he should be obliged to refuse the consent of England alone to the united decisions of the congress. But were that noble lord not only the representative of England, but were he properly imbued with those maxims which have constituted the glory of England in former times, and must form her security for the future, he would have thought that England, and he himself as her minister, could never assume so noble a character in the eyes of Europe, as when he should answer such a proposition by simply stating that the constitution of his country would not allow it; that it might be inconvenient; but it was an inconvenience which our ancestors foresaw, when they wisely judged it better to submit to any disadvantages in our foreign policy, than to endanger for a moment the security of our internal rights. When I speak of our ancestors, I allude to great names and venerated authorities, who never expected to be represented by a minister who would drag this country, almost against the arrangement of Providence itself, into the vortex of continental politics, or force our sturdy and uncompromising constitution to bend and truckle to all the fluctuations of the European system. (*Hear.*) The noble lord has moved too close with foreign potentates: his connexion with them, and their conjoint and glorious triumphs in the last year of the war, have dazzled him; he is too anxious to participate in their splendour, and to enjoy their applause, to imbibe that proper jealousy, or have that steady self-possession of his own true station and his country's policy, which a British representative ought to have when seated at a foreign congress. (*Hear, hear.*) I know there are those who have little sympathy with

these sentiments; but if they forget the policy by which Spain fell and Holland rose—Holland formed out of the bosom of the deep as a refuge for persecuted industry—if they forget these historical lessons, let them, at least, recollect who are the twenty thousand persons whose interests are to be affected by this measure. A vast number of them are wealthy, and most useful to us—there is not a charitable subscription in which we do not see their names vie with those of the first natives in the land, as if to repay, by the bounty of their contributions, the protection they have received from this country. I will ask the Chancellor of the Exchequer, whose funds are so largely replenished, and whose financial system so much depends on the sums paid by these aliens, how he should like their disappearance from the country? My hon. friend says, that they were fixed here by the advantages which England presents for commercial speculation. But what first ensured to her these advantages—what first drew to these shores all the mercantile relations of Europe? Not the merits of climate, in these we are inferior to almost all the nations of the continent; not our manners, they are proverbially repulsive; no: it was the confidence of finding laws which equally protect the citizen and the stranger. Let the noble lord take care, lest, by a single act of a weak and deluded minister, he should banish these advantages to a more hospitable and more judicious state, and, by any indiscreet exercise of the powers of this bill, strike a general alarm into the minds of so large a number of individuals, exercising their industry for the benefit of the empire. *(Hear.)* It was said last year, when we enacted coercive laws, that they could only be felt by the disaffected. This was a dangerous mode of reasoning—it shewed a fatal departure from the stern sentiments of our ancestors, who felt a proper, nay, a fanatical feeling for the name of liberty—the very sight or appearance of tyranny was detestable to them—and the same sentiment should still be cherished by every true Englishman. *(Hear, hear.)* When we let in this principle of tyranny to operate on foreigners, there is but one step more to bring the same coercion home to ourselves. (*Hear.*) It is said that no abuses have been discovered during the operation of the alien bill. The greatest evil is, that we have no way of discovering the abuse, for, the moment the sufferer is taken, it is in vain for him to complain, if, indeed, he has any rational inducement to do so, to the sort of tribunal open to him—he is at once hurried out of the country. (*Hear, hear.*) The noble lord has more than once told us, that in proposing this measure, he is guided by an imperative sense of public duty. Public duty to whom? Not to the constitution of England, but to the congress of Vienna! (*Hear, hear, hear.*) He has also said a great deal as to the security which the character of Lord Sidmouth presents against the bill. I have the utmost personal respect for Lord Sidmouth; but he must not be offended with me for saying, that it is as a man, not as a minister. In the former sense he has my confidence, but in the latter he has not. Our constitution is not one of confidence—it is jealous—it reins in power, to fence round personal rights—it protects the weak from the strong—the people from the minister. As to the prerogative of the crown to send out aliens; this is asserted by Blackstone and other authorities; but I hardly expected to have heard it quoted after the triumphant refutation of this doctrine on a former night, by my hon. and learned friend near me (Sir S. Romilly). But admitting, for the sake of argument, that this power is vested in the crown, what becomes of the necessity for this bill? If the former exists, the latter is useless. Why, then, make so desperate a stand to introduce an unpopular measure, when the crown has already the means of preventing the evil? The king has doubtless the prerogative of making war; but has not parliament the controling power of affording the supply, and of ensuring the discipline of the army? It is impossible that the power of sending away foreigners can subsist in the crown; it is against the genius of the constitution. Again I implore the house to pause before they adopt this bill. The repetition of such measures has a fatal moral tendency. What is once granted for a temporary purpose, soon becomes permanent, when the passions of men are concerned in its perpetuity. The hand once accustomed to grasp the strong hold of power, clings to it with a firm and decided attachment that constantly increases. I have to apologise for having so long trespassed on the house, and shall only repeat my decided hostility to the bill. *(Hear, hear, hear.)*

The question was then put, "that the bill be now read a second time."—The house divided.

Ayes, 97—Noes, 35.

On the motion, that the bill be committed on Tuesday,

Mr. *Bennett* put a question to Lord Castlereagh, for the purpose of knowing in what stage ministers meant to discuss the bill.

Mr. *Bathurst* rose to order, and contended, that a member had no right, by putting a question, to revive a conversation on a subject after the regular proceeding on the particular stage had closed.

Mr. *Bennett*—"The question is, 'that this bill be committed on Tuesday next;' there is, therefore, a subject before the house on which I have a right to speak, and of this the right hon. gentleman ought to have been aware, if his ear had been as quick to hear the question as his tongue was to call me to order. I have a right to proceed, if I please, in the shape of interrogatory; and I now ask when, if at all, it is the intention of ministers to debate this question? Not one syllable on this important subject has yet fallen from any member of his Majesty's government—nothing has been said by either of the law officers of the crown. We have not heard one

word in justification of the measure; and I ask the noble lord, when ministers mean to break silence on the subject? Has he entered into an engagement with the kings of the continent, or the holy alliance, to say nothing on a question which involves the spirit of the constitution of this land, and the personal liberty of the subjects of the continent, whose sovereigns have associated, leagued, armed, and combined to carry into effect in England measures which they have adopted in their own conclave? I will not, by entering into the merits of the question, add one to the number of speeches which have been already left unanswered. All I shall ask is, when their high mightinesses, the ministers opposite—(*Laughter*)—will deign to say what reasons they have to oppose to the cogent arguments that have been urged against this bill?"—(*Hear.*)

Lord *Castlereagh* said, he would reply to the question proposed to him by putting another. When did the gentlemen opposite mean to open a case against the bill? The moment they did, in a tangible shape, he begged to assure them, their speeches should not go unanswered.

Mr. *Lyttelton* observed, that he had stated a specific case, in which no answer had been given.

Mr. *Bathurst* said, that if brought forward in a distinct shape, application could be made for the necessary information on the subject. He cautioned gentlemen against being quite credulous on one side, and incredulous on the other.

Mr. *Lyttelton* said, he was not incredulous—he was ready to hear any answer that the right hon. gentleman might favour him with.

Mr. *Bathurst* said, he had before stated that his hon. friend behind him, from his recent entrance into office, had not had the means of understanding the nature of the case alluded to by the hon. gentleman.

The bill was then ordered to be committed on Tuesday.

SAVING-BANKS BILL.] The house went into a committee on this bill. The report was brought up, and the bill ordered to be read a third time on Monday next.

HOUSE OF LORDS.

Monday, May 18.

COTTON FACTORIES BILL.] The Duke of *Portland* and the Earl of *Lauderdale* presented several petitions against this bill.

The Marquis of *Buckingham* presented a petition in favour of it.

They were all referred to the committee on the bill.

PARISH VESTRIES BILL.] This bill was read a second time, on an understanding that the principle might be discussed in a future stage.

POOR LAWS AMENDMENT BILL.] This bill was read a second time, on a similar understanding.

HOUSE OF COMMONS.

Monday, May 18.

COPYRIGHT BILL.] Mr. *W. Dundas* presented a petition from the Senatus Academicus of the university of St. Andrew's, against this bill.—Ordered to lie on the table, and to be printed.

SCOTCH BURGHS BILL.] Lord *A. Hamilton* presented petitions against this bill, from the Guildry Incorporation of Dundee, and the burgesses and inhabitants of Inverkeithing.—Ordered to lie on the table and to be printed.

BREACH OF PRIVILEGE.] Lord *A. Hamilton* presented a petition from Thomas Ferguson, who had been found guilty of a breach of privilege, and was, in consequence, now confined in Newgate. The noble lord said, that in bringing forward this case, he had been actuated by no personal feeling of hostility to the individual, but merely by a wish to discharge his duty to the county which he had the honour to represent.

The petition was brought up and read. It stated the petitioner's deep contrition at having given such offence to the house, and prayed, that after what he had already undergone, the house would be pleased to order his discharge from imprisonment.—Ordered to lie on the table.

PURCHASE OF GAME BILL.] Mr. *G. Bankes* moved the second reading of this bill.

Mr. *Curwen* said, he thought that the game laws, as they at present existed, operated against their professed object. It was not possible, under these laws, to preserve game by any other means than those which threw upon gentlemen a certain degree of odium. When he looked at their general spirit and provisions, he could not see any proper principle of justice throughout them. The present bill, he conceived, could not reach its object. It could not be made to attach sufficiently on the higher classes so as to prevent them from becoming the purchasers of game; yet it might tend to swell the catalogue of offenders of a lower description, of whom 1200 had been confined under the present laws in the course of last year. He therefore moved, that the bill be read a second time on this day six months.

Colonel *Wood* observed, that he had always thought it the best plan to legalize the sale of game, and not to throw impediments in the way of that, by partial alterations. He conceived that the best mode was to make game, at once, private property. Let it be considered who were, at present, legally entitled to the use of this luxury. None but persons who had 100*l.* per annum in landed property. A man might have this from a brickfield, or any valuable bit of land; but if another man had 100,000*l.* in the funds, he was not thereby entitled to a single head of game. The laws on this subject were at present exceedingly inconsistent, and he hoped that the house would let the matter stand over till the next session, when a committee might be appointed to consider the whole ques-

tion, and see what was necessary to be expunged or enacted.

Sir *S. Romilly* thought, that the hon. member who spoke last, as he had brought in a bill to legalize the sale of game, ought to support the present measure, which appeared to be a great improvement of the existing system. The house had refused to make the sale of game legal: how, then, could they hesitate to punish the buying of game! In this case, as in the case of stolen goods, if there were no purchasers, there would be no sellers. At present it was highly penal on low persons to supply the demands of the opulent, who wanted and would purchase the luxury of game. The higher classes acted in this way without compunction, as to the dangers in which they involved their inferiors. Men were allured to become poachers, which led them to bad connexions, and when imprisoned for their offences, they associated with the most infamous characters, by which they became thieves of a more criminal description. But, he need not confine himself to the case of poachers; he might advert to the situation of poulterers who were compelled by gentlemen to procure them game, or deprived of their custom, if they did not. Under the system of the game laws, it was not considered any violation of honour or morality to buy the game; and as to the procurers and sellers, their punishment was felt not as a disgrace, but excited sympathy among the people at large. Among the higher orders the laws were violated with little compunction, to obtain the desired luxury, though the utmost rigour in imposing penalties was exercised against the lower.

Colonel *Wood* said, he wanted to get rid of the system altogether, and not to prop it up by inferior measures.

Mr. *Lamb* thought the subject of considerable importance, both as it related to the amusements which induced gentlemen to live in the country, and as it concerned the morals and improvement of the most important class of the community. There certainly was great inconsistency in making it penal to sell, and not to buy: but this only shewed the difficulty and absurdity of the whole system, which rendered a full consideration of it desirable, and he trusted that the hon. member for Hertfordshire would bring the whole subject forward. There was a great evil under the system in the tempting and compelling of tradesmen by their customers to a daily habitual violation of the laws. The tradesmen, in their turn, were compelled to tempt the peasantry, on whom the penalties were not light matters. The violation of law produced by the system were proofs of its absurdity.

Mr. *N. Calvert* spoke in support of the bill. He thought the result would be directly the reverse of what was anticipated.

Mr. *G. Bankes*, in reply, observed, that he did not wish to stand up as the advocate of the game laws, but while those laws were suffered to exist, any glaring anomaly ought to be removed.

The house then divided on the question, that the bill be now read a second time.

Ayes, 116—Noes, 21.

The bill was read accordingly.

EDUCATION OF THE POOR BILL.] Mr. *Brougham*, in moving the order of the day for going into a committee on this bill, said, he must entreat the attention of the house for a few moments to the general object of the measure. In consequence of the discussion which had already taken place, a vast mass of additional information had been sent to the committee. It seemed as if a new light had burst upon the country, and abuses were discovered where none had been suspected to exist. The committee had received multitudes of letters; some from persons who were named trustees of charities; some from persons who had had a right to claim under charities, without knowing of their right; some from persons who resided in the neighbourhood of property belonging to charities, and who had not been previously aware that any abuse existed in their neighbourhood. During the last 10 days, the committee had been occupied in classifying the returns; and, in the course of that labour, they had discovered instances of abuse much more flagrant than any he had hitherto stated to the house. In general, the reverend persons to whom the inquiries had been directed, had answered them with a zeal and alacrity which entitled them to the highest praise; but, but from some places, no returns had been made, though the committee were aware that great abuses existed in them. He hoped that this hint would reach those persons who had neglected their duty, and that they would, in less than ten days, make the necessary returns. If not, if they did not disclose the facts known to them upon this subject—whether good nature, or negligence, or unwillingness to get into quarrels, or, what approached very nearly to corruption, base servility to a patron, induced them to withhold returns, they might be assured that the abuses he alluded to would not escape detection; for the committee were already in possession of evidence of those abuses, and the consequence would be that the eyes of the committee, instead of being fixed exclusively on the abuses themselves, would be directed to the reverend persons who concealed them. He should now only mention one or two instances which had been lately discovered, and he would appeal to some members of the committee who were then present, whether such glaring instances of malversation had transpired before. In Hertfordshire there was a free grammar school, to which were attached some scholarships of 14*l.* a-year in the university of Cambridge; but, in the last 30 years, only one scholar had been sent thither. In Essex, in the year 1584, 200 acres of land were devised for the establishment of a school, but no school was now kept. In Devonshire, there was a fund of 170*l.* a-year for the support of a school; only three scholars were taught, while, accord-

ing to the system of Bell and Lancaster, 150 might be educated for that sum. (*Hear, hear.*) In Dorsetshire, there was a house and garden for a school-master, and an estate of 200*l.* or 300*l.* a-year to maintain a school, but no school was kept. In Devon, there was an estate worth 1000*l.* a-year, and which was now let for 650*l.*; but the worshipful corporation allowed 4*l.* only for the purposes of the trust. (*Hear.*) In another place, the heirs of a noble person, who were trustees, had turned over the business of the trust to the steward, the steward to an inferior agent, the agent to a person of whom they had heard a good deal on another question—he meant the game-keeper. Scholars ought to have been sent to Cambridge from this institution; but none had been sent for more than 100 years. In Leicestershire, an estate worth 100*l.* a-year was now actually offered for sale; the trustees had paid 20*l.* a-year for the purposes of the trust, and pocketed the remainder. In Nottinghamshire, very ample funds were stated by the reverend reporter to have been "sold or alienated in a shameful way." A respectable solicitor had given information respecting the same estates, and it was believed that they had been let at a peppercorn rent for 999 years. In Worcestershire, there was one of King Edward's schools, where the principal master received 150*l.* a-year, with a house and garden, the second master 90*l.* with a house and garden also. The rents of the estates would educate 3 or 4000 scholars, but, at present, not a single boy was taught. (*Hear, hear.*) There were many more cases, but he would not weary the house with them. They were only repetitions of the same gross abuses. In consequence of the instances which had been brought to light, he was persuaded that the house would pass the present bill, and he was most anxious that it should not be crippled by any further restrictions. If any restrictions, restraints, or exceptions, were attached to it elsewhere, let others have the glory of them; that house would, in tenderness to the objects of their interposition, intrust the commissioners with the same inquisitorial powers which they themselves possessed. He implored the right hon. gentlemen opposite, to consider that every thing would depend on the personal characters of those appointed. (*Hear.*) He hoped there would be no jobbing in the selection. Some of the commissioners were to receive no salary. The appointment conferred no patronage. Of some of the persons who he had heard would be named, he could say nothing but what was respectful. But as nothing was to be received by the appointment but labour, he begged leave to address himself to ministers, and to express his own willingness to undertake the part of a commissioner. (*Hear.*) The committee had taken the point into consideration, and thought it fair that he should offer himself, from the share he had already had in this business, and the interest he felt for the complete success of the measure. If he had the good fortune to be named, he should most willingly take an active part, but only on the terms he had mentioned. If the house should think that members of parliament ought to be excluded, although among those he had heard mentioned was one of the most respectable members of that house, yet he should still hope to have the refusal. He felt most deeply and from the bottom of his heart anxious for the success of this inquiry; and he was therefore willing, for the sake of the security which his personal exertions would give, to make a temporary retreat from other business. He felt this a very delicate subject; but he could not, in duty to the investigation he had originated, refrain from saying what he had said. (*Much cheering.*) He again expressed his hope that the measure would find no interested opponents elsewhere. In that house there were none of the wrong doers whose conduct it would be one object of the commission to bring into view; and, in the other house, he looked confidently for the strenuous support of the heads of the Christian religion in this country. The Gospel was emphatically styled the Gospel of the poor. Surely, then, the heads of our great establishment for teaching the Gospel would not fail to exert all their power in providing that the poor should not be robbed. (*Hear.*)

The bill then went through the committee.

BANK RESTRICTION BILL.] The *Chancellor of the Exchequer* moved that the report of this bill be taken into further consideration.

Mr. *F. Lewis* regretted that the subject had not been referred to a committee up stairs. Nothing, however, was now left to the house but to amend the bill as best they might. The right hon. gentleman on a former night, had mentioned four causes for the continuance of the restrictions: 1. The expense of the army of occupation—2. The bad harvest—3. The expenditure of English travellers abroad—and 4. The loans to France. The three first circumstances were altogether inapplicable, for the expense of the army was paid by France; the bad harvest might again occur, and might be made a perpetual reason for restriction; and as to the expenditure of travellers, it had been foreseen two years ago. The loans to France were thus the only ground on which the measure rested; but he considered those loans as mere bugbears, and the alarm to which they had given rise as wholly without foundation. The fact was, that the rise in the price of gold and the fall of the exchange, was solely to be attributed to the enormous issue of Bank paper, and nothing could serve to remedy the evil but our return to a sound state of currency. The system upon which the Bank now acted must inevitably lead to the continuance of the restriction, from time to time; for the maintenance of their issues, at their present amount, would never allow the act to expire. He could not help looking forward to a great increase of circu-

lating paper; and the county banks, by their renewed issues, would greatly assist in depreciating it. In alluding to those banks, he wished to be understood as fully sensible of the advantage which the public had derived from them in supplying a cheap medium of circulation, and in spreading it over every part of the country. Their number too, by contracting their own proceedings, had lessened the profits of the trade, and materially diminished the risk of individuals. What evil there was in them might be traced to the law which permitted them to issue small notes, and limited the number of partners in every firm, for the purpose of supporting the charter of the Bank of England. With regard to the benefits derived during the war from the Bank of England by the country, he thought they were greatly overrated. Let the house consider the burthen under which we were now labouring, in peace; let them reflect on the evils and miseries which the fluctuations in the value of the currency had occasioned; let them contemplate those high prices which had rendered the expenditure of the war so disproportionate and enormous. They must all be aware that the difficulty of returning to cash payments must be faced somehow, and at some period. When was it probable that a better opportunity would occur than at the present moment? The price of stocks would not, he thought, be affected by the resumption of cash payments. One argument frequently urged by the Bank directors was, that all inquiry into this subject was an improper interference with their affairs; but the bill now before the house was itself a most fatal and lamentable interference with them. It was to this interference he wished to put an end; and if cash payments were resumed, he, for one, would never again require the production of any of their accounts. The restriction gave them a power over the distribution of all the property in the kingdom. They might, if they should think proper, discount bills payable in three years, as well as bills payable at two months, and thus throw into circulation a quantity of paper that never would return to them. Whilst they possessed a discretion of this kind, the house must necessarily interfere in their concerns, or abandon altogether the most important interests of the country. The sort of interference which he would recommend should be gentle, gradual, but conclusive, by fixing a period at which they should resume their cash payments, but at such a distance as to enable them to be fully prepared for it by a previous reduction of their issues. The reduction of their small notes appeared to him to be much more desirable than that of notes of a higher denomination, both because the former would be supplied by a metallic currency, and because they were the principal cause of the vast and deplorable increase in the crime of forgery. He did not conceive that any refinement in the art of engraving them could form an effectual guard against it. There was one other consideration of a general nature which appeared to him to deserve attention, and it was, the opinion which the continuance of this system must inculcate in Europe with regard to our financial resources. If we were not regarded as a ruined nation, other countries would consider us as entangled in difficulties from which we knew not how to extricate ourselves. It was most desirable to make use of the opportunity of peace for freeing ourselves from this inconvenience. There was a courage of peace as well as a courage of war, and he did not believe that at any period could the difficulty be encountered with less risk than at present. For these reasons, he should move an amendment to leave out all the words in the preamble of the bill from "whereas," in order to add the words, "It is expedient that the provisions of the said act should be farther continued, in order to afford the directors of the Bank the opportunity of making such gradual reduction of the amount of their notes in circulation as may be necessary, in order to enable them, with safety to the Bank and to the public, to resume cash payments, at the earliest period, and that another time should be fixed at which the said restrictions should cease."

Mr. *Canning* opposed the amendment. He said, that the preamble, by declaring that "unforeseen circumstances" had rendered it expedient to continue the restriction, contained the only motive which, at present, could induce him to support the bill. He retained all his former opinions on this subject; and he still looked forward anxiously to the time when the restriction might cease, consistently with the public interest. The country could never be considered as having completely righted itself, until the currency was restored to its natural and regular course. *(Hear, hear.)* Circumstances had occurred to prevent the resumption—circumstances which it was no shame to the sagacity of any man not to have anticipated. It was said, that such might again take place; but, in his mind, it was impossible to think that circumstances equally unforeseen, equally unexpected, equally extraneous, should again rise. Many circumstances had occurred, certainly; but none without the French loans would have fairly justified the measure.

Mr. *J. P. Grant* observed, that if the government were confident in the opinion which the right hon. gentleman had given, namely, that the French loans furnished the sole reason for the continuance of the restriction, that reason ought to be expressed in the preamble of the bill. So convinced was he of the necessity of bringing this matter to a decisive issue with the Bank, and of fixing a definite period for replacing the metallic currency of the country on the footing upon which it formerly stood, that he now gave notice of his intention, in a future stage of the bill, to move that the restriction should not continue beyond six weeks after the next meeting of parliament.

Mr. *C. Grant*, jun. supported the preamble as it stood. He did not wish the restriction to be permanent, but he thought that, under existing circumstances, it would be wise to continue it for one year.

Mr. *Hudson Gurney* rose, and spoke as follows:—"I am aware, sir, that, in offering myself to your attention in a discussion like this—after the speeches of so many gentlemen of the highest name and authority—I am accusable of no small temerity; but having given to the subject the most sedulous consideration I have been able to bring to it; and having been in a position for somewhat more than twenty years, which necessarily brought under my view the details of the system on which the currency of the country has been carried on during that period, I am anxious to be allowed to trespass for a few minutes on the patience of the house. Sir, I think it must be granted, that the preamble of the Chancellor of the Exchequer is at least innocent. The amendment of the honourable gentleman, I conceive to have a tendency to be hurtful, and I shall vote against that amendment. Sir, I will state boldly, without fear of contradiction, that this is not a question concerning the interests of the Bank; but one concerning solely, and involving most deeply, the interests of the community. Gentlemen have gone into many, and into intricate, details;—into these I shall not follow them.—The main bearing of the whole matter, I do firmly believe, lies palpable on the surface. It is very commonly rumoured, that the Bank possess in their coffers, either fourteen millions or sixteen millions in gold. The government owes them twelve millions; and, this paid, the Bank can pay off every note they have issued;—and where is their necessity ever to issue another? But, in such case, where are the community? The Bank can, out of the accumulation of its capital, furnish forth its treasure.—Is it the same with the country? I confess I consider it fortunate, that the Bank did not resume its cash payments in 1816; and I am even inclined to consider it fortunate, that it does not resume them now; as I lean most strongly to the opinion, that, before the Bank can ever pay in specie, with safety to the state, the government must rectify what appears to me to have been no small error; namely, the adoption of the principles of Mr. Locke—under circumstances to which they did not apply—in the late coinage. Sir, gentlemen have talked much, and have, as I think, talked wildly, of the power of the Bank of England, and even of the power of the private bankers, of enlarging their issues to any extent—of the consequent depreciation of the paper currency as valued against gold—and in this their interested career, of the urgent necessity of curbing them. Sir, the Bank of England has never brought such powers into action, and the private bankers have never possessed them. The pound of account of 1818, is not the pound of account of the days of Mr. Locke; but it is not the Bank of England which has altered it. But to the pound of account of the times existing, you must adjust your coinage. It is upon that pound all outstanding contract was calculated: or, on reverting to payments in specie after so long a cessation, your embarrassment will be, I fear, unbounded. If, on either side, the scale of justice must incline, the creditor can receive, as he has received, gradually, somewhat less than has been his due. The debtor cannot suddenly be made to pay him more, because he has it not. Sir, the work of Mr. Locke was written in the year 1695, when the national debt was under twenty millions. Consequently, the bearing of it on the currency was only the amount of its interest, say under a million. It hardly yet entered into the computation as holding any great influence on the rise of prices. Let us now look at the financial history of the country during the last twenty-four years. In 1796, Paine wrote his Decline and Fall of the English System of Finance. He wrote as an enemy; but his inductions are, many of them, indisputable—if you concede to him the grand fallacy on which they all rest; namely, that the pound of account is of unvarying value,—and that the pound payable to the national creditor in 1796 was to remain, as to its efficacy, the pound for ever. Since the days of Mr. Locke, the debt had changed from a debt, properly so called, to the understanding of a perpetual annuity. Paine states its amount in nominal capital to be approaching to 400 millions, and argues, that the extent of its yearly interest could not much longer be borne, as marching in an accelerating ratio of constant increase—the funds at that time standing at 59. In 1797, this feeling began to prevail universally—the funds fell to 48. Mr. Pitt put it to the patriotism of the country, and vainly attempted his loyalty loan. All who had demands for gold, rushed for gold to hoard it. The Bank stopped under the shelter of an order from the privy council; and the golden pound hitherto in use departed from the circulation of England—the Bank notes issued being then under eleven millions. In 1798, the funds remained at 48 and 49. The circulation of the Bank was twelve millions; but the country, through the private bankers, had been supplied in most counties with an issue of one pound notes, which replaced the guineas that had disappeared. In Norfolk, with great difficulty, we did keep up a certain circulation of gold, mixed with the one pound notes of the Bank of England. In this year, Mr. Pitt carried his bill for the war assessed taxes, stretchable to the supposed tenth of the income of the payer. In 1799, finding the old system could go no farther, Mr. Pitt brought in his income tax. The funds rose to 67. Credit began to re-establish itself. I have heard, that at this time Paine himself acknowledged to Barlow, that the bankruptcy he had prophesied was averted from England: and the Bank issues began their

sensible rise, going now thirteen millions and a half. It was in this year that Mr. Weston wrote those strange letters, so singularly quoted by the Chancellor of the Exchequer, recommending to Mr. Pitt the adoption of Law's system, exaggerated in the ratio of the comparative amounts of the debts of this country in 1799, and of France under the regent Orleans. Mr. Weston wanted at once to break down fifty millions of the principal of the debt, and to put it in a form to pass as money,—utterly forgetting that a circulating medium must circulate; that is, that it must come back upon its issuer to be paid at its par again, and that speedily; or it must necessarily, as Law's did, most speedily sink. However, with the increase of the debt there was the increase of its interest to pay, which could only be met by increased taxation—increased taxation could only be supplied by increase in the prices of all things; and through the means of these increased prices, a larger amount of representation was rendered necessary; and this necessary amount the Bank did in effect (inasmuch as depended on them), soberly, wisely, and temperately supply. From that day to this, we have found that the amount of Bank notes in circulation has gradually risen in a certain proportion to the increase of the interest paid to the creditor of the state. In these notes his dividends are receivable; but having always been kept by the Bank under the amount of that interest, they have been, of necessity, received back by the government at their par much within the last year, for the taxes imposed to meet this payment of interest, so due to the creditor. It is perfectly obvious, that a paper thus circumstanced can never lose its currency within the community, though it pass for nothing out of it. All things will become dearer, gold not excepted; but the system can go on unimpeded; and, in fact, the government have been in no difficulty in raising loans for the public service since its adoption. During the vast and disproportionate efforts the country was making in the prosecution of the war, all went on smoothly, till, in 1813, farther taxation appearing next to impossible, the Chancellor of the Exchequer attacked the sinking fund—the last great financial expedient up to the conclusion of the contest. Sir, at this period the national debt had mounted to more than 800 millions—the interest upon it to upwards of 30 millions; and we find the Bank issues in 1815 were twenty-seven millions. Now, I own, sir, I am led to suspect that we must always have a paper representation, more or less in the nature of a legal tender, bearing some relative proportion to the interest of the debt;—that as our commodities will insure us a credit for their absolute value in gold and silver on the market of the world, so we may be able to satisfy our domestic reckonings mixed up with, and swelled in their numerical amounts, by the addition of the taxation to the prices of every thing. Next, as to the question of prices—it is quite idle to suppose that a million or two more or less in the circulation of the Bank;—that a few notes more or less issued providently, or improvidently, by the country bankers—(for if issued improvidently, they would only come back on them the faster) should have effected any very material alteration. No banker ever did, or can, issue any paper, but as change for something of a higher value previously lodged with him. No banker can keep out a note an hour which is not wanted for the immediate transfer of the goods on sale in the district around him. If he lends his notes, he probably loses his money; but the notes must come back—if more are issued than are wanted—for immediate repayment. It is to the increase of our debt that we have alone to look, as the cause of the increase of our prices,—to the millions on millions of the engagements of the treasury,—and not to the millions of the promises of the Bank. I now come to the year 1816,—and to that year's experience, I do presume to intreat the attention of the house. In 1813 and 1814 the harvests had been abundant throughout all Europe. The war had ceased, leaving England, I may say, glutted with merchandise,—with abundance of all things. But something in the nature of an epidemic insanity seized the whole nation. The activity of our commerce itself, had been bent and directed to the purposes of war. And, after twenty-four years of warfare—all the bills unpaid—every one seemed to think that they had nothing to do but to dismantle—to sit still and enjoy themselves. But what followed? Managed as best it might be, there must have been a great revulsion; but all seemed to be set on making that revulsion as great as possible. Every establishment, carried to its perfection at whatever expense, was instantly to be got rid of. Our people being out of employ, the army and navy were, as instantly, to be discharged, to increase the number of the destitute. The property tax, which, however unequal in some parts of its operation, had been the main support of our finances, was wrenched out of the hands of government;—and the property which had so iniquitously attempted to relieve itself by casting its burthen on those who possessed nothing, sunk in the hands of its owners some 50 per cent. in its value. Prices, indeed, became low: but who was benefited by their fall? Did the landed proprietor receive his rents? Could the farmer cultivate his tenancy, and exist by the occupation? Did the manufacturer gain relief from the goods uncalled for and rotting in his warehouses? And, above all, what was the situation of the poor?—With no natural failure in the country, the poor were every where starving. There was an universal set-fast,—in the higher orders a greater embarrassment; and in the lower, a more intense misery, than had been known in England for centuries. Now, sir, our exchanges were at par, we had suddenly been brought back to our old golden prices. We tried them but we could not live. It has

been thrown out, that the monied interests were warped by their own gains to advocate the continuance of the Bank restriction; but I beg the great landed proprietors in this house to revert to that calamitous period, and they will see that the only class who remained uninjured, were the monied capitalists. I must now come back to the right hon. the Chancellor of the Exchequer. He had lost the property tax. It was perfectly obvious in the then state of things, that the taxes on articles of consumption must fall off greatly. New impositions were out of the question; and he did, perhaps, the only thing he could do. He did not circulate fifty millions of the old debt: but he made the capital of the new debt—the winding up of the war expenditure—stand for money. He threw fifty millions of exchequer bills on the money market; and in a year, in which it is clear there could be no increase of real riches—on the contrary, by the end of perhaps the only year, in which the actual consumption of the country had been greater than its actual produce, he had succeeded in making money a drug—and money, in the beginning of 1816, not having been to be borrowed at any interest—by January 1817, he had brought down the rate of interest to four per cent. Stocks rose in price—all things rose in price. But in what were they measured? Certainly not in a standard altered by the Bank issues, for they had kept steady; or, indeed, were rather reduced—but by the undisguised and undisguisable issues of the capital of the debt. Sir, from that time the industry of the country has gradually been bringing it round again. The Chancellor of the Exchequer has lately been funding some of his exchequer bills. It may be hoped that he may not see it necessary to keep up this forced and unnatural state of things, but allow them to subside, after these violent fluctuations, into their fair channel: for then, and then only, shall we be able to ascertain what the pound of account of England really is, as measured against gold. But do what you will, one thing is certain—your pound of account is not the pound of account of the days of William the Third; and, under a debt of 840 millions, you can no more force back your prices to the prices of former times, without ruin to all parties, than you can make the shadow go back upon the dial. There appears to me to be still one more reason why it would be more convenient to suspend the resumption of specie payments for another year; namely, that it is not only the finances of this country which have been in a state of great fluctuation and uncertainty during the war, but the monetary system of almost all the countries of Europe; and until they, as well as we, have become more settled in the transactions of peace, it would seem to me to be almost impossible to ascertain and adjust our standard. To recapitulate. It shews the wonderful powers of this country, that, under a debt so enormous, the difference is not greater than it is. Yet I still cannot but conceive it to be demonstrable.—First, that the pound of account of 1818 is not the golden pound of 1695; and that previously to the Bank of England being again opened for the payment of specie, after a cessation of so many years, it will be necessary to re-adjust the coinage to the value of the pound contemplated in the mass of outstanding contract. Secondly, that any variation in the value of the pound of account from the golden pound circulated previously to 1797, was not primarily occasioned by the Bank's or bankers' issues: but by the issues and debts of government; and, consequently, that, supposing neither of the latter to go on increasing, there is no reason to presume that any further depreciation will take place, by postponing the opening the Bank for specie payments to another year. Thirdly, and lastly, that the species of paper which most markedly and directly bears, by its great amount, on the prices of all things, is the issue of the paper of government,—which represents nothing, but the exigencies and deficiencies of the state,—which is not taken up in the receipts of the year's taxation,—but which falls dead on the market;—and with a view to bring the price of gold as near to the level of the pound of account in England as may be, it will be necessary to abridge, as much as shall be possible, the floating debt. Sir, I have to apologise to the house for the length of statement into which I have insensibly been drawn, and shall conclude by merely repeating, that for the reasons I have before adduced, I shall vote for retaining the preamble of the Chancellor of the Exchequer, and against the amendment of the hon. gentleman."

Mr. *Bankes* said, he most sincerely wished that the house had acceded to a motion that was made some weeks ago, to inquire into this matter (*hear, hear*); and he trusted that the right hon. gentleman (the Chancellor of the Exchequer) would consent to an investigation early in the next session, when the subject might be gravely and seriously considered. If a committee had been appointed, he should have asked the right hon. gentleman on what grounds he conceived that the Bank would be enabled, at the end of one year, to resume its payments. Was this likely to be the last year during which the suspension would be continued? For his own part, he thought, that from time to time there would be some cause, either foreseen or unforeseen, to prevent the resumption of payments in specie. (*Hear.*) It would be a great point to come back to a sound state of currency, and the country had a right to demand it. (*Hear.*)

The question being put, "That the words of the Amendment made by the Committee, proposed to be left out, stand part of the question." The house divided.

Ayes, 88—Noes, 21.

Mr. *J. P. Grant* then moved, that instead of the words "5th day of July, 1819," these

words be inserted, "six weeks after the meeting of the next session of parliament."

The *Chancellor of the Exchequer* said, that so important a question as that of resuming cash payments could not be decided at so early a period as six weeks after the meeting of parliament.

Mr. *Tierney* said, that if the right hon. gentleman meant to carry on a sort of juggle with the Bank, he did not act so fairly and manfully as the hon. member under the gallery (Mr. Gurney) did, when he said openly, that he held the payment of paper in specie, as an abominable heresy. (*A laugh.*) He should therefore move, to leave out "the 5th of July," in order to substitute "the 25th day of March."

Mr. *J. P. Grant* said, he should withdraw his amendment to make room for that of his right hon. friend.

Mr. *C. Grant*, jun. opposed the amendment. He observed, that the operation of the foreign loans on our market could not be expected to cease by the 25th of March.

The question being put, "That the words of the Amendment made by the Committee, proposed to be left out, stand part thereof." The house divided.

Ayes, 88—Noes, 27.

LOTTERY.] The house having resolved itself into a committee of ways and means, the *Chancellor of the Exchequer* moved a resolution for raising the sum of 250,000*l.* by way of lottery.

Mr. *Lyttelton* opposed the motion. The system of lotteries, he observed, went to increase the patronage of the crown, to train up a race of informers, and to subvert the morals of the people. Perhaps those who were so earnest in building the new churches, thought by so doing to atone for the mischief they thus created. But it was utterly inconsistent to be anxious about the education of the people, and the improvement of morality on one side, if all that was done were defeated by the lottery on the other. The right hon. gentleman seemed to be raising batteries against his own measures, but it would be more candid and simple to abandon them at once.

The *Chancellor of the Exchequer* did not consider himself called upon to give additional reasons in favour of a measure in proposing which he had only followed all his predecessors. The hon. gentleman had advanced no new argument, and as there would always be a certain quantity of gambling, lotteries were not more mischievous than unauthorized play.

Sir *M. W. Ridley* remarked, that nothing could be more inconsistent than the conduct of the right hon. gentleman on this subject. On one day, he encouraged saving banks, and, on another, allured the people to venture their earnings in a lottery. (*Hear, hear.*)

Sir *J. Newport* related an anecdote of one of the sheriffs of Dublin, who was a lottery-office keeper, and had been lately convicted in the penalty of 50*l.* for illegal insurances. Six other actions were still pending over him, and, he understood that, this man had been convicted of a similar offence in the preceding year, but, notwithstanding, he had been again licensed.

The *Chancellor of the Exchequer* said, that if an office-keeper in London had been guilty of such an offence, his license would not have been renewed.

Sir *J. Newport* observed, that the right hon. gentleman was chancellor of the exchequer for Ireland as well as for England. (*Hear, hear.*)

Mr. *Wilberforce*, in answer to the argument that unauthorized gambling would exist, if the lottery did not, said, that the latter was a national crime, encouraging immorality at large, and not exciting reprobation like a private vice. There was no ground for defending this, which would not go also to defend any other crime, and he hoped to see the end of a system so injurious and destructive of industry.

Mr. *B. Howard* contended that the system suspended the law of the land. There were statutes which declared all lotteries public nuisances, and subversive of the common good.

Mr. *W. Smith* said, that to erect saving-banks with one hand and lotteries with the other, was a political solecism; it was urging the honest man to spend his little savings in mischievous and ruinous adventure.

The committee divided.

For the resolution 75
Against it 33

CORONERS ELECTION BILL.] This bill was read a third time and passed.

HOUSE OF LORDS.

Tuesday, May 19.

REGENCY ACT AMENDMENT BILL.] The *Lord Chancellor* presented a bill to alter and amend the act of the 51 Geo. III. relative to the custody of his Majesty's person during the Regency. One object of the bill was, to vest in the Queen the power of appointing additional members of the council, to assist her Majesty in the execution of the high trust reposed in her with regard to the care of the king's person; the other object was, to provide for the meeting of parliament, within a certain time, in the possible case of a cessation on the part of her majesty, to have the care of the king.

Earl *Grey* said, that, until he entered the house, he had not been aware of the intention of the noble and learned lord to introduce this measure. He was not prepared to give a decided opinion upon it, and, therefore, he should reserve himself for further deliberation.

The *Lord Chancellor* said, that on the question of the second reading, he proposed to enter at large into the consideration of the measure.

The bill was then read a first time.

LIBEL LAW.] Lord *Erskine* said that, for reasons which he had already explained, he now proposed to introduce a bill for declaring the law with respect to the power of justices of the

peace, to apprehend and hold to bail, or commit for libel, before indictment found. The preamble of the bill stated, that whereas doubts on the law had arisen, and the bill went on to declare, that the magistrates had no such power. He moved, that it be now read a first time.

The *Lord Chancellor* said, that in putting the question on the first reading of this bill, he wished it not to be understood that he entertained any doubt whatever as to the law upon the subject.

The bill was then read a first time.

COTTON FACTORIES BILL.] The house went into a committee on this bill, when Mr. Warren was heard as counsel for the petitioners against the bill. The question was then put, that Mr. Harrison should also be heard.

Lord *Kenyon* expressed his opinion that neither counsel nor evidence should be farther heard. He conceived, that the evidence taken before the committee of the House of Commons was quite sufficient.

The Earl of *Lauderdale* stated, that the noble lord had determined, before he came to the house, not to hear counsel, and read a letter from his lordship to that effect. The noble earl then argued, from the impolicy of the measure, and the mischievous effects it would have on trade, that the petitioners ought to be heard. He proved that the evidence already before the house was contradictory and inconsistent, if not false in the highest degree, and thence urged the necessity of admitting evidence on oath.

Earl *Manvers* was in favour of hearing both counsel and evidence in support of the petitioners against the bill.

The Bishop of *Chester* opposed the hearing of counsel, on the ground that the simple question was, whether parliament would protect those who could not protect themselves, and whether children should be permitted to work more than 12 hours. He had seen the misery of the factories himself, and was astonished to hear the employment called " free trade."

The *Lord Chancellor*, after observing that the law of the land already sanctioned a degree of interference between employers and their workmen, as in the instance of master and apprentice, and that parents might be compelled on application to a magistrate to treat their children properly, contended, that it was but fair to admit farther evidence, and to hear the arguments of counsel. The evidence taken before the committee of the commons was most contradictory, and he did not think it would be safe to legislate upon it.

The Earl of *Liverpool* admitted, that the evidence then before their lordships was contradictory, but he contended, that where opinion was mixed up with matter of fact, as in the case of the chimney-sweepers, it was always so. He therefore thought it would be inexpedient to enter into an investigation that might lead to endless discussion. He considered that their lordships had already sufficient evidence before them to come to a decision, which did not turn on any matter of fact that had been disputed. He doubted the inference which the noble earl (Lauderdale) had drawn respecting the mischievous effect of this measure on trade; he thought it would have no such effect; but if it should, that was a question for consideration on other grounds. Trade could not be improved by overworking man or child.

The Earl of *Lauderdale* said, that if labour were regulated at all, reference should be had to the personal strength of each individual, and no general rule could be relied on. The employer was the person most likely to be acquainted with the different degrees of strength possessed by his workmen, and most likely to avoid overrating them, with a view to his own advantage. The inconsistency of the evidence already produced shewed the necessity of hearing the petitioners.

The Marquis of *Lansdowne* agreed that a great evil existed in the excessive labour of children, and that it would be proper to introduce some measure on the subject: but he was the more convinced that the petitioners' counsel and evidence ought to be heard, and that the house should not legislate in the dark. He did not, however, feel any apprehension on the ground of the mischief which it was alleged the measure would produce on trade, though it might alter the course of the manufacture: and this rendered it the more necessary to hear evidence on the subject.

The question was put and carried. It was then agreed that further evidence should be heard in a committee up-stairs to-morrow.

HOUSE OF COMMONS.

Tuesday, May 19.

COPYRIGHT BILL.] Mr. *Finlay* presented a petition of the Senatus Academicus of the university of Glasgow, against this bill.—Ordered to lie on the table.

BANK RESTRICTION BILL.] On the order of the day for the third reading of this bill, Mr. *Finlay* said, he was afraid from what he saw, that it was not the intention of government ever to place our currency on its former footing. It was absurd to think that the Bank would next year, or in any future year, be more able or willing to return to cash payments than they were at present. The resumption might be attended with some inconvenience; but the house ought to meet the evil in a manly and fair manner at once, and not allow themselves to be abused any longer with the farce which had been played off upon them.

Mr. *Hammersley* said, that the directors had always been desirous of returning to cash payments; but, at this time, agents from all the foreign houses were in the metropolis, and if the restriction were not continued, a great part of the loans would be supplied from the issues of gold from the Bank.

Mr. *Tierney* wished to know whether any and what steps had been taken to pay the nine millions due by the public to the Bank. On the re-payment of that sum, all pretences for excessive issues of their notes would be at an end. It was only the wants of government during the war that gave rise to the restriction, and justified the issues of the directors.

Mr. *Lushington* said, that arrangements were certainly in progress as to the payment of this money, but the precise period of payment was not yet fixed.

Mr. *Tierney* remarked, that provision had been made in the early part of the session for payment of six millions, but he wanted to know how the three millions were to be paid. No provision had been made for that sum, and he did not suppose it would be taken from funds voted for other purposes.

Mr. *Thornton* said, that the sums in question would be paid off in the course of the present year. The right hon. gentleman had said a good deal about the responsibility of the directors, if they did not diminish their issue of bank-notes, and prepare for the resumption of cash payments. That responsibility he was quite prepared to share with his colleagues in the Bank direction. The true and considerate preparation for cash payments was a matter of too much delicacy to discuss in the house, and particularly at this period. He must, therefore, decline to give any pledge as to what might be the future issue of bank-notes, or the course to be pursued to facilitate the measure desired by all parts of the house. The directors, he was persuaded, would do their duty, and trust to the good sense of parliament for a fair construction of their conduct.

Mr. *Tierney* was happy to hear that the Bank would soon be placed in a situation in which their issues would be limited to the wants of the country.

Lord *Folkestone* agreed with the hon. member for Glasgow, that the difficulty of resuming cash payments would increase every year. For his own part, from what he had heard on this subject, he could never expect to see the restriction removed.

The bill was then read a third time, and passed.

BREACH OF PRIVILEGE.] Lord *A. Hamilton* said, the house having decided that it was not their intention to visit Thomas Fergusson with the punishment of loss of office, he submitted, that there was no necessity for detaining him any longer in prison. He should therefore move "that he be brought up to the bar of the house to-morrow, for the purpose of being discharged.

Mr. *Wynn* said, that as the house had not taken the same view that he had of the enormity of the prisoner's offence, he would not oppose the motion. The offence, enormous as it was, had been aggravated by many falsehoods, and the character of the offender seemed to be so blasted as to make it utterly disgraceful to continue him as a servant of the government. He should have preferred that he should not be discharged till Monday next, when he would have been three weeks in prison. That he had acknowledged his offence, was only a reason why he should not be punished for obstinacy; it was no reason why any lenity should be shewn to the original offence.

The motion was agreed to. On the question that Mr. Speaker do issue his warrant,

Mr. *Wynn* said, that on a former occasion he had expressed that it was not his intention to found any legislative measure upon this case; but now, on further consideration, he thought that it might be proper to extend the enactment which prohibited all officers of excise, of the customs, and of the post-office, from interfering in elections, to the officers of the assessed taxes. They had not been included in the act of Queen Ann, because at that time there had been no assessed taxes. He merely threw this out for the consideration of the house.

REWARDS ON CONVICTION BILL.] This bill was read a third time and passed.

PARLIAMENTARY REFORM.] Two petitions were presented of inhabitants of Nottingham; also a petition of burgesses and inhabitants of the town of Paisley; also, six petitions of inhabitants of the town of Falkirk; also, nineteen petitions of inhabitants of Manchester; also, three petitions of inhabitants of Glasgow; also, two petitions of inhabitants of Dundee; also, nine petitions of inhabitants of Pollockshaws; also two petitions of inhabitants of Royton; also, three petitions of inhabitants of Newcastle-upon-Tyne; also five petitions of inhabitants of Sheffield; also, a petition of inhabitants of Huddersfield; also, of Liverpool; also, of Oldham; also, of Rochdale.—They all prayed for annual parliaments and universal suffrage, and were ordered to lie on the table.

REPEAL OF THE SEPTENNIAL ACT.] Sir *Robert Heron* rose, pursuant to notice, to move "that leave be given to bring in a bill to repeal the act 1 Geo. I. c. 38, intitled 'an act for enlarging the time of continuance of parliaments appointed by an act made in the 6th year of the reign of king William and Queen Mary, intituled, an act for the frequent meeting and calling of parliaments."—The hon. baronet said, that although this precise question had not for a long time been before the house, yet the general question of parliamentary reform had been so deliberately and so ably discussed, that it would not be necessary for him to occupy much of their time. His own health, too, would prevent him from saying much. A very general impression had for a long period prevailed among the people of England, that a renovation of that house was necessary, in order to make it in practice, what it was in theory, the commons house of parliament. (*Hear.*) When it had been observed, that the house adhered very generally to the minister, whatever measures he might

please to propose, it became a very important object with the people to remove such an evil by reform, and this object had been supported by most respectable and able men. After the peace of 1783, a strenuous effort was made: but the cause was soon forsaken by one of its ablest supporters, who afterwards became its bitterest enemy. Not long after a war arose, which threw the nations of Europe centuries back in the career of improvement and reform. The people had then, to use a favourite phrase of the noble lord opposite, "turned their backs on themselves." Rights were taken from them which they had never abused, under the pretence of plots, which, if they existed at all, had been greatly exaggerated. The machinery of plots was, indeed, still kept among the stores of the treasury; but he trusted that the bottom of the green-bag would now be found so much damaged, that it would never produce an explosion again. On the several occasions on which reform had been strongly urged, proof of its necessity was offered to be produced at the bar, but the house had never shewn any desire to enter into the case. The Grenville act had proclaimed to the country, that the members of that house were so corrupt, that they were not to be trusted with the trial of their own elections. Oaths were accordingly prescribed in order to prevent corruption, if possible, in those who, without an oath, were bound by every consideration of duty, conscience, and character, to decide honestly. Mr. Rigby, Mr. Dyson, and Lord North, persons who had themselves been most conversant with corruption, had admitted the necessity of reform. The Grenville act had effected some improvements in the trial of contested elections; but the enormous expense of petitions almost amounted to a denial of justice. That act, indeed, was an avowal of a defective practice—it was a strong argument for reform, because it would not be necessary if other abuses were corrected. When any thing in the shape of reform was proposed on his side of the house, it was met by gentlemen on the other with various objections. The most frequent objection was, that the time was not proper. When we were in prosperity, it was said that reform was unnecessary; when we were in distress, it was said to be dangerous. Another objection was, that the reformers could not agree, and that they had views beyond a reform. This objection was never applied to other measures The imposers of taxes often disagreed and very widely; and yet taxes were imposed. Nothing could be more different than the reports on the poor-laws, and the bills founded on them. The former recommended a radical change; the latter, he feared, would produce no useful effect whatever. But the want of agreement was at least a proof of sincerity among the reformers. Annual parliaments, triennial parliaments, universal suffrage, ballot, any measure would answer the same end, if they only wanted a covered way for attacking the fortress of the constitution. A third objection was, that the constitution was perfect, and required no reform. A constitution, it was said, more perfect than ever, issued from the constitution shops, from Plato down to the Abbé Siéyes, had arisen from accidents, and had worked itself into a fully poised and equally balanced system. But the most successful objection to every kind of reform was the French revolution—he meant the consequences of that revolution. If gentlemen would only consider the causes of those events, they would find that they were quite inapplicable to any question of reform in this country. The first cause was, the total unfitness of the French nation at that time for any thing like public liberty. The second was, that a weak and vacillating king inclined towards every thing benevolent, but kept his purpose in nothing. The third was, the unbounded extravagance of the French court, which no minister could supply, and yet, without yielding to the wishes of the court, no minister could long hold his place. The last, but not the least cause was, the conduct and character of the late Duke of Orleans, who had been properly styled, the monster Egalité. But still, all the attacks of himself and his partizans upon the king's government would have been ineffectual, had the monarch attended to the wishes and entreaties of his people. In 1797, M. Neckar published a book on the French revolution, in which he delivered his opinion, that "if the king of France had acceded in time, the revolution would not have taken place; but the French court refused making popular reforms until it was too late*." It was obvious, then, that all arguments to be drawn from the French

* The wretched state to which the people of France had been reduced for a long time prior to the revolution, is exhibited in a tract published by John Hampden, esq. in 1692, and cited in the note to Kennett's Hist. of Charles II. p. 397.. Mr. Hampden says, "That discoursing about 10 years before, at Paris, with the famous historian Mezeray, about the difference of the government of France and England, Mezeray broke out into these expressions with transport, *O fortunatos nimium, sua si bona nôrint, Angligenæ!* We had once in France the same happiness, and the same privileges, which you have—*our laws were made by representatives of our own choosing—our money was not taken from us but by our own consent—our kings were subject to the rules of law and reason.*—But now, alas! we are miserable, and all is lost! I think nothing too dear to maintain these precious advantages; and if ever there be occasion, venture your life, your estate, and all you have, rather than submit to the miserable condition to which you see us reduced."—The following anecdote told by the Duke de St. Simon, and which, he said, he had from M. de Marechal, surgeon to Louis XIV. confirms the truth of Mezeray's observations: "In the year 1710, when large sums were wanting for carrying on the war, and the people of France were extremely oppressed by the burthens they already laboured under, the ministers proposed a new tax,

revolution were more in favour of reform than against it. The principles of that revolution ought to be separated from the acts which followed: the principles themselves might be justifiable, but the acts were cruel and atrocious, and no one regarded them with more horror than he did. Let gentlemen look to the character of the people of England, let them trace their history through all their former revolutions, and they would never find them inclined to anarchy. They were always afraid of going too far. They generally stopt short too soon. In the time of Charles I. there was a civil war, and of course some bloodshed followed, but no atrocities were committed. Charles was indeed beheaded; but such was the general feeling in his favour, that it was almost certain his life had been spared could either party have trusted him. Let them look to the revolution of 1688 which had placed the present family on the throne. Was it not conducted with peculiar mildness? Had a single drop of blood been shed? James was allowed to withdraw in safety, and none of his adherents would have suffered, if they had not obstinately persevered in attempts to restore him. In truth, it was hardly proper to call it a revolution: it did not introduce any innovation; it was the restoration of the ancient fundamental constitution of the kingdom. The bill of rights was, as Blackstone had said, "only declaratory of the old constitutional law.—The gentlemen on the other side were accustomed to speak of the danger of changes, but they had no objection to such changes as would increase their own power. They only opposed those which might restore something to the people. (*Hear, hear.*) All human institutions were impaired by time, and, in order to renovate them, frequent recurrence must be had to their original principles. If no changes were necessary, why did they meet in that house for six months in every year? The fact was, that the greatest obstacle to reform was corruption. The first act of the late empress Catharine, after the conquest of Poland, was to declare that its parliament should never be reformed. When the Poles applied for reform, she saw the danger of granting what was so reasonable and proper; she saw that her power would be impaired by it, and she considered it a declaration of war. The proposition of reform which he had now to submit, was, to shorten the duration of parliaments, a reform that might be made without any danger, and which would produce the most salutary effects. It was unnecessary to go into the complicated question, whether parliaments had been originally annual or not. Annual they certainly appeared to have been, whether by special law or otherwise. But he did not wish to dwell on that point, as he was persuaded that such parliaments were not suited to the present state of the country. In the tyrannical reign of Henry VIII. the duration of parliament became undefined. Mary, who wished to be popular, reduced it to a limited period; but, after her death, it was again undefined. One parliament in the reign of Elizabeth sat for seven years, ten months, and ten days. A parliament in the reign of James I. sat for seven years, ten months, and twenty one days. A parliament in the reign of Charles I. sat for twelve years, five months, and seventeen days. And a parliament in the reign of Charles II. sat for sixteen years, eight months, and sixteen days. At the Revolution, a favourable opportunity arose for correcting this abuse. But the legislature did not proceed rashly on the subject. Among the matters contained in the Report of the Committee that was appointed to bring in general heads of such things as were "absolutely necessary, for the better securing our religion, laws, and liberties," it was mentioned, "That parliament ought to sit frequently; and that the too long continuance of the same parliament be prevented." The first part of this sentence was introduced into the Declaration and Bill of Rights; and it would have been better, perhaps, if the great men of that day had been more full and explicit, by retaining the other branch of the sen-

under the name of *A Royal Tenth*, and presented the plan for raising it to the king. Accustomed as Louis was to the imposition of the most enormous taxes, he could not help being shocked at this; his uneasiness even appeared in his countenance. His domestics observed it, and Marechal, from whom I had this anecdote, ventured to mention to the king, "That he had observed a degree of melancholy hang about him for these several days, and that he had fears for his Majesty's health." Louis acknowledged to him, that he was in great uneasiness, and expressed himself in a general way, on the present posture of affairs. Having within eight or ten days recovered his ordinary tranquillity, he sent for Marechal, and taking him aside, said, "Now that I feel myself at ease, I must tell you the cause of my anxiety, and by what means I have got rid of it." He then informed Marechal, that the urgent necessity of his affairs having compelled him to impose new taxes, his compassion for his subjects, and his unwillingness to make free with every person's property, had greatly distressed him on the occasion. At last, added the king, I opened my mind to Father Le Tellier, (who was at this time the Confessor) Le Tellier desired some days to think of the matter. He has now brought me a consultation of the subtlest doctors of the Sorbonne, who all agree, "*That the whole property of my subjects is mine personally; and that when I take it from them, I take nothing but what is my own.*" This decision has restored the ease of mind I had lost."

The Editor is indebted for these quotations to the 3d vol. of Hatsell, pp. 91—2, the last edition, with the notes and observations of Lord Colchester. It is there added—"Since the former publication of this volume (*viz.* in 1784), a great alteration has taken place in the French constitution, particularly upon the subject of granting supplies and imposing taxes; and *now* (in the year 1817) a still greater alteration subsists from what has been the acknowledged constitution of France for several centu-

tence. However, in the year 1694, while the spirit of the Revolution was yet warm, an act was passed, 6 W. and M. c. 2, which declared, that "frequent and *new* parliaments tend very much to the happy union and good agreement between king and people;" and enacted, that no parliament should last longer than three years*. (*Hear, hear.*) That act continued in force during the space of 21 years, namely, till the year 1715, and it was well known how it came to be repealed. A civil war then broke forth, which had been rather checked than destroyed. The fire was left burning under the ashes. In this state, the government were afraid to trust the people with the election of members of parliament. The Septennial act was then passed—an act, in his opinion, as indiscreet as it was unjust. It recited, however, the real cause of the repeal, namely, that "at this juncture, a restless and popish faction are designing and endeavouring to renew rebellion within this kingdom, and an invasion from abroad†. It was unnecessary, he thought, to quote Mr. Locke or any other writer of eminence to prove, that this act was one of the most unwarrantable exertions of authority that ever were made since the first existence of parliaments. The house of commons at that time, as it was forcibly expressed by an hon. member who opposed the bill, "turned the dagger into the bowels of the constitution." It had been said, that the previous triennial act had lengthened the duration of parliament; certain it was that the septennial act lengthened it beyond any legislative precedent, and beyond every principle of justice. One of the arguments which were then urged against the triennial parliament was, that the first year was always taken up with contested elections. This objection was now removed by the Grenville act. Another argument was, the inconvenience of frequent expensive elections: but this objection might be very easily obviated. If an act of legislation shortened the duration of parliament, why should not another act prevent expenses? Direct bribery was now prohibited. Why then should not every member be obliged to take an oath that he had given no compensation for labour or expense at elections? A bill could certainly be introduced by which expenses would be as much as possible prevented; and indeed, a right hon. gentleman (Mr. Tierney) had formerly brought in a bill to prevent candi-

* This bill was drawn up by Mr. Harley. It was presented to the commons on the 22d November, and was passed on the 13th December. It was then sent up to the lords, who on the 18th gave it their concurrence, without any amendments. Bishop Burnet says, that this bill was, by express bargain, the price of the Supply: and he appears to be correct, for in every stage of its progress the Tunnage-Bill waited upon it, if it did not bear it company. On the 22d December, when both bills were ready for the royal assent, the king went to the house of peers, and having first bestowed that grace on the Tunnage-Bill, suffered its companion, the Triennial-Bill, also to become a law.—See Ralph.

† On the 20th July, 1715, the King had informed parliament, that "he had certain advices of preparations being made by the Pretender for an invasion, which were seconded at home by a restless party in his favour." On the 9th of Jan. 1716, his Majesty stated, that he had reason to believe the Pretender was then landed in Scotland, and that a rebellion had actually broken out. On the same day, the Earls of *Derwentwater*, *Nithsdale*, *Carnwath*, and *Winton*; Viscount *Kenmure*, and the Lords *Widdrington* and *Nairn*, were impeached of high treason. They were all found guilty, and several of them afterwards beheaded. On the 21st Jan. the King informed parliament, "that the accounts he had since received put it beyond all doubt, that the Pretender was heading the rebellion in Scotland; that he had assumed the style and title of King of these Realms; and that his adherents did likewise confidently affirm, that assurances were given them of support from abroad." On the 17th Feb. his Majesty stated, "that his forces had obliged the Pretender to fly out of Scotland;" but he trusted, "that parliament would take such measures as might deprive our enemies at home of the power, since that alone could deprive them of the inclination, again to attempt the disturbance of his government." In consequence, in something less than two months afterwards, namely, on the 10th April 1716, the Septennial Bill was introduced, and by the 26th it passed both houses, but not without warm debates, and strong opposition, particularly in the commons.

Such were the grounds upon which this change in the law was effected; but, as the following passage from *Tindal* throws a little more light on the subject, the Editor begs leave to cite it.—"The rebellion was now quelled, and the strength of the rebels entirely broken, but the disaffection of the people was not yet conquered. The parliament was the bulwark of the crown; the vigour and unanimity of the king's friends, and their superiority in the house, was the support of the whole affair. But the parliament being only of three years' continuance, by virtue of the Triennial Act, made in the 6th year of King William and Queen Mary; *all the hopes of the other party seemed to be centered in this*, that the parliament would expire; and *that they should be able, by their influence in the country, to chuse a majority of their party at the next election;* or raise such a ferment *at that juncture*, as might make way for a successful invasion from abroad. This the persons at the helm observed with concern; and therefore resolved *to baffle these hopes of the enemies of the government*, by *prolonging the sitting of the PRESENT parliament*. It is said, it was first proposed only *to suspend* the Triennial Act for *once*, whereby this parliament would have continued three years beyond the time, at which it was to determine; but it was afterwards thought, that a bill for enlarging the time of continuance of parliaments in general, would be less liable to exceptions. The next thing that fell under consideration was, whether this intended bill should be set on foot in the house of lords, or in the house of commons? The first was judged the more proper for several reasons, particularly, because the court being more sure of a majority in the house of commons, if the bill miscarried with the lords, the odium of this project, which carried a face of unpopularity, would not rest upon the commons, nor consequently prejudice future elections."

dates from conveying electors at their expense, but it was unfortunately lost*. But then it was said, that if the duration of parliament were to be limited to three years, the power of the people would be increased in a greater degree than the power of the crown. That the power of the crown had increased, none, he believed, would deny; and he would willingly admit that the power of the people had also increased. But how had the power of the latter been augmented? It had arisen from the progress of education, a cause from which he could not apprehend the least possible danger. The people, no doubt, were more enlightened and better educated than in former times, and, in a corresponding degree, they were better subjects and men. (*Hear, hear, hear.*) It had been found so in the countries where education was most general—in Switzerland and in Scotland. But was it from popular principles that the only danger was apprehended? If they refused reform, might not a powerful oligarchy control the throne, and render the sovereign a mere pageant? He was not afraid of this; but as little was he afraid of the people becoming too powerful. When just chastisement was inflicted, as in a late instance for improper interference in elections, while greater offences were not even checked, and were openly avowed, it was obvious that some alteration should be introduced. At present, it was ignorance and inexperience only, which did not practise corruption in the usual parliamentary mode, that called down their vengeance. But the greatest offence that had been ever committed in elections was the septennial act. By that act the house of commons had robbed the people of their right, and it now became them to restore what they had taken away. If there had been a temporary necessity for prolonging the duration of parliament, the act ought to have been temporary. A permanent act ought not to have been passed for a temporary object. But they had wanted to strengthen the power of the crown, and they availed themselves of the alarm of the people to accomplish what they could not otherwise have done. During the last two sessions he had seen strong instances of the benefit to be expected from short parliaments. It had often been his lot to be sent into the lobby when the house divided. There he had often seen, particularly during this session, faces that were quite new to him. He had been so astonished, that he sometimes feared he had committed a mistake, and taken that side of the question which he intended to oppose. He was convinced that every member on all occasions voted conscientiously: but it did, somehow or other, so happen, that gentlemen, when they approached the period of elections, voted very differently from their usual practice. (*Hear.*) From these circumstances he inferred, that the most beneficial effects would result from shortening the duration of parliament; and, therefore, he concluded with moving, that leave be given to bring in the bill. (*Hear, hear, hear.*)

Lord *Folkestone* seconded the motion.

After a considerable pause, strangers were ordered to withdraw, and the gallery was almost cleared, when

Sir *Samuel Romilly* rose and said, that the motion had his most cordial support. It was quite free from all those inconveniences supposed to be connected with a more extensive reform. It might do good, and there was no possibility of any danger from it. He would take notice of only one argument that had been often advanced against triennial parliaments: it was used by Mr. Burke: namely, that those candidates who were supported by the crown would derive an advantage over those who were independent of it. If that were true, why should a triennial act be always opposed by the ministers of the crown? In the present reign, during which prerogative had been maintained and extended beyond all precedent, (*hear*) there had been 11 parliaments, of which eight had been suffered to last six years; and they were then terminated only because it was thought inconvenient to let the seven years elapse, when no choice or alternative would remain as to a general election. This clearly proved that the crown could derive no advantage from frequent elections. How different were the votes of members at the commencement of a parliament from what they were as it approached its termination? In the present session let them recollect the aversion to the measure respecting country bankers; the refusal to increase the burthens of the people, and the reduction of taxes, they must see at once that the approach of a general election had great effect. (*Hear.*) He had stated in the last session, (See vol. i. p. 1220.) that he hoped a proposal would be soon brought forward for the repeal of the septennial act, and he felt persuaded, that if the present motion were agreed to, the nation at large would derive the most essential advantages from it.

Mr. *W. Smith* said, he was desirous of expressing his entire concurrence in all the observations of his hon. and learned friend, and in nearly all which had fallen from the hon. mover. There was, however, another reason, which was alone sufficient to induce him to give his support to the present motion, and that was, the opportunity it afforded of marking his disapprobation of one of the most flagitious abuses of a public trust that ever had been committed.

* On the 25th of March 1681 (32 Char. II.) the house of commons voted thanks for electing their members without charge. The order stands in these words: "It being represented to this house by several members, that many counties, cities, and boroughs, have freely, without charge, elected many of the members in this present parliament, according to the ancient constitution of elections of members to serve in parliament; wherefore this house doth give their thanks to such counties, cities, and boroughs, for the said elections."

He alluded to that act by which a house of commons, elected for three years, had prolonged its own duration to seven. He would not say that there had been no reason for such a proceeding at the time; but there had been none for continuing it after the original cause ceased to exist. He felt anxious to see so great an inroad upon public rights stigmatized by that censure which it appeared to him to deserve.

Mr. *Brougham* said, he did not wish to prolong the discussion of a subject which there seemed to be no disposition in the house to consider in that serious manner which its importance rendered desirable. In the few words which he should offer on this occasion, in order to declare his hearty approbation of the measure recommended by the hon. baronet, namely, a return to triennial parliaments, he should not, however, satisfy his own feelings were he not to state his dissent from some of the opinions which had been expressed both by the hon. baronet, and by the hon. member for Norwich. He could not concur with them in pronouncing censure upon the illustrious persons who proposed and procured the adoption of the septennial act, because he was fully persuaded, that by its means they had saved the country from popery and despotism. (*Hear, hear.*) His hon. friend had thought proper to raise a question respecting the right of parliament to prolong its own existence; but, on the same principle, he might deny its right to perform various other legislative acts, the authority of which had never been contested. What was that right but the right of the supreme government of the state to make laws for its safety and welfare? If this were over-ruled, the legislative union with Ireland was at an end, the union of England and Scotland was illegal; for in each of those cases, one legislature had surrendered its existence, and the other had altered the character of its own, by becoming an united, instead of an English or British parliament. According to the argument of his hon. friend, neither of those great measures could have been lawfully enacted, except by a dissolution of both parliaments, and a recurrence to the first principles of government: and as they were passed by an incompetent authority, could not be constitutionally binding. But he must take leave to observe, that the supreme power necessarily rested somewhere, and that it was the constant practice of the legislature to perform acts which the electors had never had in contemplation, but which they had confided a full authority to their representatives to perform, if necessary. These, he conceived, were the principles of our constitution, and having said thus much, he should only add, that the motion would have his support, because he thought that the septennial act, though wise and just when it passed, had long survived the necessity which produced it*. (*Hear, hear.*)

The house divided—

Ayes, 42—Noes, 117.

LIST OF THE MINORITY.

Althorp, Lord	Lemon, Sir W.
Brougham, H.	Lockhart, J. J.
Burdett, Sir F.	Langton, W. G.
Bennet, Hon. H. G.	Lefevre, C. S.
Barnett, James	Martin, John
Brand, Hon. T.	Macintosh, Sir J.
Baker, J.	Madocks, W. A.
Calcraft, John	Newport, Sir J.
Cochrane, Lord	North, Dudley
Curwen, J. C.	Ossulston, Lord
Campbell, Gen.	Proby, Hon. Capt.
Calvert, C.	Parnell, Sir H.
Dowdeswell, E.	Rowley, Sir W.
Folkestone, Visc.	Rancliffe, Lord
Fergusson, Sir R. C.	Ridley, Sir M. W.
Gaskell, B.	Romilly, Sir S.
Howorth, H.	Stanley, Lord
Heathcote, Sir G.	Smith, W.
Hornby, E.	Smith, J.

* In Coxe's Memoirs of Sir R. Walpole, vol. i. p. 76. it is stated, that Lord Somers, said to Lord Townshend, in 1716, "I have just heard of the work in which you are engaged, and congratulate you upon it; *I never approved the Triennial Bill*, and always considered it in effect the reverse of what it was intended to be. You have my hearty approbation in the business, and I think it will be the greatest support possible to the liberty of the country."—This statement appears so very extraordinary, that one would think there must be some mistake in it. Is it possible that Lord Somers should have said, that he *never* approved the triennial bill? At the Revolution, he was a principal member of the committee which drew up the Report alluded to in page 1822, and when the triennial bill, founded on the principles of that Report, was passed, he sat in the House of Lords as Keeper of the Great Seal, and voted for it. There were four noble lords who, upon the last reading of the bill, entered their protest against it, but for this reason, viz. "Because it tended to the continuance of the present parliament, longer than, as they apprehended, was agreeable to the constitution; and because of the ill consequences which, in many respects, might attend it." This protest was signed by the Lords Devonshire, Weymouth, Aylesbury, and Halifax.—If Lord Somers disapproved of the triennial act, in 1716, it could not have been on account of the *effect* it had *already* produced; because, it is true, beyond the possibility of contradiction, that, under that act, the legislature had done much greater things than had ever been done by parliaments before. That he might approve of the septennial bill, is extremely probable, from the peculiar circumstances of the country at that time; but it should be remembered, that it was originally intended to suspend the triennial act for *once* only, that is, until the danger which then threatened the nation had passed away. (See the *note*, p. 1823.) That danger has long since ceased; and therefore, no reason exists why those "frequent and *new* parliaments," which the Triennial Act says, "tend very much to the happy union and good agreement between king and people," should not be restored.

Sharp, R. | Tavistock, Marquis
Sefton, Earl of | Wood, Alderman
Tierney, Right Hon. G.

TELLERS.

Heron, Sir Robt. | Grant, J. P.

ALIEN BILL.] Lord *Castlereagh* moved the order of the day for going into a committee on this bill. On the question that Mr. Speaker do leave the chair,

Mr. *Bennet* expressed his surprise, that none of his Majesty's ministers, nor any of the law officers of the crown, had offered any defence of this measure when its principle was under consideration on the second reading, and especially after the three able speeches which had been made in opposition to it. The only document produced in its justification was one which shewed that five or six persons who were suspected had not been sent out of the country; but what did this prove as to the number of foreigners whom it prevented from entering the country? It appeared, during the disgraceful scenes which took place some years ago at Cadiz, that no foreigner would be permitted to land here without a passport from his own government. If such were the rule, how could any person, unless under extraordinary circumstances, be expected to visit our shores? The practice of foreigners was, he believed, to write first, to ascertain, if possible, whether, if they came, they would be permitted to remain. Did his Majesty's ministers decide upon the character of foreigners on information received abroad, or at home, from foreign or from domestic spies? He feared it was chiefly on the representation of foreign ministers residing at our court, and he should like to be present at one of the consultations of this board of inspectors. Did the final judgment depend on the noble lord, or the noble secretary for the home department? If on the latter, he was sorry to say that he could feel no respect for his decision, considering him to be, as he did, and he hoped it was a parliamentary word, the greatest dupe that had ever belonged to any administration. If the noble lord should be dissatisfied with such an expression, he could only consent to exchange it for one of a much harsher nature. How could he regard in any other light a minister who had gravely affirmed that such a person as Oliver was "a much injured individual?" (*Hear, hear.*) Might not the dupe of Oliver be equally betrayed by other informers? He could easily conceive a foreign minister, on some such occasion—to use the figure of the poet—sitting, toad-like, beside our ministers, and instilling into their ears the venom of legitimacy, thus corrupting all those generous maxims which used to distinguish our national character, on pretence of the mighty danger arising from the residence of a handful of foreigners. No circumstances could be more different than the present, and those which existed in 1793, when the measure was originally adopted. Was it apprehended that, if foreigners had free access to this country, we should see delegates from France or Germany haranguing, in broken English, the populace in Spa-fields? In every point of view this measure appeared to him most discreditable to the national character. Previous to the French revolution there existed a variety of little independent states surrounding France, in whose hospitable bosom the victims of persecution were sure to find a safe asylum. In Great Britain and in Holland the same welcome reception was afforded, and men the most renowned for literary talents, a Bayle, an Erasmus, a Voltaire, had found a refuge within the territories of the governments which cultivated this generous policy. If every one of these states on the continent had been goaded or induced by the great military powers to abandon these principles, and act on a new system of exclusion, what necessity was there for England to imitate the same example, or degrade herself to their level? He feared, however, that at the congress of Vienna—that congress so mighty in promise, and so contemptible in performance—that congress, whose declared object was the restoration of public freedom, but which had subverted all national independence—a solemn pact and covenant was entered into, from which ministers knew not how to depart, and which constituted the only foundation of this measure. Upon these grounds he protested against it, as unwise, tyrannical, and derogatory from the character of the country.

Mr. *Ellison* observed, that not a single case of any abuse of the powers granted by the former act had been alleged. Nothing was urged but what the imaginations of hon. members suggested for the purpose of aspersing his Majesty's ministers. It was since the enactment of an alien bill that our humanity to foreigners had been most conspicuously displayed. He had little knowledge of the noble secretary for foreign affairs, but he thought him entitled to public gratitude for his great services. No solid argument had been brought forward against the bill, whilst it appeared to him to be a sufficient reason for it, that it would exclude from this country the outcasts of every other.

Mr. *Bathurst* contended, that no new considerations had been urged on the former debate, which called for any additional argument from those who supported the continuance of this measure. That was the only cause of the silence observed on his side of the house. As the hon. gentleman who spoke last but one, had introduced one or two topics which had not been before dwelt upon, there was no indisposition on the part of ministers to enter farther into the discussion. He thought the circumstance of there being no place of refuge for emigrant foreigners in other countries, was a reason rather for passing this bill than against it. It was not pointed against the admission of the peaceful artizan, or of persons persecuted for their religious opinions,—the de-

scription which applied to the ancestors of those hon. members who had done themselves so much credit by the feelings which that recollection inspired. The house must be aware that it was against persons of a very different character that the precautions of this measure were provided. He contended, that the execution of the act had been universally confined to protect the safety of this country, and that it had never been put in force on the representation of any foreign government. The person who had been alluded to as having been sent out of this country under the provisions of this statute, came to England in the year 1807. He was then a dealer in pictures. In 1811, he applied for a passport to go abroad, when he was told that, if he went, he must not return during the war. He thought proper, however, to return; and from information that was afterwards received respecting his conduct, he was ordered to leave the kingdom. The fact was, that he first of all returned, and while he was here, from 1812 to 1813, information was given by different persons, representing him to be engaged in improper objects. He was accordingly removed from the country in 1814, on the most satisfactory evidence that he could not be permitted to remain. It would not be proper for him to mention the specific grounds on which that person was sent away; but he would state, that a paper was found in his baggage which completely established the necessity of sending him out of the country. Upon the whole, he felt confident that the house would agree in the policy of continuing this act, until the spirit of the French revolution had evaporated—until this country could be rendered secure against the designs of a disaffected and dangerous class of persons, who were continually plotting the overthrow of all governments, and the subversion of all order in society, and who thought it most convenient to repair to this country, violating its laws, and abusing its hospitality, until their plans were matured and ready to be put into execution. Men of sound principles and of peaceable habits would have nothing to dread from the existence of these powers in the hands of his Majesty's ministers; but it would deter bad men from coming to this country, when they knew that they would not be suffered to remain in it.

Mr. *Lyttelton* said, that if the right hon. gentleman did not think proper to state the specific grounds on which the person in question had been sent away, he had at least admitted that the ground on which he was removed did not consist in that correspondence which was found in his baggage. The foreigner said, that he underwent the most strict examination, and that nothing was discovered to render him liable to suspicion. He had not had the means of verifying those assertions, and now he had only to set against them the statement of the right hon. gentleman. To that statement he was sincerely disposed to give every degree of credit; but, at the same time, he must add, that he thought the proceedings in the case of Mr. Befort tended to illustrate the vicious consequences of bills of this nature. He had been sent out of this land of freedom—this asylum, as it once had been, for the persecuted of all other countries—without any satisfactory account being given to the public: he had had only six days allowed him for packing up his goods, relinquishing his interests, and leaving the country. The right hon. gentleman had said, that no person would be sent out of this country except for plots against the state; but, on a former night, the hon. gentleman (Mr. C. Grant) had declared, that there was something in the affairs of Europe which rendered it necessary that we should keep our eyes on foreigners, lest men who should meditate a revolution in France should find an asylum here to carry on their plots. As far as the fact went of half a dozen persons being sent out of the country, this measure would not bear the smallest test; but, on the other hand, it shewed the intolerant spirit of the British ministers. Let the house bear in mind, not only the number of men who might be sent out of the country, but the number of those who might be intimidated while they remained. The total number of foreigners who were here engaged in honest and industrious habits, beneficial not only to themselves, but to the public in general, was, he believed, not less than 20,000. Let the house, then, consider the alarm and terror with which that large body of persons must be continually agitated by this odious measure. (*Hear.*) It was, in itself, not only a despotic power, unworthy of the time in which we lived, and hostile to the spirit of liberty, more particularly to the liberties of this free country, but a power into which no inquiry had been instituted, and into which, in the present temper of the house, no inquiry was likely to be instituted. (*Hear, hear.*)

Sir *Samuel Romilly* remarked, that there had been nothing stated in support of this bill, except what the house had this night heard from a right hon. gentleman opposite, and the observations on a former night of a lord of the treasury, in which there was much more of eloquence than of convincing argument and reasoning. He was not surprised at the course which his Majesty's ministers had thought proper to adopt on this occasion: they knew that their strength consisted, not in speaking, but in voting. He hoped the house, however, would consider, that those on his side who resisted this measure, were speaking on the behalf, and for the protection of persons who had no representatives in that house. (*Hear, hear.*) There were two classes of persons to be affected by this bill: one class was, the foreigners who might seek an asylum in this country, the other, the foreigners who had settled amongst us, and had become a part of ourselves. As far as it related to foreigners who might come to reside in this country, it was to be considered

on far different grounds than as it related to foreigners who had long domiciled here. In all that had been said on this subject by the other side, it was manifest, that the executive government could act only on the suggestion of foreign powers, in preventing individuals from coming here; for whether they came from France, from the Netherlands, or from other places, how could they guard themselves against such persons, but by listening to the representations of foreign ministers? So that a person who was endeavouring to shelter himself here from religious or political persecution, from the terrors of the holy inquisition, the tyranny of the King of Sardinia, or the despotism of some other government that we had established on the ruins of the free and independent states of Europe, must be deprived of an asylum, on the statements made to this government by their own persecutors and enemies. In all these cases ministers would act implicitly on those representations; and, under that influence, the unhappy victims of despotism and oppression would be driven back from our shores. (*Hear, hear.*) The hon. gentleman had said, that this measure was intended only as a prevention against dangerous persons; but by this he meant, as it appeared, persons who had worshipped the goddess of Reason at one time, and afterwards worshipped Napoleon Buonaparté. It was originally stated, that this bill was to continue in force for two years only; but the right hon. gentleman had that night said, that it was to continue till the principles of the French revolution had evaporated—till the whole race of Buonaparté was extinct—till all those persons had expired who were supposed to entertain any friendly disposition to that family. It was said, that it was a measure directed only against bad men. He admitted, that if his Majesty's ministers were to know the real state of the case, they would not put it in force against good men; but the evil was, that they proceeded on secret informations. (*Hear.*) When a person was brought before them, the same course was pursued as before the grand inquisitor. In Spain, he was asked, without knowing any thing of the specific charges against him, whether there was nothing which he had said against the orthodox principles of the Catholic religion, and the man was left to ponder in his mind what he could have said. So, in this country, after this bill should be passed, the unfortunate individual would be asked, had he said nothing against the doctrine of legitimate governments—had he mentioned nothing against the family on the throne? Did any one really suppose that the unfortunate foreigners who might seek an asylum in this country could be safe under the exercise of such powers? Did any one believe that if the ministers of Charles II. and James II. had been invested with similar authority, those monarchs would have had their eyes offended by the crowd of Protestants who fled to this country for protection? No; if the same powers had existed in those times, the persecuted Protestants would not have ventured to seek an asylum in England; but they came hither because they relied on what they knew to be the constitution of this country; (*hear, hear;*) they relied on the character, the hospitality, the public law of the country. It had been said, that more protection had been shewn to foreigners during the last five and twenty years, than at any former period whatever. This, he would boldly affirm, was a false statement of history. (*Hear, hear.*) It was utterly false to say, that more protection had been shewn to persecuted individuals in the last 25 years, than during the reigns of James I. and Charles I., Charles II. and James II. (*Hear, hear.*) The right hon. gentleman had said, that the paper alluded to in the case of Mr. Befort was found among his baggage, just as he was about to be sent out of the country. Now it might not be difficult to explain how it came there.

Mr. *Bathurst* begged to explain. He believed the fact was, that the custom-house officers thought it their duty to examine the articles which the individual in question wished to take with him, and, in doing so, they discovered that paper.

Sir *Samuel Romilly* thanked the right hon. gentleman for this explanation. It seemed, then, that the paper was not sought for, but merely discovered in searching the baggage, and certainly it would not be fit to say much against the delicacy of custom-house officers. (*A laugh.*) In the case of Las Casas, the papers were never examined: in the case of De Berenger, they were made use of to convict him of a misdemeanour, but they were most illegally made use of. He conceived that this measure, as far as it related to foreigners who might seek to reside here, was calculated merely to carry into execution the tyrannical intentions of foreign powers, and that we were the ready agents, the willing slaves, of those despotic governments. As far as related to those foreigners who had long domiciled here, that large description of persons who had been engaged in active and honest pursuits, of what crime had they been convicted that they should be put out of the protection of the law? Were any of them to be driven from this country because ministers might be told on secret information that they were Buonapartists in their heart—that they wished to overthrow the dynasty of the Bourbons? He begged to recal to the recollection of the house the sound principles laid down in the speech of an hon. gentleman (Mr. F. Douglas) on a former night; a speech, indeed, which had remained unanswered—a speech which the noble lord opposite had deemed unworthy of reply—but a speech which he (Sir S. Romilly) considered to be one of the most able and effective speeches that had ever been heard within the walls of that house. It was said, that if these powers were to be granted, they could not be in better hands than in those of the noble

secretary of state for the home department. He (Sir Samuel) was against tyranny in any hands. It was not his business to pay compliments to any man, and therefore he said, that he thought these powers in very bad hands. (*Hear.*) He respected the private character of that noble lord, he was ready to acknowledge his integrity and worth as a private individual; but the noble lord now stood before them as a public man, and in that character he could not give him any approbation. He had never seen in him any regard for liberty; he had never witnessed in that noble lord any veneration or respect for the good, sound, principles of our recorded constitution. When he considered the manner in which the noble lord had suspended the habeas corpus act; when he reflected on his refusal to hear the petitions of the unfortunate persons who had been imprisoned under that suspension; when he remembered, that, after all, he had sought to cover the acts of himself and his colleagues by a bill of indemnity, founded on the report of a secret committee named by themselves, and furnished only with such evidence as they chose to adduce, there was no man in whose hands he should be more unwilling to intrust the exercise of the powers of the alien bill. (*Hear.*) Let the house, too, remember, that his Majesty's ministers had on all occasions refused an inquiry into the manner in which those powers had been exercised.—This was a most fatal blow to the character of this country; and he could not but reflect, that when we should have lost all our liberties, we should not even have the compassion of any nation in the world, because it would be said, that a people who were so regardless of the liberties of others did not deserve to enjoy their own. (*Loud cheering.*)

Mr. Serjeant *Copley* considered the subject as divided into two questions—the policy of the measure, and its foundation upon the law of the country. If the bill were not to be passed, a door would be opened to all persons who might be exiled from the continent—there would be an influx into this country of men who were known for the political criminality as well as the practical infamy of their conduct; who had been brought up in all the principles of the French revolution, and who would not fail to disseminate their pernicious doctrines among the people of England. He was not one of those hazardous politicians who would give their consent to put such a calamity to the trial. He was not willing to make the experiment as to what quantity of poison we could inhale without endangering the stability of our constitution. He would not agree to allow this country to become the seat of intrigue, which might destroy other governments, and finally bring destruction on our own. Much had been said of connexion with other nations in the enactment of this measure; but who would say that this country was not dependent for security on the systems and arrangements of other states? It had been said, however, that all their fears were chimerical, that all their apprehensions were absurd in the extreme. In 1816, the other side of the house had held the same language. But they knew what had happened since that period. In 1793, similar arguments had been used; but the legislature, by not adopting them, had saved the country from all those horrors into which it would otherwise have been plunged, as a neighbouring country had been. It had been said by the other side, that this measure would be a departure from the ancient principles of the constitution. The gentlemen opposite had urged, that if the crown formerly possessed the power of arresting foreigners, and of sending them out of the country, instances of the exercise of that power would be found. If such power existed, James II. it was argued, would have availed himself of it on the revocation of the edict of Nantz, in order to prevent the persecuted Protestants from landing on our shores. But it was the good policy of that monarch not to do so, though the power was vested in him; any argument on that point could not, therefore, avail. In the time of Henry IV. a proclamation was issued to the keepers of the passage, as they were called, commanding them not to allow the landing of aliens in this country, until examined. A similar power was exercised in the reign of Elizabeth; it was exercised by that sovereign in 1571, at the time of Norfolk's conspiracy, and again in 1574 and 1575. These were matters of fact, proved against assertion on the other side of the house. Aliens were liable to be sent home, whenever the king saw occasion; (*hear, hear, from Sir S. Romilly;*) but, at all events, the power of sending them home was vested in the legislature. (*Hear, hear.*) The alien bill was not introduced for the purpose of vesting the crown with any new authority. If safe conduct were required—if license of residence were demanded—it belonged to the crown to grant it. By analogy, then, the power of sending aliens out of the country ought to be vested in the same hands. This bill, he contended, merely went to regulate a power already possessed; it enabled the king to carry into effect with greater speed what he might do without it, by the mode of indictment, and by a more circuitous system which it was advisable to avoid. The king had the power of sending away aliens before, but it was of necessity to be by indictment. He could not but consider the bill necessary for a limited period. He was not satisfied with the arguments against it, unless, indeed, they ought to open the door to every man who might choose to enter the country for the purpose of carrying on any designs of his own, either with a view of impairing our own security, or of throwing other nations into disorder, and through them of endangering ourselves.

Sir J. *Macintosh* said, he must enter his most solemn protest against the principles and doctrines promulgated by the hon. and learned

gentleman who had just sat down. Those who opposed the bill did not wish to deprive the crown of any of its ancient prerogatives, but those who supported it, wished to extend them —an extension that was not called for by the circumstances of the times. The hon. and learned gentleman, in speaking of the legal propriety of the measure, had adduced something that had been done 400 years ago; the period when the monarch assumed the right of pressing men for the army, when villainage existed, and the writ *de hæretico comburendo* was introduced*. *(Hear, hear.)* Such was the argument which the hon. and learned gentleman had, in the nineteenth century, adduced to the house of commons. *(Hear.)* The next precedent which the hon. and learned gentleman had adduced†, was that of Elizabeth, in 1571. But it should be recollected, that Scotland was at that time divided on the disputes between Mary and her son James; and foreigners were sent out of the country, because they were supposed to be friendly to Mary, whom they considered the lawful queen of this country‡. (*Hear, hear.*) The hon. and learned gentleman had then said, that James II. acted merely from good policy; but it should rather be said, that he acted according to the law of nations§. He denied that the power of the crown to banish aliens by proclamation, was legal; and the best proof that it was not so was, that no one had been prosecuted for disobeying it. The hon. and learned gentleman had said, that a power existed in the supreme authority of the state to banish aliens. Yes; and it would have been equally true, if he had said, that a power existed in the supreme authority to banish natives. By the law of the land, no man could be exiled or banished, except by authority of parliament, or, in case of abjuration of felony, by the common law; neither could aliens be sent out of the country without the authority of the legislature. The power sometimes assumed by the monarch of issuing proclamations having the force of laws had been repeatedly called in question. Every body recollected that Lord Mansfield, when a proclamation was issued by the crown forbidding the exportation of grain, called the period during which that proclamation existed, "a forty days' tyranny." On that occasion he exhibited the single instance in his life in which he was the friend of liberal and constitutional principles, while, on the other hand, Lord Chatham exhibited the single instance in which he was their enemy||. The hon. and learned gentleman had made se-

* The act for putting heretics to death (2 Hen. IV. c. 15.) was passed in order to suppress the Reformers, or the followers of Wickliffe's doctrines; and Prynne observes, "that this was the first statute and butcherly knife that the impeaching prelates procured or had against the poor preachers of Christ's gospel." The writ *de hæretico comburendo* was executed down to the year 1610; two Anabaptists suffered under it in the 17th of Eliz. and two Arians in the 9th of Jam. I. It was not totally abolished till the latter end of the reign of Char. II., when our lands were delivered from the slavery of military tenures, and our bodies from arbitrary imprisonment by the *habeas corpus* act.

† With respect to the precedent of Hen. IV., it should be remembered, that the reign of that monarch was bloody and tumultuous. At that time, several places in France were under the dominion of the crown of England, and the French not only invaded some of them, but actually made a descent upon the Isle of Wight. It was necessary, therefore, that the passages by sea should be carefully watched, in order that no foreigners, except the king's subjects, should be permitted to land. But, in time of peace, the king had no power to prohibit foreigners from coming to, and tarrying in England: the prohibition, in that case, should have been made by parliament, as appears by the note, p. 1786 *ante*. A precedent, contrary to the genius of the constitution, is entitled to no authority in the eyes of the legislature.

‡ In regard to the precedent of 1571, it is worthy of remark, that in that very year, Pius V. had thundered out all the anathemas of the Vatican against Elizabeth, and published a bull of excommunication against her, which was fixed on the palace gates of the bishop of London. He also stirred up rebellions in the north, and in Ireland, against her; and, in 1574 and 1575, he sent over great numbers of Jesuits and Popish priests to excite the nation to revolt.—In 1567, Elizabeth commanded the bishop of London to take a survey of all the strangers within the cities of London and Westminster. By his report, which is very minute, it appears that the whole number of Scots, at that time, was only *Fifty-eight*. (See Haynes, 455.) A survey of the same kind was made by Sir Thomas Row, lord mayor, in 1568. The number of Scots had then increased to *Eighty-eight*. (Strype, 4.) On the accession of James, a considerable number of Scots, especially of the higher rank, resorted to England; but it was not until after the Union that the intercourse between the two kingdoms became great.

§ With great submission, it may be observed, that James was *bound* to admit those persecuted Protestants, not only by the law of nations, but also by the law of God. "Thou shalt not deliver unto his master the servant which is escaped from his master unto thee. He shall dwell with thee, even among you, in that place which he shall choose in one of thy gates, (or cities) which it liketh him best: thou shalt not oppress him." Deut. ch. xxiii. vv. 15, 16.

In the 34th year of her reign, (anno 1591) Elizabeth demanded of Hen. IV. of France, Morgan and others, who had committed treason against her. The answer of the French king to the queen's ambassador was, No; all countries are open to fugitives: Elizabeth herself knows this—she received the Prince of Conde and others who fled from France. (See Camden, Eliz. p. 355.)

|| Lord Mansfield more than once contended, that the ancient constitution of this country was as absolute as that of Spain, and that the limitations upon the power and authority of the crown recognized at the Revolution, were not, as the Bill of Rights asserts, a vindication and assertion "*of the true, ancient, and indubitable rights and liberties of the people*," or, as the Act of Settlement (12 and 13 William, c. 2.) terms it, a restoration of the subjects *to*

veral allusions to the consistency of that side of the house, (*hear, hear,*) and had accused them of holding the same principles in 1793. If such were the fact, it was no wonder that they should persist in that kind of criminality to the end. But it was not the fact, for there was scarcely one gentleman present who had been in the house at the time when the alien bill was discussed in 1793. At the same time he could assure the hon. and learned gentleman, that he, for one, should never be ashamed to adopt the principles, or revere the memory, of those who opposed the alien bill at that time. Whatever posterity might think of the various events of that period, and of the present day, he was sure they would not say that too much had been done in the way of resistance to the power of the crown—that the prerogative of the crown was too small, or that it had been weakened by what had passed in the course of the last 25 years. He was perfectly at a loss to know to what events the hon. and learned gentleman alluded, as having occurred since 1816, and as having falsified the predictions of those who opposed the bill of that day? What danger or alarm had since arisen from aliens? What had occurred to induce us again to suspend that asylum which ought always to exist interchangeably among the nations of Europe for a vanquished political party? He could not conceive a more dangerous principle than that set up as a ground for this bill. In future, before we received foreigners, we must examine into their moral character and conduct. The consequence would be, that when we received exiles from a foreign country, we should, in the approbation of their morality, involve a condemnation of their own government. Mr. Gibbon had said, that there was no principle so good as that of preserving an asylum in all the states of Europe for political offenders, who were, as he had before observed, generally vanquished parties. He could not help remarking, that there appeared a kind of indifference in that house to the fate of men who were without protection, and to whom the measure in discussion might be of great importance. The question seemed to be met with that kind of apathy which was not unusual when questions of justice and liberty came before them. Against what was this bill intended to act? He could find nothing, unless it were against three newspapers and 38 individuals. (*Hear.*) He remembered that the Earl of Liverpool, when asked by general Andreossi or Count Otto, he did not exactly recollect which, to banish Mr. Peltier, replied, that the British government had no such power. The Earl of Liverpool had shewn himself proud of his country, when he declared the inability of the government to put such a plan into execution. But what could be said, if, at some future period, some horrible tyrant on the continent should require us to give up the individuals who had sought an asylum among us from his barbarity? It might be the interest of England to keep at peace with such a personage, and yet how could they answer him? Would he not urge that, in 1818, an alien bill was passed to exclude three newspapers and 38 exiles? (*Hear, hear.*) Suppose that, in South America, the reign of imbecile and superstitious tyranny should be restored, which he by no means wished to be the case, and many of the leading persons engaged in the struggle in that country should take refuge in England; might not Spain say, that we shewed a spirit of animosity against her, if we refused to pass an alien bill for the expulsion of those individuals? What, if the leaders of the first Cortes should escape from those dungeons in which they had been confined for the last two years, and fly to this country; would not Spain consider England as her enemy if she refused to surrender those excellent persons to the imprisonment which they had eluded? It was extraordinary to reflect, that, in the year 1811, the Cortes was recognized by Russia as the constitutional government of Spain; and that, if the members of that body were to escape from their dungeons, they would obtain that asylum in Russia, which England, in order to avoid a quarrel with Spain, might refuse to give them. Thus it appeared, that Muscovy was at the head of liberality and justice, and England at that of prejudice and intolerance.—The hon. and learned gentleman concluded by declaring his principles to be in decided opposition to the bill.

The *Attorney-General* contended, that, by the common law, the king possessed the power of sending individuals out of the country by proclamation. He wondered to hear this principle disputed, as even *magna charta* recognized the right of the king over aliens, by enacting that alien merchants might reside in the kingdom without molestation, *nisi antea prohibiti fuerint*, a phrase which plainly implied that they might be prevented from entering the kingdom,

the full and free possession and enjoyment of their religion, rights, and liberties," but innovations on the ancient constitution, in favour of the people. (See his Speech, 3d June, 1782, in the 8th vol. of Debrett's Parl. Reg. p. 334.) Blackstone, however, who was by no means disposed to lessen the power of the crown, honestly says, that "the Bill of Rights was only declaratory of the old constitutional laws." (4 Comm. p. 378.)

Lord Mansfield was certainly a great lawyer, but, if he had continued to sit a few years longer in Westminster Hall, he would have gone far to convert the court of King's Bench, from a court of common law, into a court of equity. Lord Redesdale has very truly observed, that "he (Lord Mansfield) had on his mind prejudices derived from his familiarity with the laws of Scotland, where law and equity are administered in the same courts, and where the distinction between them which subsists with us is not known, and there are many things in his decisions which shew that his mind had received a tinge on that subject not quite consistent with the constitution of England and Ireland in the administration of justice." (Shannon and Bradstreet, 1 Scho. and Lefroy, p. 66.)

or ordered out of it by royal authority. (See the *note*, p. 1786.) When subjects left the kingdom, it belonged to the sovereign to call them back by proclamation; and, by analogy, the same power extended over foreigners to order them away. The king had no power in the latter case to take up aliens, and send them away—a power which was proposed to be given by this bill. He was obliged to follow the more circuitous plan of issuing a proclamation, and if it were not obeyed, to prosecute the persons who neglected it, for disobedience. The hon. gentlemen who opposed this bill had misrepresented its nature, by calling it an act directed against foreigners, and intended to render their residence here less secure; it enacted nothing against aliens; it conferred nothing on the crown but the proper exercise of its acknowledged prerogative. The question was, therefore, reduced to one of expediency; and he would ask, would it be safe, would it be politic, after the events of the last 25 years, to return immediately to the state of law on this subject which existed before 1793? The house had heard much from an hon. and learned gentleman on the debates which took place when the alien bill of that period was discussed; but, in opposition to the tendency of his argument, he would say, that the opponents of the measure at that time did not, like its opponents now, deny the king's right by proclamation to order foreigners to depart the realm. The same line of reasoning was then followed as on the present occasion with regard to the expediency or the policy of the bill, but all concurred in the principle of the royal prerogative on which it was founded. Those even who had then opposed the act on the only proper ground—its expediency and necessity—he was sure, on an impartial view of subsequent events, would now acknowledge that, however inconsistent it had appeared with their views or principles at the time, it had afterwards proved itself to be one of the wisest and most beneficial acts which had ever passed the legislature, by saving us from those revolutionary horrors to which other nations had been subject. The powers then granted had been exercised with impartiality, and had not, as had been stated by an hon. and learned gentleman on a former night, been directed more against one class of Frenchmen than another. The bill now before the house would be used with the same impartiality, as it was justified on the same grounds of expediency. It violated no principle of law, of hospitality, or of humanity. It could not be viewed with an hostile eye by foreigners as any injury to their rights. It was merely intended for self-protection; and if it were not passed, our character would not be raised, while our humanity might be despised and our policy derided by foreigners.

The question being put, "That Mr. Speaker do now leave the chair," the house divided:

Ayes, 99;—Noes, 32.

LIST OF THE MINORITY.

Barham, J. F.	Langton, W. G.
Barnett, James	Leader, Wm.
Burroughs, Sir W.	Lemon, Sir W.
Byng, G.	Macintosh, Sir J.
Campbell, Gen.	Newport, Sir J.
Carter, John	Philips, G.
Caulfield, Hon. H.	Rancliff, Lord
Duncannon, Visc.	Ridley, Sir M. W.
Douglas, Hon. F. S.	Romilly, Sir. S.
Fazakerley, N.	Sharp, R.
Folkestone, Visc.	Smith, John
Fergusson, Sir R. C.	Tavistock, Marquis
Grant, J. P.	Wilson, Thomas
Gordon, R.	Wood, Alderman
Hamilton, Lord A.	
Howorth, W.	TELLERS.
Heron, Sir R.	Bennet, Hon. H. G.
Jervoise, G. P.	Lyttelton, Hon. W.

The house then went into a committee, when Mr. *Barham* moved, that the blank respecting the duration of the bill be filled up with one year instead of two.

The committee divided:

For two years, 90
Against it, 24

The house then resumed, and it was ordered that the report should be received to-morrow.

FEVER HOSPITALS (IRELAND) BILL.] Sir *J. Newport* brought in a bill "to establish Fever Hospitals, and to make other regulations for the relief of the suffering poor, and for preventing the increase of contagious Fevers in Ireland."—It was read a first time.

ENCOURAGEMENT OF PARTNERSHIPS (IRELAND) BILL.] This bill was read a second time.

HOUSE OF LORDS.

Wednesday, May 20.

EDUCATION OF THE POOR BILL.] This bill was brought from the Commons, and read a first time.

REWARDS ON CONVICTION BILL.] This bill was brought from the Commons, and read a first time.

BUILDING OF CHURCHES BILL.] On the motion of the Earl of *Liverpool*, the house resolved itself into a committee on this bill. On the first clause being read,

Lord *Holland* rose, and observed, that when he stated his objections to a grant of the public money, under the present circumstances of the country, for the purpose of this bill, he had intimated his opinion that the funds required for carrying the bill into effect ought to be supplied by the church itself. When he stated this, he was not aware that, in the present reign, and in his own time, a precedent for the practice he recommended had been established. There was, however, an act of the 37th Geo. III. by which the emoluments of two prebends of Lichfield were sequestered for the purpose of repairing the cathedral. Now, though the act to

which he alluded might be regarded as a private act, he saw no reason why the principle should not be adopted in the present measure, and applied to the benefit of the public.

The Archbishop of *Canterbury* said, that the measure to which the noble lord had referred was resorted to for the advantage of the individual church from which the sequestration of the prebends had been made. This was a very different case from a measure which had in view the supplying of a general deficiency of churches by building new ones.

The Earl of *Liverpool* thought it must be evident, that a measure of the kind proposed by the noble earl would produce a mere mite in the expense required for the measure now under consideration. The precedent he recommended could not be adopted to an extent which would be in any way useful, without its operating to injure the interests of the church.

Lord *Grenville* could not admit the propriety of the precedent referred to by his noble friend. Whatever fairness there might be in the sequestration of prebends for the repair of a church, it did not apply to the building of new churches. It was besides objectionable on account of the great extent to which the principle must be carried to render it useful; for the object of the bill could not be accomplished without a sacrifice of a more serious nature than that which would be occasioned by the grant in this bill.

Lord *Holland* said, he was aware that the precedent which he had quoted did not exactly apply; but when the country was called upon, under the pressure of so many difficulties, to make so large a sacrifice as that required, he was of opinion, that a church so richly endowed as the church of England was, ought to be expected to supply from its own bosom some of the means to carry the bill into effect. He acknowledged the justice of the distinction pointed out by his noble friend, but there was notwithstanding some analogy between the case which he had mentioned, and the object of the present bill. At any rate, the sequestration of those prebends was a complete answer to the assertion that the whole church establishment was not more than the good of the country required. If that were the case, how could this sequestration have been agreed to in 1796?

On the clause being read which directed, that the churches and chapels to be built under this act, should be constructed so as to hold the largest number of persons, at the least possible expense,

Lord *Grenville* expressed his hope, that this clause would not be so understood by the commissioners as to lead to the construction of places improper for the celebration of worship according to the church of England. He wished for no extravagance or superfluity, but that decent ornament which was suited to the object for which the buildings were destined. The clause might be interpreted to warrant the erection of barns rather than churches, and he thought some explanation necessary to guard against such a consequence.

The Earl of *Liverpool* agreed with the noble lord in the view he had taken of the subject. The commissioners who were to carry the act into effect would be accountable to parliament, to which their proceedings would be annually reported; and it would doubtless be expected of them, that the churches should be constructed in a way which should be characteristic of the established religion of the country.

Lord *Holland* said, he was far from being an enemy to ornamental architecture. He thought it might be displayed in churches as well as in other public edifices; but, under the particular circumstances of this bill, he should object to any superfluity which might create an occasion for calling for further sacrifices from the public. It was a principle, that acts of parliament should be interpreted by the fair construction of the words they contained, and not by any inferences of what had been the intention of those who passed them: and he confessed that, for his part, he liked the literal meaning of the words of the present clause much better than the explanation of them which the two noble lords had attempted to give. Such explanations might afford the commissioners a pretext for extravagant expenditure, on the ground that they had followed what they understood to be the intention of the legislature. Besides, their lordships stood in a particular situation with respect to a bill of this kind. How did they know but that the other house had worded the clause in the manner in which it stood, precisely for the purpose of preventing its being understood in the sense which the explanations of the noble lord would give it?

The Earl of *Harrowby* observed, that parliament would have the opportunity of controlling the proceedings of the commissioners, and checking either too great economy on the one hand, or profusion on the other.

The Archbishop of *Canterbury* and the Bishop of *Landaff* severally observed, that the churches should be such as became the established religion of the country.

The bill then went through the committee.

HOUSE OF COMMONS.

Wednesday, May 20.

CONTAGIOUS FEVER IN LONDON COMMITTEE.] Mr. *Bennet*, in presenting the report of this committee, stated, that during the last year, the cases of fever in the metropolis had increased to nearly seven times their former number. There was only one hospital for the reception of fever patients solely; it was instituted in 1802, and had grown to be a considerable establishment, but still it was by no means equal to the wants of the metropolis.—The committee, therefore, recommended that government should grant a sum of 2000*l.* in addition to the sum of

1000*l.* which they had already given, in order to extend the accommodations of the hospital.—The hon. member then moved that the Report be printed which was ordered.

EDUCATION OF THE POOR BILL.] Mr. *Brougham* moved the third reading of this bill. He observed, that it went only to inquiry and report; but he intended, after inquiry had been gone into, to ground farther proceedings upon it, without waiting for the whole of the reports of the commission. As soon as the first report was made, which would be in six months, if he should not enter on any general measure respecting the planting of schools or otherwise, he should at any rate ground on that report such remedial measures as might appear necessary. It would be a very feeble remedy for so great an evil to send all these abuses to a court of equity. (*Hear, hear.*)

The bill was then read a third time, and passed.

BREACH OF PRIVILEGE.] Lord *A. Hamilton* pursuant to notice, moved, that Thomas Ferguson be brought to the bar of the house, for the purpose of being discharged.

Thomas Ferguson was accordingly brought to the bar, where he received the following Reprimand from Mr. Speaker:

Thomas Ferguson: This house having received the report from the committee of privileges, respecting a letter written by you to a voter of the county of Lanark, to influence his vote in the election of a member to serve in parliament, did resolve, that in writing and sending such letter you were guilty of a corrupt attempt to subvert the freedom and independence of election, and a high breach of the privileges of this house; and for that offence you were committed to his Majesty's gaol of Newgate. Your petition has since been received; and in consideration of your full and entire acknowledgement of your offence, and of the contrition you have expressed for it, and trusting that what you have already suffered will operate both as a warning to yourself and an example to others; this house is disposed to extend to you its lenity as far as is consistent with its justice; and now to relieve you from further imprisonment: I am to acquaint you, you are discharged, upon payment of your fees.

Ordered, *nem. con.*, that what has been now said by Mr. Speaker in reprimanding the said Thomas Ferguson, be entered on the journals of this house.

STATUTE LAW OF SCOTLAND.] Sir *J. Newport* moved, "That the lords of session, the judges of the court of justiciary, and barons of the exchequer of Scotland, be directed to cause to be made out and presented to the House of Commons within six weeks after the commencement of the ensuing session of parliament, a Statement of such parts of the statute law of Scotland, or of the United Kingdom, as the courts of justice of Scotland have declared or considered to be in desuetude, and no longer binding on the people of that part of the United Kingdom; together with a statement of the authorities on which they have grounded such decisions."

Mr. *Bathurst* thought that, as part of the statutes of Scotland had been declared to be in desuetude, a bill should be introduced to remedy the evil, without calling for the statement mentioned in the motion. At any rate, he conceived that the words "or considered," should be omitted.

Mr. *Abercromby* said, it was a most important question, whether courts should continue a practice by which they could silently subvert the laws of parliament, and that the judges should consider whether laws were or were not in desuetude, and no longer binding. This matter was fit for parliamentary consideration. As to bringing in a bill upon it, he must say, he thought it essential to have, first, the necessary returns, in order to know what laws had, and what had not, been considered as having fallen into desuetude. With that knowledge, the house would be competent to found some proceedings. It was quite a parliamentary usage to resort to the judges for information which they were the best enabled to afford. As to the words "or considered," he thought they should remain in the motion, as meaning that the judges were called upon to consider and state what laws they had declared in desuetude, and the principles on which they so held them. It appeared right, for the sake both of the judges and of the house, that the principles which governed the courts should be stated.

Mr. *W. Dundas* opposed the motion. He observed, that part of the information required was desirable, but it might be obtained without imposing the burthen on the court of session.

Lord *A. Hamilton* said, it was worthy of the serious consideration of parliament how far a court of justice should be suffered to set aside the written law by its mere arbitrary authority. It seemed extraordinary that judges should decide, as cases happened to arise, whether acts of parliament were in force or not. In a late case, the burgesses of Aberdeen clearly shewed that they had a right, by acts of parliament, to elect their magistrates. But the counsel on the other side argued, and the judges were of opinion, that long-continued usage had thrown those acts into desuetude. It was usage *versus* acts of parliament, and usage carried the day. At the same time, it would not be right to pass an act to declare all acts not repealed to be still in force; for decisions founded on the desuetude of several acts would, in that case, be unsettled. But inquiry was necessary, and some suitable remedy was much called for. In England, the old law of appeal of murder had lately occupied much attention. The judges had declared, that the trial by battle was the law of the land. There was no one who heard him who did not regret that this was the law, but no one would therefore say, that the judges had the power of

annulling the law. The great city of Aberdeen had been disfranchised, and Edinburgh, the capital of Scotland, was likely to be disfranchised, and to be without representatives in parliament, owing to the desuetude of acts of parliament, and the doctrine, that long-continued abuses constitute a right.

Lord *Binning* said, that the first part of the motion was unnecessary, as the facts could be ascertained without troubling the judges; the return to the second part was impossible; for the judges could not state what acts they would consider to be in desuetude, until they had heard counsel and evidence on each particular case.

Mr. *J. P. Grant* said, that the doctrine of desuetude was established by all the writers on the law of Scotland, as well as by the decisions of the courts. This, however, inferred no legislative authority in the court of session. It was indeed extremely inconsistent with the English administration of justice, and with the vigilance that was now exercised over courts of law. But it was borrowed from the law of Rome, when Rome was in the highest splendour of its liberty. It was a principle in the Roman law, that all laws derived their authority from the people; the popular consent was either tacit or expressed: as tacit consent constituted law, so tacit consent was held to abrogate law. It was, however, a state of the law deserving attention. Some legislative measure should be applied to this subject in the present day, when so much attention was bestowed upon the administration of law, and the state of courts of justice. The motion of his right hon. friend, whose able and unwearied attention to matters of this kind, did himself so much honour, and his country so much service, went only to obtain the state of the fact, in order to lay a proper foundation for future deliberations.

Mr. *Boswell* thought that some remedy was immediately called for, if the law were, as it had been said to be, a trap, and not a guide for the people. If the judges could not tell what laws were in desuetude, till counsel were heard as to each particular law, how could the people know what the law of the land was? It was from want of attention to the progress of society that laws came to be in such a situation. Some of the laws were, at the same time, most abominably tyrannical. Lord Thurlow had decided, in the case of the church livings in Scotland, that long usage, which implied the consent of the people, had set aside the statute law. He congratulated the people of Scotland on the inquiry now originated. He hoped it would lead to the appointment of a commission, and that the result would be an act of parliament, taking away from the Court of Session the power of declaring any act in desuetude. *(Hear, hear.)*

Mr. *Wynn* approved of the motion. He thought it quite as much a matter of course that the house should inquire into the laws of Scotland which had fallen into desuetude, as into the expired and expiring laws of this country. *(Hear, hear.)*

Lord *Castlereagh* said, the house ought not to call on the judges to give opinions in their chambers, which they might afterwards depart from in their judicial capacity, on hearing counsel and witnesses. The information might be obtained by a committee of that house, or by a commission appointed by the crown; but the proceeding in either way would be inoperative at this late period of the session. He therefore moved the previous question.

Sir *J. Newport* said, that if nothing were proposed on this subject by his Majesty's ministers at an early period of the next session, he should feel it his duty to submit a distinct motion to the house.

The previous question was then carried.

SLAVES IN DOMINICA.] Sir *S. Romilly* moved an address for "A Copy of the Opinion of the Attorney-General of the island of Dominica, given in the month of March, 1817, to the Governor of the Island, upon the power of the Governor to pardon Slaves condemned by their Masters to work in chains on the Public Work; and a Copy of the Case or Letter upon which such opinion was given."—Ordered.

SLAVES IN NEVIS.] Sir *S. Romilly* moved, "That a Select Committee be appointed to take into consideration certain Papers laid before this house on the 30th day of April last, relating to the Treatment of Slaves in the island of Nevis; and to report their observations thereupon to the house."—The hon. and learned gentleman said, that he had before stated several circumstances which took place in Nevis, and which called for legislative interference. Amongst others, he had mentioned the conduct of Mr. Huggins, (see pp. 1523, 1535,) who had been left manager of an estate belonging to Mr. Cottle. Two young men, slaves, were most severely flogged, and Huggins was present at the punishment, as were also two female slaves, one the sister, the other a near relative of one of the culprits. Those poor women shed tears, and for that heinous crime, Mr. Huggins, thinking it fit that they also should be flogged, ordered them to receive, one 25 and the other 20 lashes, which were inflicted with a cart whip. They were thus punished for what would have appeared meritorious in any other part of the civilized world—punished for displaying those finer feelings, of which they were often represented as being destitute. When Mr. Huggins had caused the young men to be flogged, he turned to one of his attendants, and said, "now bring out the ladies;" and while they were extended on the ground, and receiving their punishment, he was heard frequently to say to them, "now cry," as if taunting them with the possession of those feelings which were an ornament to the highest class of their sex in any country. *(Hear, hear.)* For this offence, Mr. Huggins was indicted, he was tried before

a petty jury, and although the facts were clearly proved, and though no defence had been made, save an allegation of riot, which was also disproved by evidence, it was a singular fact, that Mr. Huggins was acquitted. The legislative assembly and the governor had expressed their approbation of this verdict; but, in the former, Mr. Huggins had several relations and friends, and at the table of the governor he was a constant guest, from his convivial qualities. Such being the state of affairs in that island, he felt it his duty to make this motion, not merely on account of the conduct of Mr. Huggins, but for the purpose of pointing out the evils which existed, and of obtaining a remedy for them. *(Hear, hear.)*

Mr. *Goulburn* said, he had no objection to the motion, provided the investigations of the committee were properly limited.

Mr. *Wilberforce* declared, that justice was not equally administered in the West Indies. The unfortunate slaves, it must be remembered, had no representatives in that house; a circumstance that should induce it to take a more lively concern in their welfare. When he heard of the purity of West Indian justice, it brought to his recollection the descriptions he had formerly heard of the delights of the passage from Africa to the West Indies; descriptions which would have induced those who put any faith in their correctness, to regard it as a kind of Elysium, although it had been subsequently proved to be a concentration of misery, such as never was before crowded into an equal space.—He had never seen a set of papers relating to any trial that seemed to him to call for more serious investigation.

Mr. *Marryat* said, that if any cruelty had been exercised in this case, he would not be its apologist; but he did not think that any good could be accomplished by the perpetual agitation of such questions. He was not one of those who denied the right of the mother country to interfere with the administration of justice in the colonies on all occasions, or to watch with a vigilant eye, so as to prevent or to correct abuses, when the local authorities neglected so to do: but he would always contend for the policy of exercising that interference prudently, imperceptibly, and silently, taking care that no groundless clamour was excited, and no sentiments tending to the subversion of order and subordination countenanced or inculcated. He deprecated, particularly, doctrines that had a tendency to excite insurrection among the slaves, or to convince them that they were treated with cruelty or injustice, by being kept in a state of servitude. The phrases used, that the colour of a man's skin should make no difference in his situation, and the eulogies lavished in some publications on the black emperor of Hayti, inspired them with the idea that they were cruelly treated, in being debarred from an equality with the whites, and had a tendency to excite them to revolt, for the recovery of those rights, of which they imagined themselves unjustly deprived. It ought to be recollected that the dominion of the whites was founded on opinion; and if that opinion were destroyed, the order of society in the West Indies would be subverted, and the rights of the masters would be buried along with the comforts, prospects, and anticipated improvements of the slaves. The slavery complained of was the work of the British government, and continued under British laws; and if the rights of the colonial proprietors, acquired under such guarantees, were to be interfered with, the parties ought in this case, as in others, to be indemnified. The African Institution had told the world, and told it justly, that if you want to abolish slavery ultimately, you must cut off the supply of slaves. This had been done, and a gradual amelioration of the state and prospects of the slaves might be expected to be the consequence. As improvement advanced, and as the labour of slaves became of more value, from an increased demand for it, their condition would be altered. When at last the price given for the labour of slaves, would purchase that of free labourers, slavery would abolish itself. Looking to this view of the case, and the prospects thus held out, he could not but deprecate discussions of this kind, which might rather retard than promote the purposes in view, and disturb, by unseasonable interference with the conduct of the planters, the natural course of events. He concluded by saying that he saw no reason for the inquiry, and should therefore oppose the motion.

Mr. *Gordon* said, that as an individual connected with the West Indies, he was anxious not to be mixed up with the opinions expressed by the last speaker, on the inexpediency of a public inquiry into matters connected with the treatment of slaves in the colonies. He thought, that the dominion of the whites would be best maintained by kindness to the slaves. A stronger case than that now before the house had, in his opinion, never been brought forward.

Mr. *Barham* concurred in the propriety of bringing every subject connected with our colonies before the house, where the evil in question could not be remedied by the local governments. The present case was certainly one of a very flagrant nature; but there was only one case, and in one of the small islands, where the laws might be overpowered by individuals. In the larger islands, the condition of the slaves, (abstracting the name of slavery) was in general better than that of a large portion of the peasantry in this country. He had no objection to the motion, and admired the humane disposition of the hon. and learned gentleman who brought it forward.

Mr. *Warre* was surprised to hear it asserted that the condition of the slaves in some of the islands was superior to that of a large portion of the peasantry of this country. The most favoured slave was not in a situation equally fa-

vourable to happiness with the degraded peasant of the most despotic government*. He heard likewise with surprise a deprecation of discussion on subjects like the present. By discussion alone the traffic in slaves had been abolished, and by discussion and vigilance only could the state of the slaves be ameliorated, or their interests protected.

Mr. *W. Smith* supported the motion. He contended, that a sufficient case had been made out to induce the house to consent to an inquiry; and though it might be said on the other side, that the practices in question did not generally prevail in our settlements, still there was enough, in this instance, to shew that great cruelties had been exercised upon those unfortunate persons. He was ready to acknowledge that the African institution had been deceived on one or two occasions, but the accounts that had been transmitted to them in all other cases deserved the most serious attention.

Mr. *A. Browne* said, he did not mean to defend the case now before the house; he thought that the punishment of the women might have been dispensed with. He should not now enter into a discussion on the treatment of slaves in our West India islands, but he hoped that another opportunity would arise. If any persons had been guilty of improper conduct, let them be visited with the censure of that house and the punishment of the laws.

Sir *S. Romilly* briefly replied. He could not, he said, concur in the proposition for limiting this inquiry. He had moved for a committee to take into consideration the papers laid upon the table, and he did not know how farther to limit the subject. There was not a single fact before the jury which could justify their verdict. Huggins had acted with great and unjustifiable severity towards those unfortunate slaves, and he could not help making this melancholy observation, that, of all animals man was the only one that delighted in tormenting his own species†. (*Hear, hear.*)

The motion was then agreed to, and a select committee appointed, consisting of Sir S. Romilly, Mr. Wilberforce, Mr. Marryat, Mr. A. Browne, Mr. Barham, and several other members.

ALIEN BILL.] The report of this bill being brought up,

Mr. *J. P. Grant* proposed to add the following clause: "And whereas the powers granted by the said acts were hitherto unknown to the constitution of these kingdoms, and the policy of our ancestors, and it is expedient and necessary that the exercise of those powers should be placed under the control of parliament: be it therefore enacted, that from and after the passing of this act, a record be kept in the office of the secretary of state for the home department, of the grounds and reasons for every order made for the removal of any alien or aliens, after the passing of this act; and that a true

* The following excerpts from a very interesting work, entitled, "Notes on a Journey in America, from the coast of Virginia to the Territory of the Illinois, by Morris Birkbeck," London, 1818, will set this matter in its proper light.

"It has been confidently alleged, that the condition of slaves in Virginia, under the mild treatment they are said to experience, is preferable to that of our English labourers. I know and lament the degrading state of dependent poverty, to which the latter have been gradually reduced, by the operation of laws originally designed for their comfort and protection. I know also, that many slaves pass their lives in comparative ease, and seem to be unconscious of their bonds, and that the *most wretched* of our paupers might envy the allotment of the *happy negro*: This is not, however, instituting a fair comparison, to bring the opposite extremes of the two classes into competition. Let us take a view of some particulars which operate generally.

"In England, exertion is not the result of personal fear: in Virginia, it is the prevailing stimulus.

"The slave is punished for mere *indolence*, at the discretion of an *overseer*:—The peasant is only punished by the law when guilty of a crime.

"In England, the labourer and his employer are equal in the eye of the law. Here, the law affords the slave no protection, unless a white man gives testimony in his favour.

"Here, any white man may insult a black with impunity: whilst the English peasant, should he receive a blow from his employer, might and would return it with interest, and afterwards have his remedy at law for the aggression.

"The testimony of a peasant weighs as much as that of a lord in a court of justice; but the testimony of a slave is never admitted at all, in a case where a white man is opposed to him.

"A few weeks ago, in the streets of Richmond, a friend of mine saw a white boy wantonly throw quicklime in the face of a negro man. The man shook the lime from his jacket, and some of it accidentally reached the eyes of the young brute. This casual retaliation excited the resentment of the brother of the boy, who complained to the slave's owner, and actually had him punished with thirty lashes. This would not have happened to an English peasant.

"I must, however, do this justice to the slave-master of Virginia: It was not from him that I ever heard a defence of slavery; some extenuation on the score of expediency, or necessity, is the utmost range now taken by that description of reasoners, who, in former times, would have attempted to support the principle as well as the practice.

"Perhaps it is in its depraving influence on the moral sense of both slave and master, that slavery is most deplorable. Brutal cruelty, we may hope, is a rare and transient mischief; but the degradation of soul is universal, and, as it should seem, from the general character of free negroes, indelible.

"All America is now suffering in morals through the baneful influence of negro slavery, partially tolerated, corrupting justice at the very source." p. 21—24.

† This observation is, unfortunately, more true than novel. Cicero (*de Consolatione*) observes, "*Nullum aliud in toto terrarum orbe genus animantium reperiar, præter unum hominem, quod in proprium genus, atque in se ipsum sævitiam exerceat suam.*"

copy of the said record or records shall, within one month after the meeting of parliament, be laid before each house of parliament, sealed up, for them to report their opinion thereon."

The clause was brought up and read a first time: the question was then put, and it was negatived without a division.—The bill was ordered to be read a third time on Friday.

CHURCHES IN SCOTLAND BILL.] A bill was brought in, and read a first time, "for building and promoting the building of additional Churches in Scotland."

HOUSE OF LORDS.

Thursday, May 21.

SPANISH SLAVE TRADE TREATY BILL.] The Earl of *Shaftesbury* moved the second reading of this bill.

Lord *Holland* said, he rejoiced most sincerely that the right of search was stipulated for by the treaty, as it was only by its exercise that the slave-trade could be effectually stopped; at the same time he must say, that he thought the agreement of the court of Spain to abolish the slave trade in the year 1820, a very inadequate return for the pecuniary sacrifice made by the treaty on the part of this country; for he could not but consider the promise of an abolition two years hence as a very different thing from the actual consent of the court of Spain to abandon the traffic in slaves altogether. He was, indeed, surprised to find that it should be necessary to make so large a grant as 400,000*l.* in order to obtain this promise of an abolition from an ally for whom this country had already sacrificed so much. He should not oppose the second reading, but he thought it his duty not to permit a bill containing so extraordinary a provision to pass *sub silentio.*

The bill was then read a second time.

HOUSE OF COMMONS.

Thursday, May 21.

REVENUES OF LONDON—NEW PRISON BILL.] Sir *W. Curtis* moved, that the petition presented on the 4th instant, from the city of London, be referred to a committee, to examine the matter thereof, and report the same to the house. He observed, that an account of the revenues of the city had been called for, in order to establish a ground for refusing any assistance towards building an additional gaol. He did not think, however, that the city ought to bear the expense of the gaol, and therefore they were not bound to produce the account. In the reign of Charles I., a sum of 99,718*l.* had been granted to the city for building a gaol. In 1778, 40,000*l.* was granted for the same purpose. A similar grant of 10,000*l.* was made at a subsequent period. In short, the money expended for objects of this kind never came out of the funds of the corporation.

Mr. Sergeant *Onslow* said, that since the 24th of February, when the order was issued, the city of London had resorted to every shift to elude a compliance with it. This application to the house was their last hope, but, as they had not shewn any reason why the order should not be obeyed, he should move the previous question.

Sir *J. Shaw* said, that the city were not actuated by any fear of disclosing their affairs, but he thought that the order ought to be rescinded.

Mr. *Wrottesley* and Sir *M. W. Ridley* severally observed, that they thought it reasonable that the committee should be granted.

Mr. *Speaker* said, that the present motion was one of a peculiar nature. The petitioners required to be heard against the orders of the house, and that the subject should be referred from the house to a committee. This, he believed, was altogether unprecedented.

Mr. *H. Sumner* said, there was no instance of such a proceeding, and he saw no grounds for making a precedent. He had charged the city with embezzling 53,000*l.* from a trust vested in them for purposes quite different from those for which it was employed. Could they sit down quietly under such a charge, without attempting any justification? They could not justify themselves without producing the accounts that had been ordered. If they had not been most lavish and profuse in their expenditure, they would not have applied to parliament for money to build their new gaol. The only object of the motion was, to spin out the session, that they might evade what they could not contradict.

Mr. *Bennet* said, he was one of those who had voted for the production of the accounts, but he had since found, that the funds to which those accounts related, were the private property of the city, for which they were accountable not to that house, but to the court of Chancery. It appeared to him, therefore, that the motion ought to be complied with.

Mr. Alderman *Wood* said, that no part of the Bridge-house estate had been employed for private purposes. If the house would accede to the motion, they would find that the city had not acted improperly.

Mr. *Wynn* maintained, that when the city called for parliamentary aid, the house had a right to know the state of their funds. He saw no reason, therefore, why the house should not persist in its order.

After some farther conversation, it was agreed that the motion should be withdrawn; that the New Prison bill should be read a second time on that day six months; and that the orders of the house of the 24th of February and the 19th of March should be discharged.

PARLIAMENTARY REFORM.] Sir *F. Burdett* presented 60 petitions from Todmorden; 28 from Birmingham; 15 from Manchester; 16 from Westminster; 15 from Spitalfields, Shoreditch, and Finsbury; 14 from Pollockshaws; 31 from Halifax; 15 from Edinburgh; 76 from Sheffield; 2 from Austerlands; 1 from Taunton; 1 from Newington; 1 from Glasgow; 1

from Bristol; each of them signed by 20 persons.—They were ordered to lie on the table.

IMPRISONMENT FOR LIBEL.] Mr. *Bennet* rose to call the attention of the house to certain transactions which had arisen out of the circular letter of Lord Sidmouth. (See Vol. I. p. 1608.) In the month of February, 1817, that celebrated letter had been written. In the same month of the same year two persons were imprisoned upon a charge of selling libellous publications: they were, Jonathan Buckley Mellor and Samuel Pilling, of Warrington. There never was a more illegal transaction than the search of their houses and persons by the officers, in order to find libellous writings. The house would recollect, that the solemn decision of a court of law had declared, that the searching of houses for libellous papers was illegal. In the present instance, from the houses so searched, several books, such as, Rollin's Ancient History, and Wynne's History of America, were carried away by the officers in a sack. The occupiers were arrested, and bail was demanded from them, which they could not give, and they were accordingly committed to prison—not to the county prison, the only legal prison—but to the house of correction. They were ironed—they were sent to associate with felons, and were condemned to hard labour, such as convicted felons were sentenced to perform. The libels which these persons were accused of selling were the Political Litanies, respecting which he would say, that he held all publications of that kind in abhorrence, whether written by a broken down bookseller, or by a minister of state. (*Hear, hear.*) But to be apprehended for selling such publications, and treated as those men were, was an illegal and unjust proceeding, which every feeling of morality and religion must condemn. He imputed no blame to the gaoler; it belonged entirely to the magistrates. These two men, who it seemed were to be treated with the same persecuting spirit which the government had manifested in the case of Mr. Hone, were removed in an open cart, handcuffed together, and, in the company of several others, were taken 18 miles to trial. Any gentleman in the habit of visiting prisons must know, that those who were imprisoned simply for misdemeanours might have been guilty of great offences; might be, in fact, the most abandoned characters; yet, in this instance, it was not thought improper to send a bookseller in the same cart with persons who might have committed felony. When they arrived at the gaol, they were all huddled together, and lodged in one room. It was then moved by the solicitor of the persons in question, that they should be immediately brought to trial. But the answer was, that the indictment had been removed by *certiorari* into the court of King's Bench, and that they would be liberated if they could give bail. They were unable to give bail, and were therefore sent back to prison; where they remained till the month of September, when they were discharged on their own recognizances.—Having thus submitted to the attention of the house the cases of these two individuals, he felt himself bound to say, that he believed there might be something in the papers which he then held in his hand that might not be perfectly true. Some matters, he believed, might be rather overcharged, or mistaken, if not indeed untrue. It was certain, however, that great severity had been exercised. He held, that it would be wasting the time of the house to dwell on the argument, that imprisonment before conviction was not intended for any other purpose than safe custody. If any thing were superadded, if the persons were put in irons, or subjected to any species of punishment, it was not only illegal, but disgraceful to the country in which we lived—a reproach to the age in which we were born. He begged pardon of the house for having detained them so long on these two cases. (See the petitions of Mellor and Pilling, pp. 694—696.) He would now proceed to the third case, that of Robert Swindells, of Macclesfield; (See his petition, page 1016.) and, with respect to the statement which he was about to make, he could assure them, that he entertained no doubt of its being correct, as he had employed a professional person to endeavour to ascertain the strict truth, and this was the reason why he had delayed so long to bring the subject of these petitions before the house. (*Hear.*) He had also the affidavit of Mr. Swindells himself. It appeared, then, that on the 10th of March, 1817, about twelve o'clock at night, when Mr. Swindells and his wife, who was far advanced in pregnancy, were in bed, they were disturbed by a knocking at the door. Mr. Swindells looked out of the window, and saw some persons, who desired him to come down and open the door, or they would force it. Alarmed by this threat, he came down and opened the door, when they rushed in and asked for persons who, they supposed, lodged in the house. A strict search was made in every part, but no persons were discovered. They then tore open all the trunks, took several papers out of them, and stripped Mr. Swindells of the little property that belonged to him. The alarm and terror of the wife were so great on this occasion, that she never recovered from the effects. On the 26th of April she was delivered of a child, and on the 28th she died. On the 31st of May the child, deprived of the care and support of its mother, expired. Mr. Swindells was then arrested and committed to Chester castle, where he was confined for upwards of five weeks, and was then liberated without trial, and without receiving any thing to carry him home, a distance of 40 miles. (*Hear, hear.*) Here, then, was another instance of the tender mercies of his Majesty's government, another example of persons taken up without having committed any crime, and discharged without any opportunity of proving their innocence. Such cases of injustice could not fail to make a

very powerful impression on the minds of the people. He thought it right to state to the house, that the individual whose case he had just described was an old seaman; he had been 11 years in the service, during four of which he was on board the Ville de Paris, blockading the squadron at Brest. He would now put it to them, whether, supposing that the petitioners had somewhat coloured their statements, these cases did not deserve the most serious attention. They were about to be sent back to their constituents; and would they return to them with the stigma on their characters, that when people were imprisoned by magistrates, under the sanction of his Majesty's government, the house shut its ears to their petitions, and refused to institute any inquiry? Leaving them to answer this question by the vote which they would give that night, he should now conclude with moving, "That a committee be appointed to inquire into the petitions presented by Jonathan Mellor and Samuel Pilling, of Warrington, on the 3d of March, and also of Robert Swindells, of Macclesfield, on the 13th of the same month."

Mr. *Davenport* said, that he knew nothing of the cases of Mellor and Pilling, but with respect to that of Swindells, he would read a letter which he had received from a magistrate of Macclesfield. The letter stated, that on the night in question, a large party had set out from Manchester, and had arrived at Macclesfield, in consequence of which, the town was in a state of great confusion and alarm, and the cavalry were ordered to parade the streets. Information had been given that several persons had assembled at the house of Swindells, and accordingly a magistrate, and several others under his authority went there and informed him of the object of their visit. They then found several printed papers and pamphlets, and warned him of the danger of selling them. The persons who searched the house were very benevolent men, and had not exercised their authority with any violence.

Mr. *Blackburne* said, that, with respect to the cases of Mellor and Pilling, he had that day received a communication from the magistrates, who stated, that those persons, whilst in the workhouse, had every accommodation which the place afforded, and that their removal was not attended with any unnecessary rigour, they being placed in an open cart, and connected together, for the sake of security, by a light chain. They had been committed to Preston gaol, because the prison of Lancaster castle was at that time excessively full.

The house were about to divide, when

The *Attorney-General* rose, and said, he could assure the house, that the law, as far as related to what had been done in these prosecutions, could not have been conducted with more lenity. If these persons had been discharged on their own recognizances, it was under his advice and direction; and if he had been guilty of any dereliction of duty on the occasion, it was that he had relaxed the law in their favour. With respect to the cases of Mellor and Pilling, what course did he pursue? Did he frame a bill, or file an *ex-officio* information against them? He would tell those gentlemen who objected to informations *ex-officio*, that their objections in these cases might be set at rest; for he had filed no information against these men; and as to those who objected to the apprehension of persons charged with libel by the warrant of magistrates, he would tell them, that their objections also might be easily removed, for none of these persons had been arrested under that process. He sent down a bill of indictment to the grand jury. *(Hear, hear.)* The bill being found, and the parties, in consequence, having been arrested, it struck him to be more proper that the publication of such libels—or, of such papers, if he might not call them libels—should be submitted to a higher tribunal than the quarter-sessions; that, in fact, it should be argued before the judges of the land; and therefore he removed the proceedings by *certiorari*, into the court of King's Bench. Now, these men being in custody under the bill of indictment, he had a right, unless they found bail, to keep them in prison, although the proceedings had been removed; but he was unwilling, as the trial would be postponed by his own act, that they should remain in custody; and with this view it was decided, he declared upon his honour as a man, that they should be discharged on their own recognizances. If then, he had done any thing wrong in those cases, it was because, as Attorney-general, and looking at the character and tendency of the papers, he had relaxed the law. The defendants entered into recognizances to appear on the first day of the ensuing term, and plead. They appeared before the court of King's Bench and pleaded; and the moment they appeared and pleaded, a motion was made, that they should be continued on their recognizances, to appear again, in case they should be called upon to answer the charges against them. These were the whole of the proceedings; and he now asked the house, whether it were possible that the law officers of the crown could have acted with greater lenity? *(Hear, hear.)* The hon. mover had said, that magistrates had no right to commit persons of this description to the house of correction. He begged to inform the hon. member, that two statutes existed under which magistrates were not only authorized to commit persons charged with felonies, but also those who were apprehended for misdemeanors, to the house of correction, instead of the common gaol. This was the law, and in many cases, too, it was very advantageous to the persons in custody; for it might happen that the county gaol would be at a great distance from the place in which they were arrested, and the house of correction would be very near. There were two statutes which

empowered magistrates in towns and liberties of their own, to commit for trial to the house of correction. The hon. gentleman had stated another proposition, which was true, but which did not apply to these men. The 22d of Geo. III. c. 24. has this clause:—that persons sent to the house of correction, though not committed to hard labour, may be set to work, if they are supported at the expense of the county: the work, however, must not be severe, an account is to be kept of the money they earn, and when they are discharged, they are entitled to one half of it. This statute applied to persons not committed for trial. Now, these men did not state what the work was to which they were set; but he (the Attorney-general) knew what it was. They were ordered to pick two pounds of cotton; he did not know whether two pounds per day, but this was the work. (*Hear, hear.*) With respect to the case of Swindells—he was now speaking to that part of the case which related to the prosecution—no man could be prosecuted with less severity than he was. In this case there was no arrest by a magistrate at all. Swindells having repeatedly circulated these publications, he (the Attorney-general) filed an information *ex officio* against him. There was, however, no warrant issued by a judge, none: no warrant issued by a magistrate, none. He was merely served with a subpœna, which is a notice to appear, and that was the document which he referred to as placing him under the penalty of 100*l.* If a man does not appear to this notice, the common law process is, an attachment for a contempt of court. The day of appearance having gone by, thirteen days after an attachment was issued out of the crown-office for the apprehension of Swindells. He then applied to the magistrates, who told him, they had nothing at all to do with it; that it was a process issued by the sheriff, and they had no more power to interfere than in a case of debt; that he was bound to file an appearance, and the moment he had filed an appearance, he was entitled to his discharge. The defendant, however, did not appear, and, in consequence of his remaining in gaol, he (the Attorney-general) caused this notice to be given to him, and if he had not have given this notice, he might have lain in gaol to this hour. He said to him, "If you will appear, if you can't come to London, or can't afford to pay an attorney, order the Solicitor of the Treasury to enter an appearance for you, and you shall have a copy of the information *gratis*, and be discharged." He appeared and pleaded, and he was discharged, and he was under no recognizance whatever. (*Hear, hear.*) Now, he contended, that if any prosecution were to be instituted at all, he had relaxed every one of the rules of law, except that of giving up the prosecution. He declared most solemnly, that when he received the account of Swindells circulating these publications, when he filed the information *ex-officio* against him, he never knew that his house had been entered, that his wife had died, or that he had suffered any of the misfortunes which had been stated. (*Hear, hear.*) It would be recollected that, on the night on which his house was entered, a large body of persons had assembled at Manchester, and formed what was called the "blanketeer meeting." One party intended to proceed by Stockport, the other by Macclesfield. One thousand of them arrived at the latter place, much confusion prevailed, and it was said, that some persons had gone to the house of Swindells. The magistrates sent to him, and he denied that any persons were there. They then desired to see who were in the house. It was true also (but he was not going to justify it), they took some papers, the political catechism, and others, and cautioned him not to sell those publications. If the magistrates, however, had acted wrong in law, the house, considering the situation of affairs at that time, would not be disposed to blame them for what they had done. With respect to Mrs. Swindells, she had been ill for some time before; but on the next day, she went to her work in the manufactory, and neither she nor her husband ever complained that she had suffered any thing from the house being entered. Swindells had stated, that he could not get any medical advice. Now he (the Attorney-General) had seen an affidavit of a surgeon, who deposed, that after he had attended the wife for some days, Swindells told him that he did not want him any longer, as his wife had got into the infirmary. From that moment to the time of her death, she never made any complaint, nor attributed her illness to the causes which Swindells had mentioned. When Swindells was committed to gaol he lived as well as any of the debtors in confinement; he had tea, coffee, sugar, bread, and meat, and lived in every respect as well as they did. (*Hear, hear.*) He had now stated the facts of these cases to the house, and repeating, as he felt himself entitled to do, that no severity had been exercised by the officers of the crown, but, on the contrary, that the utmost lenity had been shewn, he should sit down with giving his dissent to the motion.

Sir *S. Romilly* said, that his hon. and learned friend had not touched upon the most important points of the question. Notwithstanding the disregard with which he had seen important subjects of this kind treated during the session, he could not have thought it possible that his Majesty's ministers would have sent the present motion to a division without some explanation. (*No, no, from the Treasury bench.*) He was sure that strangers had been ordered to withdraw, and that the gallery was almost cleared before his hon. and learned friend had risen. He did not deny that, as far as his hon. and learned friend was concerned, these men had been treated with lenity. He did not, however, very well see why the proceedings had been removed by *certiorari*: such cases ought to be brought

to trial without delay. But this was not the part of the subject which he thought of most importance. It was the fettering of men charged with the publication of a libel. (*Hear, hear.*) Had any person stated a few years ago that such a transaction would take place at this day, no one would have believed him. (*Hear, hear.*) Why were these men confined in irons? They had not committed felony; and, even if they had, they had not been legally convicted. The libel with which they were charged was extremely reprehensible; but he denied that it was blasphemous: it could not be called blasphemous, either in the common use of the term or legally. His hon. and learned friend had admitted, that the magistrates had, in some degree, exceeded their authority. He was surprised that such a novelty as placing these men in fetters had not affected his hon. and learned friend in a much stronger manner. Recollecting the liberal opinions which his hon. and learned friend, in the early part of his life, had so ardently entertained, (*hear, hear,*) he thought that such a violation of law should have made a deep impression on his mind—should have excited his sympathy, and roused his indignation—acting, as he did, in a magisterial capacity, as well for the people as the crown. In the courts below, the Attorney-General might consider it his peculiar duty to defend the prerogatives of the crown against every attack upon them; but, in that house, he was sitting as one of the representatives of the people—as a guardian of their rights—a conservator of their liberties. (*Hear, hear, hear.*) Would his hon. and learned friend, in the early part of his life, have endured that irons should be placed on men charged with the publication of what country magistrates might deem libels? Was it not notorious that many persons construed every thing published, offensive to the feelings of men in power, a libel? Was not the very respectful petition of the bishops in the reign of James II. considered a libel? Let, then, the house remember, that they were that night deciding whether their constituents were to be placed in irons, at the discretion of magistrates, previously to their trial for offences, for which, if convicted, it would be against law to fetter them.

Mr. *Blackburne* said, that the letter which he had received from the magistrates stated, that these persons had been kept in the workhouse, by a fire-side, and merely chained by the leg to prevent them from running away.

Sir *S. Romilly* said, he was sure the hon. member would not deny that they had been confined with the usual precautions.

Mr. *Blackburne* admitted that to be the case.

Sir *S. Romilly* said, that was what he meant. He repeated, that it was not legal to put those men in irons; and as to any comforts which the hon. member might think they had enjoyed, what comforts could compensate for a species of torture so degrading and cruel to persons in their situation?* Surely there were circumstances in this case, if any regard for the liberty of the subject existed in that house, sufficient to demand investigation. The houses of the petitioners had been searched for papers, and papers, called libels, had been seized and taken away. Rollin's Ancient History, Law's Serious Call, and the Evangelical Magazine had been seized, because they were in company with the Liverpool Mercury, and by the side of some of Cobbett's Register. Such proceedings were most reprehensible. Lord Camden had severely reproved such practices: he had declared, that the sacredness of a person's private papers should never be violated on the presumption of libellous publications. Would any man write as Algernon Sidney had done, if every country magistrate might send a constable to examine or carry off his papers? Yet, such were the fruits of Lord Sidmouth's circular letter—that most unconstitutional interposition with the duties of the magistracy. Could the house refuse to inquire into these facts? In all other cases, the inclination was, to presume with the oppressed against the oppressor; but, on political questions, he regretted to say, that in that house the feeling was, however severe the injustice or harsh the agent—be he minister, magistrate, or constable—to decide against the complaints of petitioners. (*Hear, hear.*)

Mr. *Bathurst* contended, that his hon. and learned friend had shewn from the law, that the magistrates were justified in sending these persons to the house of correction, and that such had been the uniform practice in the county of Lancaster with prisoners to be tried at the quarter sessions. He admitted that the magistrates had exceeded their powers; but it was to be considered in extenuation, that the occurrence had taken place at a crisis of public alarm, when large bodies of men were marching from Manchester for illegal purposes. All the points that required to be known were already before the house, and there was, therefore, no necessity for farther inquiry by a committee.

Mr. *Lockhart* said, he should support the motion, not because he thought the prosecutions had been oppressively and improperly instituted, or because he believed that they had been harshly conducted. On the contrary, he thought that such publications ought to be repressed by

* See the notes, pp. 1109, 1113.—The Editor is happy to observe, that the keeper of Newgate has lately set a laudable example of obedience to the ancient law on this subject. On the 3d of Nov. 1818, the Grand Jury presented a report to the court at the Old Bailey, in which the following passage occurs:—"The Grand Jury have to remark the good effects that have arisen from the lessening of punishment, by doing away the practice of ironing prisoners before trial; and trust that this deviation from general practice, on the part of Mr. Brown, will be universally adopted throughout the kingdom."

the salutary checks of law, and he saw every degree of lenity and humanity in the conduct of the law-officers of the crown, in pursuing the legal steps to repress them. So sensible was Mr. Hone, the author of some of these libels, of their immoral and irreligious tendency, that though acquitted by a jury, he had withdrawn them from circulation, a circumstance which did him great credit. (See page 22.) The Attorney-General had only performed his duty, and he would not support the motion on any grounds of crimination against him: but the use of irons to confine men accused of publishing libels, or of committing other offences under the name of misdemeanors, demanded investigation and correction, and on that ground he would vote for the proposed inquiry into the cases adduced.

Mr. *Bennet* shortly replied. He observed, that the main facts of the case had not been denied, and trusted that, should the motion be negatived, the country would bear in mind, that one of the last acts of the present House of Commons was, to refuse inquiry into cases of gross oppression.

The house divided.

Ayes, 17—Noes, 73.

NABOB OF THE CARNATIC.] Mr. *Marsh*, after detailing a variety of circumstances relative to the debts of the Nabob of the Carnatic, moved, that the petitions of certain of his creditors (Messrs. Chase, Chinnery, and Co., Messrs. Abbott and Maitland, and Mr. Parry of Madras) be referred to a select committee of the house, to report their observations thereon.

Mr. *Canning* said, he would agree to the motion, not because he thought the claims of the petitioners well founded, but because the committee would come at the truth, which, in his opinion, would defeat them.

The motion was agreed to, and a committee appointed.

SAVING BANKS (ENGLAND) BILL.] This bill was read a third time, and passed.

PURCHASE OF GAME BILL.] This bill was reported, and ordered to be read a third time to-morrow.

CHURCHES IN SCOTLAND BILL.] This bill was read a second time.

HOUSE OF LORDS.

Friday, May 22.

SAVING BANKS (ENGLAND) BILL.] This bill was brought from the Commons, and read a first time.

REGENCY ACT AMENDMENT BILL.] On the order of the day being moved for the second reading of this bill,

The *Lord Chancellor* rose and said, that the bill, as he had stated on its introduction, had two objects. The first was, to authorize an increase of the number of persons composing her Majesty's council. The state of her Majesty's health requiring her to be occasionally absent from Windsor, it was proper that, at such times, some of the council should be present with his Majesty; but as many of the members of the council held official situations which might prevent their attendance, there was a necessity for an increase. Their lordships would recollect, that the act now in force on this subject provided, that if a vacancy should occur in the council, her Majesty should supply the same by her nomination. In one instance her Majesty had already exercised the authority with which she was thus invested; and it certainly must occur to their lordships, that, under the same provision of the act, it might have happened to her to supply substitutes for the greater part, or even the whole of the members originally appointed by parliament. In this view of the subject, it was thought, that there could have been no objection to her Majesty naming any further number of members which parliament might, under the present circumstances, think it advisable to add to her council. The main object, however, of this first part of the bill was, that there should be an increase; and if that principle were agreed to, it might be a matter of future consideration how the increase should be effected, whether by her Majesty, or by parliament. With respect to the other object of the bill, their lordships would perceive, that it tended to effect a very necessary amendment in the act of the 51st of the king. That act provided that, if her Majesty should cease to have the custody of his Majesty's person during a prorogation, parliament should assemble forthwith; if during a dissolution, that the old parliament should be reassembled. Now, if such an event should occur during a dissolution, after the writs were issued, or any day previous to writs being returnable, the greatest inconvenience would be occasioned; for all the expense which individuals might be put to in the elections would be lost, as the returns to the new parliament would, in fact, be abrogated. The act had made the same provision for the case of her Majesty ceasing to have the custody of the king's person, as for the demise of the king; but though it might be very proper to put the case of the demise of the regent on the same footing as that of the king, there could be no reason for similar provisions in the case of her Majesty. The amendment which was thus proposed would obviate much difficulty and inconvenience which might arise: and it therefore appeared to him liable to no objection.

Earl *Grey* said, that to the first clause of the bill he did not feel any considerable objection. At the same time he could not help observing, that the noble and learned lord ought to have shewn that there was not now a sufficient number of members of the Queen's council, independently of those who held official situations, to perform the duties of their trust. If, however, it really appeared, that the duties of the

council could not be performed by the present number, an addition certainly ought to be made; and with that object, to whatever extent it might be found necessary, he was ready to concur. With respect to the mode of effecting the addition, unless some strong reason for the contrary were assigned, he thought it would be better to follow the example of the first formation of the council. The present measure stood on a very different ground from that of the occasional supplying of vacancies. The authority given to her Majesty to appoint a member when a vacancy arose, could not form a precedent for the exercise of the same authority when a substantial addition was to be made to the original number. This was, however, a matter of inferior importance compared with the other part of the bill, which made a material alteration in the regency act. The noble and learned lord had stated, that great inconvenience would arise if her Majesty should cease to have the custody of the king's person during a dissolution of parliament, particularly if that event should happen after the issuing of the writs for a new election, and previously to the assembling of the new parliament, or on any day before the writs were returnable. In such a case it appeared that the individuals engaged in elections would be put to great unnecessary expense, as there would be a total abrogation of all the proceedings for the formation of a new parliament. How did it happen, that the noble and learned lord had not foreseen this consequence before? This clause existed in the first regency bill. It was introduced in the act of 1811; and the attention of the noble and learned lord, as well as of parliament, was again called to the subject in the following year, when, in consequence of the unfortunate malady which afflicted his Majesty, it was found necessary to remove the restrictions imposed on the Regent. Under these circumstances it was impossible to suppose that the clause could have found its way into the act without grave and sufficient reasons. The noble and learned lord had stated, that the cases of the demise of the King or the Prince Regent stood on a very different ground from that which the present bill went to meet. But there were circumstances which might make the demise of the Queen a subject fit for the provision in the original act. It must have been considered, that the trust of the King's person was one of so sacred a nature that parliament only could properly provide for its due execution. It appeared to have been therefore thought, that though, during the interval between the Queen's demise and the meeting of parliament, the care of the King's person should devolve on the council, it was proper to make provision that the interval should be of the shortest possible duration; and, therefore, that the old parliament should reassemble with the view of regulating that important trust. This was what was to be inferred from the clause in the existing act, and he therefore must consider the noble and learned lord bound to make out a strong case before he asked their lordships to agree to so important an alteration. But he must again ask, if there were any reason for this measure, why was it not discovered before? Seven long years had passed away since the subject was under discussion, and during that time the country had been, by the noble and learned lord and his colleagues, left exposed to all those dangers and inconveniences which they now so strongly apprehended. When parliament had already provided generally for the event to which human nature was always exposed, what reason could there be for any particular provision now? It never could have entered the minds of the persons who so long ago framed this clause, that it should be repealed when the event it was intended to meet was apprehended to be near at hand. If the present measure were necessary, the delay which had taken place was unaccountable, and the bringing it forward now was neither consistent with delicacy nor duty. The object of the law as it stood was, that parliament should, with the least possible delay, provide for the proper care of the King's person, in case the Queen should cease to exercise that trust. The act was so framed, that the trust should remain in the council for as short a time as convenience would permit. But it was now proposed that an addition should be made to the council, not by the parliament, but by the Queen. The effect would be to commit the trust vested in the council to persons of whom their lordships knew nothing, and for a time depending on the pleasure of his Majesty's ministers—namely, until they should think fit to call another parliament. Thus the custody of his Majesty's person would be intrusted to individuals over whom parliament had no control, whose very names were unknown, and for a time altogether indefinite. He had complained that no grounds had been laid for the introduction of the measure, and he had also to complain that no good reasons were stated in the preamble. It was set forth in the preamble that her Majesty's health might occasionally require her absence from Windsor, and it was inferred that an additional number of her council would therefore be necessary; but, if that inference should be found just, it did not follow that her Majesty ought to have the nomination of the new members of that body. After the clause respecting the council, came the clause for repealing that of the regency act, which authorized the reassembling of the old parliament; but to this clause there was not the slightest reference whatever in the preamble. This was a mode of proceeding contrary to all parliamentary usage. No grounds for the measure were laid in the preamble; none of any consequence had been stated by the noble and learned lord; and he trusted that parliament would require very strong reasons before they consented to pass this uncalled-for bill. A prorogation was expected soon to take place, perhaps in a fortnight, or less. That prorogation, it was understood, would be followed by

a dissolution, though there was evidently no public reason for that measure. The legal existence of parliament would not expire until October twelvemonths. There was, therefore, no reason why it should not reassemble. In that case, he, for one, would not object to the consideration of this or any other change which circumstances, or the lapse of time, might have rendered necessary in the regency act. There were several parts of that act which, in his opinion, required alteration, and he thought it would be highly advisable to revise the whole. Among the subjects to which, in such a revision, the attention of parliament ought to be particularly directed, was the Windsor establishment, (*hear, hear,*) which was far from contributing in any way to the comfort of him for whose sake it was pretended to be maintained, and served only unnecessarily to increase the heavy burthens of the country. Another important object would be to provide for the case of the demise of the Prince Regent, a case which, in the present circumstances of the country, more imperatively called for provisions than the demise of the King or Queen, as it involved in it a complete suspension of the royal authority. The next object which would fall to be considered, would be to make provision for the assumption of the royal authority, by the person who was to succeed the Prince Regent. That illustrious person, who of right would so succeed, would doubtless be vested with the royal authority without restrictions. On this point he apprehended there could not be two opinions, either in or out of parliament. When these cases were provided for, parliament might next turn its attention to the present subject, which was certainly one of inferior importance, and consider whether any new provision might be desirable in the case of the demise of the Queen. He had no hesitation to state, that, in his opinion, the right course would be to vest the custody of the King's person in the Prince Regent. He thought that, whatever the establishment at Windsor might be, it was proper that the executive government should possess all the influence connected with it. This he stated on general principles, without regard to the persons who might compose that government. Upon all these grounds, he saw many and strong reasons for opposing the bill, and could see none to induce him to support it. As, however, he was far from considering the present regency act suitable to the circumstances of the country, he should not give the motion for the second reading a direct negative, but would move the previous question, with the view of hereafter moving, not in this, but in the next session, for a committee to take into consideration the provisions of the regency act; in order that such alterations might be made as lapse of time and a change of circumstances had rendered necessary. The noble earl concluded by moving the previous question.

The Earl of *Liverpool* said, that the noble earl had made no objection in principle to the first clause of the bill. He admitted it was necessary that a power of adding to the council should reside somewhere, and only objected to the mode in which that power was to be exercised. As to that objection, he should state the situation of some of the council. Two of them were almost entirely precluded from attendance, and two others had great duties to perform, which made their attendance a matter of great difficulty. It was necessary, therefore, that an immediate power of appointment should exist in some one person, to meet any sudden emergency. It was perfectly true, that, in the original Regency act, the persons composing the council were designated by name, but there was a clause enabling her Majesty to fill up any vacancy occasioned by death or otherwise, and that power she had already once exercised. If that clause were an object of jealousy, there might be some ground for objecting to the present; but no objection had ever been made to the adoption of it on the former occasion. If, however, there were any difficulty on this point, he had no objection to the additional members being nominated by parliament, with the same provision as before, to enable her Majesty to fill up any vacancies that might occur.—With respect to the second part of the bill, the noble earl had expressed his surprise at the introduction of this measure, without any reason having been given for it in the preamble, or in the arguments employed by a noble and learned lord on the subject. He said, the only question was, whether the degree of inconvenience were such as to call for this measure. Undoubtedly it was a question of degree; but with respect to the question of another regency, unless parliament thought proper to provide for another, the clause was not one of mere expediency, but of absolute necessity. It was the old and established law of the country that parliament should meet on the demise of the crown, and there were many considerations that rendered it necessary—the civil list, the revenue, the commissions held under the crown. But the question for the house now to consider was, not the demise of the crown, but the inconvenience that might arise on the demise of the illustrious personage to whom the custody of his Majesty was chiefly confided. When the noble earl said that no necessity existed for the dissolution of parliament, he must admit that that necessity would exist in another year; what, then, was the difficulty in passing that now, which must at all events be passed in another year? As to the accusation of a want of delicacy in bringing forward this measure, he begged to assure their lordships, that the illustrious personage to whom the bill partly referred had expressed her approbation of the measure. The bill was called for by the necessity of the case, and great inconvenience might arise, if their lordships neglected to pass it.

The Earl of *Carnarvon* said, he should very willingly assent to any proposition calculated

either for her Majesty's convenience, or to secure her peace of mind, with regard to the King's safety; but he could not approve of connecting that subject with other measures of great importance. The bill, he thought, should be divided into two parts; the former, for increasing the number of the council, might receive the assent of parliament with the least possible delay, while the latter might remain to be more fully debated. This discussion brought to mind the necessity of some prospective measure, for that event which the lot of humanity rendered more or less probable. On the demise of the Regent, parliament would have again to discuss in whose hands the regency should be vested, and though there might be no doubt on that point, there was great doubt as to the manner, for there was no precedent but that of the last bill, which was one, he thought, that would not be followed—a precedent that had devised a mode of obtaining the royal assent without the concurrence of the royal will, and was most dangerous to the prerogative.

The Earl of *Lauderdale* thought, that, in point of delicacy, there should be as little discussion on this subject as possible: he wished, however, that the bill should be withdrawn, to make room for another.

The *Lord Chancellor* said, that, with a very little alteration, there could not be a better bill than the present. He was ready to accede to the proposition of any noble lord respecting the mode of nominating the members by parliament, particularly as the members so nominated would hold their places independent of her Majesty, and would not be liable to removal.

The Marquis of *Buckingham* said, that circumstances had unfortunately arisen which rendered the proposed bill necessary, and if it were provided that the new members of the council should be appointed by parliament, the measure should have his entire concurrence.

The previous question was then negatived, and the bill was read a second time.

Bank Restriction Bill.] On the motion of the Earl of *Liverpool*, this bill was read a second time, on the understanding that the principle of the measure should be discussed in a committee.

HOUSE OF COMMONS.

Friday, May 22.

Rock Salt Duties.] Mr. *Calcraft* rose to move, that the house do resolve itself into a committee on the rock salt duties. It was the opinion of the committee which had been appointed on this subject, that he should propose that the duty on rock salt, used for agricultural purposes, should be reduced to 5*l.* per ton, which, they thought, would render the article accessible to every holder of land who might be desirous of trying it. He therefore moved, "that the house do resolve itself into a committee of the whole house, to take into consideration the act 57 Geo. III. c. 49. as far as relates to the duties on rock salt."

Mr. *Wallace* said, he would not oppose the motion, as every facility ought to be given to experiments in agriculture. There were certainly many other points which concerned the fisheries, but which would require much consideration. Government, he was sure, was disposed to give every accommodation in their power.

The house then went into the committee, and a resolution was agreed to, instructing the chairman to move for leave to bring in a bill.

Clandestine Marriages Bill.] This bill was read a second time.

Parliamentary Reform.] Mr. *Bennet* presented a petition from Brighton, praying for a reform of parliament.—Ordered to lie on the table.

Scotch Burghs Committee.] Sir *G. Clerk* brought up a report from the committee, respecting the funds of the burghs, which appeared inadequate to the building and maintaining of proper gaols. (See page 414.) The committee recommended, that the burghs might be allowed to assess themselves.—The report was ordered to lie on the table, and to be printed.

Medical Officers.] Mr. *Bennet*, seeing a noble lord connected with the war department in his place, wished to know, whether he could give him any information on the subject of a regulation which excluded certain medical officers employed on the continent, from sharing the prize-money due to the army, for the battle of Waterloo. He understood that the medical officers employed in laborious duties at Brussels, who had in six weeks restored 5000 wounded men to their regiments, were deprived of their share of prize-money, or other remuneration, contrary to former practice; while many officers, and even general officers, who had not heard a shot fired, nor faced an enemy, but who travelled in their own postchaises to Paris, and were found at the theatres and the *restaurateurs* were held to be entitled to all the pecuniary advantages resulting from the victory at Waterloo.

Lord *Palmerston* said, that a regulation had been adopted, under which those medical officers only were entitled to prize-money for the battle of Waterloo, who were connected with the troops engaged on the 16th, 17th and 18th of June, or who were present at the sieges and blockades of garrisons in France, and thus those who had remained at Brussels were excluded. By referring to the orders relating to the war in the Peninsula, it would be seen that the same system was followed. The payments there were confined to particular parts of the army: the first related to those who moved from Coimbra to the Douro; the second to those who broke up from Portugal on the 5th of March; the third to those who were present at the taking of Ciudad Rodrigo, and so on. It appeared necessary to confine the system to the troops ac-

tually engaged on particular services. Many sick and wounded were brought to this country from the Peninsula, and if the rule in question were not applied strictly, it might be extended to the medical attendants at home.

Mr. *Bennet* said, it was true that, in the Peninsular war, the troops at Tarragona had nothing to claim in common with those on the Douro. But that did not apply to the medical staff remaining in the cities to attend to the wounded; and he thought that the medical men who remained at Brussels for that purpose, after the battle of Waterloo, had a right to their share. If nothing were done on this subject by the war department, he should bring forward the subject again in the next session.

POOR LAWS.] Mr. *Brougham* begged to call the attention of the house to the subject of the Poor Laws. He understood that the Committee had now introduced all the measures which they meant to propose, namely, the Select Vestries bill, the Poor Laws Amendment bill, and the Parish Settlement bill. The last was to be postponed till the next session. He was surprised and disappointed that they had not taken a more extensive view of this great and important subject. At the same time he by no means undervalued their labours, or the excellent report which they had drawn up; he acknowledged their diligence and sagacity, and thought the house was indebted to them for the foundations they had laid for farther proceedings. But, seeing that their efforts were limited to these three measures, he wished to give notice, that, early in the next session—if he should then have the honour of a seat in the house—he should endeavour to lay before the house the result of the consideration which he had given to this subject. His first plan would have for its object, to limit the progress of the existing burthen. His second plan would be, to gradually narrow those limits. His third plan would have for its object, to equalize the burthen, so as that it might not be thrown on the land-owner only, but might affect, in something like an equal degree, the other classes of society.

Mr. *Huskisson* said, the committee were aware that other measures would be necessary, besides the three bills which they had introduced, to correct the evils of the present system. The subject, however, was one of great difficulty, and the hon. and learned gentleman would render an important service to the country, if he could devise any means by which, in time, the same extension of relief as existed at present would be no longer necessary. (*Hear, hear.*)

COMMITTEE OF SUPPLY—MISCELLANEOUS ESTIMATES.] The house went into a committee of supply, when the following sums were voted.

1.—14,246*l.* 12*s.* for sundry works proposed to be done at Holyhead.

2.—15,000*l.* for the purchase of land on Hounslow Heath for the exercise of cavalry.

3.—50,000*l.* towards defraying the expense of making an inland navigation from the Eastern to the Western sea, by Inverness and Fort William.

4.—2,397*l.* to pay retired allowances and gratuities to the officers and other persons formerly employed upon the military roads in Scotland, the management of which roads have been transferred to the commissioners for highland roads and bridges.

5.—120,000*l.* for such expenses of a civil nature in Great Britain as do not form part of the ordinary charges of the civil list.

6.—43,500*l.* for further making good the deficiencies of the fee funds.

7.—26,000*l.* for further defraying the contingent expenses and messengers' bills, in the departments of the treasury, three secretaries of state, and lord chamberlain.

8.—5,500*l.* for further defraying the salaries to the officers, and expenses of the court and receipt of exchequer.

9.—11,500*l.* for further defraying the expenses of the houses of lords and commons.

10.—23,500*l.* for further defraying the salaries and allowances to the officers of the houses of lords and commons.

11.—37,000*l.* towards further defraying the expenses of works and repairs of public buildings.

12.—10,000*l.* for the expense of making variations in the road between Bangor and Chirk.

13.—8,663*l.* 16*s.* 8*d.* to be applied towards the expenses to be incurred in the management of the British Museum.

14.—3,626*l.* 8*s.* towards completing the improvements in Westminster.

15.—20,000*l.* towards building a bridge over the Menai Strait, near Bangor Ferry.

16.—1,000*l.* towards defraying the charge of the Veterinary College.

17.—78,058*l.* 11*s.* 3*d.* to complete the expense of building the Royal Military College at Sandhurst.

18.—100,000*l.* for the augmentation of the maintenance of the poor clergy.

19.—10,000*l.* for the augmentation of the maintenance of the poorer clergy of Scotland.

20.—13,685*l.* 15*s.* 4*d.* to make up the total sum charged upon the fees arising in the exchequer.

21.—259,686*l.* 19*s.* 10½*d.* to make good the deficiency of the grants for the year 1817.

22.—18,000,000*l.* to pay off and discharge the exchequer bills issued by virtue of an act of the last session of parliament, for raising the sum of eighteen millions by exchequer bills, for the service of the year 1817, outstanding and unprovided for.

23.—850*l.* for the purchase of a lot of ground adjoining the branch of the Royal Military Asylum at Southampton, for the purposes of air and exercise.

FRENCH INDEMNITIES.] The house having resumed, it was moved that the report of the committee be brought up.

Mr. *Warre* rose and said, he considered this a proper opportunity for making a few observations on an account which he held in his hand, relating to the amount and application of the sums of money received from France, by virtue of the treaty or convention entered into at Paris, on the 20th of November, 1815. It appeared, that the sum of 125,000,000 of francs was stipulated to be paid to this country in the nature of an indemnity for the expenses we had incurred in the prosecution of the war. This sum, as far as it had been paid, he had expected to see brought in aid of the revenue for the domestic service of the year, and that this country would have been relieved to that extent. France had engaged to pay a certain sum for the maintenance of the British army of occupation. He recollected that copies of this treaty had been no sooner received, than a noble friend of his had declared in another place, that the sum was inadequate to its object; and it now appeared that a very considerable sum in addition had been employed as a donative to the British army, since the second occupation of Paris. Of the 125,000,000 of francs, about 61,000,000 had been received, and it was remarkable what had been its application. Above 14,000,000 had been paid into the military chest of France, towards the expenses of the army of occupation; and 8,000,000 had been applied in the same way in the form of prize-money. With respect to this, he had no objection to urge; but when he saw that a much larger sum, amounting to 1,400,000*l.* sterling, had been remitted to this country, he began to entertain hopes that we had gained something for the service of the year; but he soon discovered that it had been all sent back to France, and there expended for the use of the army. On looking at the whole amount of the money received from the French government, it would be seen that it was very considerable. We had agreed to relinquish our demand for prisoners of war, which amounted to 7,000,000 sterling, for a sum of 250,000,000 of francs. But now it appeared, that instead of obtaining any thing in aid of the revenue, the whole sum which had been received on account of the public had been applied in the prosecution of objects abroad.

Lord *Castlereagh* observed, that the sums received from France had enabled us to accomplish all the objects recognized by parliament as expedient, with a view to our present policy on the frontiers of the French territory, without bringing any charge upon this country. The new line of fortresses, the expense of which had been estimated at 2,000,000*l.*, had thus created no incumbrance upon our resources. If the hon. member had examined the former accounts, he would have seen that it never had been calculated that the French contributions would be sufficient to discharge all the expenses of the British army of occupation, whose pay and allowances were considerably greater than those of any of the allied forces. The money remitted here partly defrayed extraordinary charges arising in this country, and was partly sent back in a circuitous but necessary course of payments. The money payable by France never was intended in the shape of indemnity for the expenses of the war, but simply as a sum of money, useful as far as it would go, and applicable to any purpose. The fortifications in the Netherlands were important to us as a measure of general policy, and it should be recollected that we had received a consideration for the expense by the cession of the Dutch colonies. With regard to private claims, about three millions and a half had been received and applied to their liquidation; but as many still remained unsatisfied, and, being of a doubtful nature, were likely to be litigated, it had been judged most advisable to compromise them by accepting a round sum at once in lieu of them. He believed this arrangement was satisfactory to the British creditors; and, with respect to the claims for prisoners of war, it should be remembered, that there were counter-claims on the part of France, which considerably diminished the balance due to this country.

Mr. *Tierney* complained, that the house had no knowledge of the manner in which the sums paid by France had been expended. All they knew was, that a very exorbitant proportion of them had been applied to the service of the army, and that nothing was applicable to the necessities of this country at home. Where we expected to receive, all the consolation afforded by the noble lord for the disappointment was—that we had nothing to pay. Such was the result of the noble lord's diplomatic skill, after the shoutings with which he was hailed on his entrance into the house, after concluding the treaty! All the boastings, it now appeared, ended in nothing. He begged the house to recollect, that the general civil claims of the country had been compromised for one half of their amount. (*Hear, hear.*)

The report was ordered to be received to-morrow.

COMMITTEE OF WAYS AND MEANS.] On the motion of Mr. *Lushington*, the house resolved itself into a committee of ways and means.

The hon. member then rose and moved, 1. That towards raising the supply granted to his Majesty, there be applied the sum of 250,000*l.* arisen from the sale of old naval and victualling stores.

2. That the sum of 800,000*l.* be raised by treasury bills, for the service of Ireland.

3. That the sum of 11,600,000*l.* be raised by exchequer bills, for the service of Great Britain.

The resolutions being agreed to,

Mr. *Tierney* rose, and made some observations respecting the delay in furnishing the house with the finance accounts for the year. He trusted that, in future, they would be laid upon the table early in the session, in order that members might have an opportunity of perusing and considering them, before the respective branches of the public services came to be discussed.

Mr. *Goulburn* stated, that the papers had been furnished a considerable time back, but were afterwards withdrawn, as the accounts from Ireland had not arrived. In another year, some new regulations would be adopted, in order that the accounts of both countries might be presented at the earliest possible period.

The resolutions were ordered to be reported to-morrow.

ALIEN BILL.] Lord *Castlereagh* moved that this bill be read a third time. It being read accordingly,

Mr. *Brougham* rose and proposed the following clause:—"Provided always, and be it further enacted, that every such alien, before being sent out of the country, shall receive notice the space of at least one month before he shall be so sent, and in case, during the said space of one month, any vessel shall sail to any kingdom, country, or place, where such alien may desire to be carried, shall have liberty to embark himself on board of such vessel, any thing in this act, or in the said recited act, to the contrary notwithstanding; provided always, that it shall and may be lawful to keep such alien in custody during the aforesaid space of one month, and until he shall have embarked on board of such vessel."

Lord *Castlereagh* opposed the clause. He said, that it would be very injurious to the objects of the bill; and as no grounds had been laid to shew that his Majesty's ministers had abused the powers with which they had been entrusted, he saw no occasion for it; and, besides, it would throw a considerable expense on the government, which, in such cases, they could not be expected to bear.

Lord *Compton* observed, that this and every country had a right to send foreigners away, but they had no right to send them wherever the government pleased. (*Hear, hear.*) He should therefore give his support to the clause. He voted for it, not from any suspicion that his Majesty's ministers would abuse their powers, but it should not be forgotten, that it was the nature of all power to be abused. Laws were not made to guard against what men would do, but to protect the people against what they might do. (*Hear, hear.*)

Mr. *Clive* objected to the clause. He contended, that government ought not to be at the expense of sending foreigners to any part of the world to which they might be inclined to transport themselves.

Mr. *Brougham* expressed his astonishment that the noble secretary of state, and the hon. gentleman who spoke last, should put such a construction on this clause as they had done. They had, it seemed, discovered a new mode of interpreting acts of parliament, and he congratulated the hon. gentleman in having attained this knowledge so soon after his appointment. (*A laugh.*) They argued that the alien must be conveyed to any place—to Botany Bay, for instance, (*a laugh*)—at the expense of the government. Now, what was the fact? The clause said, that such alien should have liberty to embark himself on board a vessel, &c. Did this make out that the government was to bear the expense?—that a right to embark in the good ship Mary to Botany Bay, instead of Bourdeaux, (*a laugh*), or to Bourdeaux instead of Botany Bay, would subject the government to defray the expense of the stage-coach to the coast, the custom-house fees, the passage in the vessel, the charge for stores, the steward's dues, the boat on landing, and the porter for carrying the trunks to the White Bear Inn, or the *Hotel de la Paix?* (*Loud laughter.*) As this was the first opportunity he had had, and would, in all probability, be the last he should have, of expressing his sentiments on this subject, he now desired to enter his protest against the whole of the measure—to express his disapprobation, not to say his abhorrence, of it. With a view to save the time of the house, he would now propose another clause, and they might be discussed together. This clause was, to enable aliens to be heard by their counsel or agents, as well as by themselves, before the privy council. It was nothing more than a mockery, a mere nominal or verbal check, to provide that the alien himself, ignorant perhaps of the language, might be heard. The noble lord, on a former occasion, had said, that the alien might be accompanied by an interpreter; but it was not the interpretation of languages that was wanted; it was the *habitus practicus interpretandi leges*, and that could be performed only by a person conversant with the laws of the country. He lamented that this measure had been so little noticed by the public. Whenever a new tax was proposed, or an old one was sought to be repealed, the people rose from one end of the country to the other; but, on a point that so vitally affected the liberties of the constitution, and which would cast such a stain on our character in the eyes of Europe, they were totally indifferent, cold, and silent. It had been said, that the bill was for the guilty, and not for the innocent; but if such a power were granted, they might as well at once give the sword of justice to the crown, and let the cadi or the vizier, or whoever he might be, exercise the power of trying and transporting individuals at his pleasure. If the law were directed as seemed to be the intention, instead of guilty aliens, they might alter the word, and say guilty subjects. It was, in fact, neither more nor less than a suspension of the constitution. They were, indeed, in a sad condition, if they were to pass a measure of such vital importance, on such grounds—if they were to proceed as they had before done, upon reports which had been swollen and exaggerated till they reached and poisoned the easy ear of Lord St. Vincent. (*Hear, hear, and confusion.*) He should have said, of Lord Sidmouth; but if any apology were due to the house for the mistake he had made, it was much more due to the noble earl

whose name he had so unluckily coupled with that of the present Secretary of State for the home department. No two men could be more dissimilar; and it was only because the contrast between the two was so striking, the energy and talents of the one so opposed to the inefficiency and deficiency of the other, that the two names had been brought together in his mind, and Earl St. Vincent's title obtruded upon the house in a debate with the subject of which he had no connexion. If he had been called upon to point out two individuals the direct reverse of each other in all particulars that qualified a man for a high office in the state, he could not have been more happy in his selection that when he mentioned Earl St. Vincent, and Viscount Sidmouth.—The hon. and learned gentleman concluded with declaring himself strongly against the bill, and hoping the clauses which he proposed would be accepted.

Mr. *Canning* said, that the practice of opposing every thing had grown of late too common with gentlemen on the other side. To throw in a little light and shade now and then would bring out the black in its place; but to cry out upon every occasion, was to cry 'wolf' to the country to no purpose, and to weaken any little authority which they might have had when their call was really serious. Notwithstanding all the elegant Latin and all the classical humour which the hon. and learned gentleman had applied to the purpose of his speech, he could agree neither with his Latin nor his humour. There was nothing introduced into the hon. and learned gentleman's clause relative to the alien who might wish to be transported to a particular part, that he should bear his own expenses. The whole expense was laid upon the country. That was the fact, and he defied the most *practicus habitus* man in the house to prove the contrary. The bill inflicted no imprisonment, but the hon. and learned gentleman's clause allowed a month's delay, till the ship should be procured in which the alien might be conveyed to the place of his choice, and during that time he was to be incarcerated. It would be recollected that a man had been sent to Hamburgh at his own desire, when ministers would have sent him to Ostend. Did that appear as if they were disposed to abuse their power? The second clause would change the whole nature of the bill. It would make it judicial instead of executive. The object of this bill was to guard against those melancholy scenes of bloodshed by which the continent had been wasted. If storms arose abroad, the shores of England could not but feel their violence. She must be shaken in her orbit, if the rest of the system were disturbed. It was, therefore, the duty of parliament to take measures to prevent the country from being overrun by the very pests and refuse of Europe—by those who, driven from their own country for their crimes, sought shelter in this until they could ripen into action their detestable machinations. Formerly, during the French revolution, these islands had been the refuge of all that was loyal and respectable; but the other side of the house were now desirous that the very reverse should happen, and that treasons, not only against ourselves, but against our neighbours, should be hatched in a country where, in the earlier ages, treason was almost unknown. The opposers of this measure seemed anxious that new scenes of glory and ambition should be opened to those who had learnt no lesson from the calamities of their country, but how to avail themselves of its distresses to procure their own aggrandizement. (*Hear, hear.*) Did not the publications which daily arrived from the Netherlands prove, that a set of malignant spirits were there hovering about, who still hoped to undo the work of peace, and to rekindle the flames of war. As yet they could find no spot where to begin their diabolical operations, no station whence they could launch their engines of destruction. Like the famous geometrician of Syracuse, they wanted a resting-place for their lever, that they might shake the world with ease. The answer which this bill gave them was, "You shall not stand here." (*Loud cheers.*) But a few years had elapsed since England was the depository of the hopes and fortunes of the world. All longing eyes were turned to her, and marked her standard above the smoke of battle. She had stood firm in the most impetuous torrent, unshaken in the rudest shock of war; and what man, who loved the glory of his country, or valued the liberty of the world, would consent even to the chance that it might become the unsuspecting prey to secret and foreign enemies? It might be said, that this bill was offering a slight violence to the constitution; but he was convinced that, at most, it was a temporary sacrifice to secure the tranquillity achieved by our victories, and for such a purpose it was not only justifiable but necessary. As to the persons to whom the power should be intrusted, that was a matter of little consequence, and he should feel content if it were reposed in any English gentleman competent to fill the office of a minister of state. He could most conscientiously say, that if the hon. gentlemen opposite were in office, he would cheerfully confide this power to them; and from them he only required for himself and his colleagues a similar degree of confidence.

Sir *F. Burdett* said, he rested his opposition to this bill upon the ancient laws and constitution of the country. If *magna charta* were yet to be respected—if it were not a disgrace at this time of day to refer to its salutary provisions, he should point it out to the house as affording abundant reason for rejecting this measure. The right hon. gentleman who spoke last had complained that the hon. and learned mover had, on frequent occasions, cried wolf! wolf! when no such ravenous animal was at hand, but while ministers persevered in mea-

sures like the present, the cry could not be too often repeated; the danger was not only at hand, but in execution; wolf! wolf! ought to have long been the cry all over the country, for the unhappy people had long suffered under the rending jaws and talons of pitiless and insatiable wolves. (*Cheers.*) The hon. baronet argued that the laws of this country which governed its own natives, were sufficient to regulate the conduct of foreigners, and to punish their malpractices; and consequently, that the object of this bill, like many others, was only to lodge power in the hands of the crown, in order that it might be abused. The right hon. gentleman had asserted that, during the French revolution, this country had been the refuge of all that was loyal and respectable; but these were mere words, and he had offered no proofs; indeed, it would be much more correct to state, that it had become the lurking-place of all that was degraded and despotic—of those who fled from the revenge of an injured and oppressed people, struggling to regain their liberties. The real object of this alien bill was, to aid that European conspiracy in which the noble lord opposite had taken so active a part, and the effect of it would be to destroy that character for generosity and hospitality by which the people of England had been hitherto distinguished. Another effect would be to drive all the talent and industry of Europe to that now only free country in the world, America. The right hon. gentleman had objected to what he called making the measure judicial, and for the plain reason, that it established some control over the conduct of ministers. It would compel them to be less arbitrary and despotic, because they might be brought before another tribunal—the usual pretence of ministerial responsibility, by which the house had been so frequently juggled, though the country could not quite so easily be deceived. That responsibility had been used and abused with regard to our own subjects, who had been tyrannically and unconstitutionally imprisoned, and was it to be supposed, that it would be more respected when the defenceless subjects of other states were concerned? Responsibility in the first instance was usually converted into indemnity in the last, as was proved in the case of the habeas corpus suspension; in fact, ministers were no more controlled by this stalking-horse responsibility, than they had been by the natural feelings of humanity and the dictates of conscience. (*Hear.*)

Sir *S. Romilly* was anxious to embrace this last opportunity of resisting the progress of this bill. It was urged, that its operation would be confined to criminal foreigners, and yet, with singular inconsistency, the right hon. gentleman had objected to the clause which gave the party accused an opportunity of stating his own case, and being heard by counsel; so that, in fact, that measure which was to be directed against criminal foreigners, was to be so framed that no means were allowed to ascertain whether they were innocent or guilty. (*Hear.*) The right hon. gentleman had also said, that he should be satisfied if the power were lodged in the hands of an English gentleman. Undoubtedly the Secretary of State for the home department was a gentleman, and of course the right hon. gentleman must be contented that the execution of the bill was entrusted to him; it was of no consequence whether he had the talents or the foresight which became a great officer of state—whether he was likely to become the dupe of spies and informers—he was an English gentleman, and that was enough. (*Hear, hear, hear.*) The right hon. gentleman never thought of satisfying the country—if he were satisfied, nothing more was necessary. He had also asserted, that France could not be disturbed internally or externally, without such an effect being produced upon England that she must necessarily be embroiled in the contest. Surely, this was most alarming intelligence in the present state of our finances, and coming from such a quarter. It was much to be dreaded that, should the tranquillity of France at any future period be disturbed, the people of Great Britain would be called upon to bear new burthens, and to undergo new privations for the support of that interest which ministers thought fit to espouse. (*Hear.*) The right hon. gentleman had reproached his hon. and learned friend with inconsistency in opposing these injurious and unconstitutional measures. Doubtless, judging from the conduct of the right hon. gentleman, he held it a disgrace to adhere to the same opinions or to the same friends. (*Hear, hear.*) He enjoyed all the advantages of inconsistency, and those who resisted this measure could long ago have partaken of those honours, if they would have consented to the same mental degradation to procure them. (*Loud cheers.*) The only danger pointed out by the right hon. gentleman, arose from a few discontented individuals in the Netherlands, who sought a fulcrum for their engine of destruction; but it was singular that, as this was the only danger, it had been broached that night for the first time. (*Hear, hear.*)

Mr. *Canning* explained. He did not mean to state, that if France were disturbed by internal commotions, this country must necessarily be involved in war: he had only referred to certain foreigners, who were attempting to engage the two nations in new hostilities.

Mr. *Barham* opposed the bill. He said, it was grounded on mere possibilities of danger, and was calculated to make us parties in all transactions between foreign governments and their subjects. It was wholly gratuitous and uncalled for, and was inconsistent with the spirit of our laws.

Mr. *W. Smith* opposed the bill, as sapping the best principles of the constitution, and affording no advantage whatever.

Sir *J. Newport* contended, that, by the effect of this bill, the blood of Britons, at the battle of

Waterloo, had been shed in vain, and that tyranny, by being permitted in one place, would spring up in another. He would not intrust such powers to any party, and he hoped, that the house would not suffer the measure to pass.

The house then divided on Mr. Brougham's clause.

Ayes, 35—Noes, 87.

LIST OF THE MINORITY.

Astell, W.
Althorp, Vis.
Babington, T.
Baker, J.
Barham, J.
Barnett, J.
Brougham, H.
Burdett, Sir F.
Byng, G.
Compton, Earl of
Carter, J.
Duncannon, Vis.
Fazakerly, N.
Fergusson, Sir R. C.
Finlay, K.
Folkestone, Vis.
Gordon, R.
Howorth, H.
Hurst, R.
Jervoise, G. P.
Lemon, Sir W.
Macintosh, Sir J.
Markham, Adm.
Martin, J.
Newport, Sir J.
Parnell, W.
Philips, G.
Ramsden, J. C.
Ridley, Sir M.
Romilly, Sir S.
Smith, R.
Symonds, T. P.
Tavistock, Marquis of
Tierney, Right Hon. G.
Warre, J. A.

TELLERS.

Douglas, Hon. F. S.
Smith, W.

Sir *S. Romilly* then moved a clause, to exempt from the operation of the bill aliens who were resident in Great Britain or Ireland on the 1st of January, 1814, and who had ever since continued to reside therein.

Lord *Castlereagh* observed, that foreigners, although long resident in the united kingdom, might be made the instruments of mischief.

Sir *S. Romilly* replied, so might natives—the next step therefore of government ought to be directed against them.

The clause was negatived without a division.

Mr. *Brougham* then proposed a clause, to exempt "women married to natural born subjects of the realm, or to persons who have been naturalized."

Lord *Compton* thought, that the house were bound in honour to admit this clause. *(Hear, hear.)*

The house divided.

Ayes, 37—Noes, 87.

The question was then put, "That the bill do pass."

The house divided.

Ayes, 94—Noes, 29.

PURCHASE OF GAME BILL.] This bill was read a third time and passed.

EAST INDIA DOCKS.] A petition of several ship-owners and merchants engaged in the East India trade, complaining of the want of accommodation, and the delays which occur in the East India docks, and that the rates which are charged by the company are excessive; and a petition of the chairman, deputy chairman, and directors of the East India Dock Company, praying to be heard, by their counsel, agents, and witnesses, against the allegations contained in the former petition, were referred to a committee to examine the matter thereof, and report the same, with their observations thereupon, to the house.

HOUSE OF LORDS.

Saturday, May 23.

ROYAL ASSENT.] The royal assent was given by commission to the Pardons under the Great Seal bill*, and several private bills.—The com-

* The effect of a Pardon under the Great Seal is, to make the offender a new man; to acquit him of all corporal penalties and forfeitures annexed to that offence for which he obtained his pardon; and not so much to restore his former, as to give him a new credit and capacity. A pardon pleaded *before* sentence is past, stops the attainder, and prevents the corruption of blood; which, when once corrupted by attainder, cannot afterwards be restored, otherwise than by act of parliament. If therefore a man has a son, and is attainted, and afterwards pardoned by the king, this son can never inherit to the father, or father's ancestors; because, his paternal blood, being once thoroughly corrupted by his father's attainder, must continue so; but if the son had been born after the pardon, he might inherit; because by the pardon the father is made a new man, and may convey new inheritable blood to his after-born children. (Co. Litt. 392.)—If a man has issue a son, and is attainted, and afterwards pardoned, and then has issue a second son, and dies; here the corruption of blood is not removed from the eldest, and therefore he cannot be heir: neither can the youngest be heir, for he has an elder brother living, of whom the law takes notice, as he once had a possibility of being heir: and therefore the younger brother shall not inherit, but the land shall escheat to the lord; though had the elder died without issue in the life of the father, the younger son born after the pardon might well have inherited, for he has no corruption of blood. (*Ibid.* 8.)—So if a man has issue two sons, and the elder in the lifetime of the father has issue and then is attainted and executed, and afterwards the father dies, the lands of the father shall not descend to the younger son: for the issue of the elder, which had once a possibility to inherit, shall impede the descent to the younger, and the land shall escheat to the lord. (Dyer, 48.)—But if the ancestor be attainted, his sons, whether born before or after the attainder, can inherit to each other. (1. Hal. P. C. 357.)—Where a new felony is created by act of parliament, and it is provided (as is frequently the case) that it shall not extend to corruption of blood: here the lands of the felon shall not escheat to the lord, but yet the profits of them shall be forfeited to the king for a-year and a-day, and so long after as the offender lives. (3 Inst. 47.)

Upon the subject of forfeiture and corruption of blood, Mr. Hume, 2 Comm. cap. 17, p. 364, writes thus concerning the law of Scotland. "By custom time out of mind, every capital sentence is attended with a farther consequence, the confiscation, or escheat as we call it, of all the convict's moveable goods and substance, to h's Majesty's use; to which effect the sentence bears a general declaration, and an order and authority to the proper officers, to collect and bring in the effects. This had become the law of Rome under the emperors; but it is the cus-

missioners were, the Lord Chancellor, the Earl of Winchilsea, and the Earl of Shaftesbury.

SPANISH SLAVE TRADE TREATY BILL.] This bill was read a third time and passed.

HOUSE OF COMMONS.

Saturday, May 23.

GRAND JURY PRESENTMENTS BILL.] This bill was read a third time and passed.

COMMITTEE OF SUPPLY.] The resolutions of this committee were reported, and agreed to by the house.

WAYS AND MEANS.] The resolutions of this committee were reported, and bills, founded upon them, ordered to be brought in.

HOUSE OF LORDS.

Monday, May 25.

IRISH GRAND JURY PRESENTMENTS BILL.] This bill was brought from the Commons, and read a first time.

IRISH FEVER HOSPITALS BILL.] This bill was brought from the Commons, and read a first time.

REGENCY ACT AMENDMENT BILL.] The house having resolved itself into a committee on this bill,

The *Lord Chancellor* rose and said, that in consequence of the objections made by some noble lords to the mode of increasing the queen's council as originally provided in the bill, he had already intimated his willingness to agree to the nomination being made by parliament, as was the case with respect to the first council appointed under the regency act. He should, therefore, now mention the names he intended to propose for insertion in the bill, subject to the approval of their lordships. To the present number of the queen's council, which consisted of eight persons, he proposed the addition of four, making the whole of that body twelve. If any of the persons nominated by parliament should decline to act, or if any vacancy should otherwise occur, he proposed that her Majesty should retain the power which she had under the present act of filling up the vacancy. He then proposed the following names, on each of which the question was put, and carried in the affirmative without opposition:—George, earl of Macclesfield; William, lord bishop of London; Alleyne, Lord St. Helens; Morton, Lord Henley, of Ireland.

On the first clause of the bill being read,

Lord *Holland* rose and observed, that the house ought not to proceed with the enactments of this bill, without a strict examination of its necessity. There was nothing stated in the preamble which in any way accounted for the clauses that followed. From the nature of the clauses in the bill it was to be inferred that his Majesty's recovery was no longer an event to be anticipated. But if they were now, for the first time since the passing of the regency act, to legislate on the principle that his Majesty's recovery was not probable, the measure ought to be preceded by an inquiry into that fact. If that probability no longer existed, why bring in a bill merely to remedy the inconvenience which it was the object of this bill to remove, when there were so many circumstances which rendered the revision of the whole regency act necessary? That act was passed with a view to the probability of his Majesty's recovery. Every measure then adopted, on the suggestion of the noble lords opposite and their friends, had a reference to that event. Their lordships were told, as an excuse for the expense of the Windsor establishment, that it was proper his Majesty should, on his recovery, find again about him all that state to which he had been accustomed. But if the probability of recovery had now ceased, ought not their lordships to proceed to a reconsideration of the whole subject of the

tom also of several nations, who have not the same regard to the Roman law that we have, and has probably been derived to us from a less remote source. Except in cases of treason, the forfeiture of property on capital conviction, has never, at any period of our practice, extended to the real or heritable estate; which, in England, at this day, seems to fall as escheat to the lord of the fee, in all cases of petty treason or felony. In this respect also, our custom is less rigorous than that of England, as we have never admitted that fictitious corruption of blood, consequent with them on attainder of felony; whereby all descent of property to the felon's kindred is obstructed, wherever they have to connect a title of inheritance through him to any of their predecessors."

Buchanan (*Rerum Scotic.* l. 4.) says, that Mogaldus (the 23d king of Scotland, A. D. 138.) was the author of that unjust and barbarous law which declares, that all the goods and chattels of condemned criminals shall be forfeited to the crown, excluding their wives and children from any part of them. His words are these: "*Mogaldus, avitæ gloriæ oblitus, in vitia præceps abiit: ac præter alia facinora fœda, et publicè perniciosa, legem iniquissimam condidit, ut damnatorum bona fisco addicerentur, nullam in partem liberis et uxoribus admissis. Eam legem etsi omnibus iniquam, et inhumanam et tum intelligerent, et nunc intelligant, tamen à fisci procuratoribus, qui Regum cupiditatibus lenocinantur, hac etiam ætate defenditur.*"

Innocent children ought not to be punished for the crimes which their parents committed. It is lamentable to reflect on the prejudices of mankind, even in this country, and in this enlightened age; but let those who may chance to be descended from parents who violated the laws of their country, or transgressed the rules of civil society, console themselves with this advice of the poet:

——*Ne perge queri, casusque priorum*
Annumerare tibi. Nec culpa nepotibus obstat.
Tu modo dissimilis, rebus mereare secundis
Excusare tuos. (Statius Thebaid, l. 1.)

Lament no more, nor to yourself misplace,
The crimes or fortunes of a former race.
Our parents' guilt but to themselves extends,
Taints not the blood, nor to the sons descends;
By your own worth you blot out the disgrace,
And raise the faded lustre of your race.

regency. He, therefore, could not agree to the first clause of this bill, unless it were to be followed up by many other provisions, which were in his mind equally necessary and urgent.

The Earl of *Liverpool* reminded their lordships of the circumstances under which the regency act had been passed. There had been then great differences of opinion on the question of limitations, and one of the grounds on which those limitations were defended, certainly was the probability of his Majesty's recovery. After a year had elapsed, and the state of that probability was to a certain degree altered, the limitations were removed. He should be sorry to say, at any time, that the probability of his Majesty's recovery had ceased; but parliament, in enacting any measures relative to the regency, must necessarily legislate on the greater or less degree of that probability. With regard to ascertaining the nature of the probability, there could be no necessity for any measure; for their lordships must be aware, that a quarterly report of the state of his Majesty's health was regularly made by the attending physicians. Would it be advisable, then, to subject the country to the chance of the inconvenience which this bill was calculated to prevent, in order to an inquiry for which there was no necessity whatever?

Earl *Grey*, in reply to what had fallen from the noble earl on the subject of the limitations in the regency, observed, that the whole of the regal powers were given for the public benefit, and that they should, therefore, be fully and entirely vested in the person who was placed at the head of the executive government. With regard to the present measure, in what case did their lordships find themselves? They knew of no difference in the situation of his Majesty since the passing of the act, except by a longer continuance of his malady. But the noble earl had said, that no report was wanted, because a quarterly report was made by the physicians. Their lordships had, however, no information on the important question of the probability of his Majesty's recovery. Why had it never before been proposed to alter the regency act? The noble earl was of opinion, that the country might sustain much inconvenience if this bill were not agreed to; but the country had been exposed to that inconvenience, whatever it was, ever since the passing of the former act. That act, which provided for the reassembling of the old parliament on the demise of the queen, was passed with a view to the security of his Majesty's person: but if that important provision were now repealed, it must be admitted that the measure proceeded on the ground, that his Majesty was now in a state which required in a less degree the care and anxiety of parliament. If they legislated on this principle, it was obvious that the provisions of the bill ought to be far more large and extensive. There were many things to be provided for, but he should at present mention only one. In the case of the king's death, after a dissolution, the parliament reassembled, and the regency bill placed the demise of the Prince Regent on the same footing; but as the Prince Regent exercised the royal authority in the name and on behalf of his Majesty, it was possible that some difficulty might arise if the writs for a new election were issued. It was his opinion that in such a case the writs would be abrogated; yet doubts perhaps would arise which might create considerable embarrassment to the returning officer. He therefore proposed that, in case of the demise of the Prince Regent after a dissolution of parliament, the writs issued for a new election should cease and determine.

The *Lord Chancellor* adverted to the quarterly report, which, he observed, was drawn up by the queen's council, and was never made without taking into consideration the opinion of the physicians on the probability of his Majesty's recovery. These reports were laid before the privy council, and might be called for by parliament.—The noble and learned lord then proposed clauses, with a view to the possible event of the queen's demise, after the day appointed for the meeting of a new parliament, and to obviate the difficulty stated by the noble earl, with regard to the possible event of the demise of the Prince Regent, his opinion being, that the king's writ would not in that case be vacated.

These amendments were agreed to, and the house resumed.

Poor Laws Amendment Bill.] The Earl of *Hardwicke* moved the commitment of this bill. His lordship went over the several clauses, and observed, that the bill was not to be considered as a solitary measure, but as part of a system intended for the reform of the poor laws.

The Marquis of *Lansdowne* declared his opinion, that the measure was essentially at variance with the most important principles of public economy and private morals. It came recommended by the committee of the other house on the poor laws; but he must say, without any disrespect to that committee, that the public were far more benefited by the principles they had laid down in their report, than by the bills which they had founded upon it. In legislating on the poor laws, one principle ought to be kept in view: if their lordships could not venture to cut off the springs of that inundation of evil which had overspread the land, they ought at least to take care not to legislate on the same vicious principle, the force of which had increased with the duration of the system. That system was better described in the report of the House of Commons than it could be by any words of his. The passage in the report to which he alluded, stated the infallible effect of compulsory contributions for the maintenance of the poor, to be the abatement of those exertions and that industry in the labouring classes, on which the happiness of mankind depended, and the checking of the impulse of natural affection. This principle, so ably and truly stated

in the report, was totally irreconcileable with the provision in the bill, which made it lawful for overseers to take the children of paupers from their parents, and consign them to the care of a workhouse. This provision, which held out to the inconsiderate that their children were to be taken from them and maintained at the public expense, might lead to that effect which an eminent writer on political economy had pointed out as the consequence of infanticide being permitted by the laws of China, and which was the great cause of the misery to which a vast portion of the overloaded population of that country was reduced *. This bill created the certainty of getting rid of the burthen of a numerous family, and therefore removed all that prospect of difficulty which ought to be taken into consideration in contracting marriage. Its effect would be to foster new generations of paupers, who would look to the workhouse as their inheritance, and who would rely on the public, not on their own industry, for their maintenance. The expense of this mode of providing for the children ought also to be considered. A child could not be maintained by the parish for less than 20*l.*; but it was needless to observe, that a much smaller sum given for the relief of the family to which the child belonged would be sufficient. What, too, would be the moral effect of the separation? Any system of education which was not founded on the interchange of the domestic affections was vicious. God and nature had rendered the cherishing of these affections as necessary to the strengthening of moral character as healthy exercise was to the physical constitution of children.—This bill then went to establish a system which would counteract what had been hitherto with pride regarded as the distinctive character of Englishmen. At 12 years of age, the children which had been separated from their parents were to be returned to them. But would the parents, whose affections the law had thus endeavoured to extinguish, receive them? And if they refused, what would the parliament do with them? He was aware it ought to be said, on the other hand, that many parents would be averse to part with their children, and make every exertion to retain them; but the temptation to improvidence was so great, and the distress occasioned by that improvidence so pressing, that few would be able to act on such pleasing impulses. The only true remedy for the evil was to breed up the lower classes with the idea that they must depend on their own exertions alone for support.—Another clause to which he felt a great objection was, that which enabled parish officers to buy land for the purpose of employing those who could not find work. If the land were poor, it could only be cultivated at a loss, and the poor-rates must be increased to the amount of that loss; if the land were rich, the cultivation of it with parish funds would be an injury to those who laboured for their own support. The whole enactment was the result of that unfortunate principle that held it out as possible to create a demand for labour, whatever the circumstances of the country, or the state of manufactures and commerce, might be—a principle so absurd that it was at once subversive of itself. If this principle were not abandoned, wages must be brought to the lowest limit that human misery could endure. In fact, the magistrates at Birmingham had on this principle lowered the wages of the nailers, and told them, that they must make up the difference with relief out of the poor-rates. He, therefore, entreated the house to consider whether the perseverance in this system would not plunge the community into an irretrievable danger, which could only end in a convulsion.

The house then went into the committee, in which the clause for taking children from their parents was withdrawn, without a division.

The Marquis of *Lansdowne*, the Earl of *Harrowby*, and Earl *Grosvenor*, having made some observations on other clauses of the bill, and several verbal alterations having been agreed to, the house divided on the clause for rating the landlords of houses let at a rent above 4*l.* and under 20*l.*

Contents, 17—Not Contents, 7.

* About 9000 children are said to be annually exposed in the city of Pekin, and the same number in the rest of the empire.—Among the Hindoos, children are hung up on trees in baskets, and devoured by birds of prey; and female infants among the Rajpoot Hindoos are destroyed by starving. See *Buchanan's Mem. on India*, App. pp. 94 and 97.—Nothing could be more pitiable than the state of infancy in some of the most celebrated nations of antiquity. Lycurgus not only permitted, but enjoined the murder of sickly or deformed infants. (Plut. in Lyc.)—And Aristotle (Pol. l. 7. c. 16.) and Plato (de Rep. l. 5.) both give a decided opinion in favour of this execrable practice. Romulus allowed the murder of infants, and it does not appear that this practice was forbidden by any subsequent law. Some think it was confirmed by the twelve tables. (Vide Dion. Halic. Rom. Antiq. l. 2.) The Roman law considered children not as *persons* but as *things*; it extended its severity even to the adult. A slave could be sold only once, a son three times; and he might be imprisoned, scourged, exiled, or put to death by the pater-familias, without appeal to any other tribunal. The father could compel his married daughter to repudiate a husband whom she tenderly loved, and whom he himself had approved. (L'Esprit des Loix, T. iii. Liv. 26. c. 3. p. 75.)—The first Christian emperor, in order to prevent the destruction of grown children by their father (a practice at that time too frequent) ordained, that the public should maintain the children of those who were unable to provide for them. (Taylor's Civil Law, p. 406.)—The exposure of infants, however, still prevailed. This he also restrained by an edict, in the year 331; and under the emperors Valentinian, Valens, and Gratian, this crime was made a capital offence. (*Ibid.* p. 406.)

Parish Vestries Bill.] This bill went through a committee.

HOUSE OF COMMONS.

Monday, May 25.

Irish Fever Hospitals Bill.] This bill was read a third time and passed.

Finance Committee.] Mr. *D. Gilbert* brought up the 11th report of the committee on finance. It was ordered to lie on the table, and to be printed.

Lead Mines Assessment Bill.] Mr. *Morrit* moved the second reading of this bill.

Mr. *Brougham* objected to the measure, as extending the liability to the poor-rates, instead of narrowing it, as sound policy seemed to him to require. He suggested the propriety of postponing the subject till another session.

Mr. *Morrit* contended, that the bill was only to prevent an evasion of the present laws. He thought that all mines should be subject to the rates, or all should be exempted.

Mr. *D. Gilbert* said that the object of the bill was, to make all the proprietors, whether they received their dues in money or kind, alike rateable. He approved of the measure, and on this occasion should give a vote which directly clashed with his own interest.

Sir *C. Monck* opposed the bill, and Lord *Lascelles* supported it.

Mr. *S. Bourne* contended for the propriety of putting lead mines on the same footing as coal mines, with regard to their liability to the poor-rate.

Sir *J. Graham* expressed a wish, that the bill should be postponed till the next session. With that view, he proposed, that it should be read a second time that day six months.

The question being put, that the bill be now read a second time, the house divided.

Ayes, 72—Noes, 54.

Charitable Funds.] Mr. *Brougham* rose and said, that some years ago, an individual had bequeathed a large sum of money, amounting to 120,000*l.* to charitable purposes. The will, on account of some informality, was set aside; and the testator having no kindred, the property devolved to the crown. He conceived that this sum of money would form a proper fund for meeting the expense of the commission about to inquire into the grants for the education of the poor; and with that view, he moved, that an humble address be presented to his royal highness the Prince Regent, for "an account of all sums of money received by the crown under the will of Samuel Troutback, esq. dated 21st July 1780, and the application of the said sums."—Ordered.

Privilege of Parliament.] Mr. *Speaker* begged to call the attention of the house to a subject of considerable importance, as it affected the order and dignity of their proceedings. A trial had lately taken place in a court of law, namely, the case of the King against Merceron, in which the short-hand writer of the house had been examined, relative to the practice of the house in its committees, and to what passed in them. In all former cases, application had been made either to the house, or to the speaker, for permission to examine their witnesses. This had occurred in an instance where Mr. Gurney, the present short-hand writer, was examined. He found, however, upon communication with that gentleman, that he was not till now aware of the existence of this necessary form, the parties in the preceding case having made the application to the house without his knowledge. This explanation certainly accounted for the irregularity; but it should be understood that the necessity of a permission, which applied to the production of the journals, extended to all evidence taken before that house or its committees. (*Hear, hear.*)

Mr. *Bathurst* said, that he would move a resolution of privilege to-morrow.

Settlement of the Poor Bill.] Mr. *S. Bourne* moved the order of the day for the further consideration of the report on this bill, for the purpose of postponing it. The order being read, the hon. member moved, that the report be taken into further consideration on this day three months.—Ordered.

HOUSE OF LORDS.

Monday, May 26.

Building of Churches Bill.] This bill was read a third time, and passed.

Bank Restriction Bill.] The Earl of *Liverpool* rose to move the commitment of this bill. He said, he had already had several opportunities of stating the grounds on which he considered this measure necessary. He had, in particular, very recently had an opportunity of stating his views, when the noble earl opposite moved for a committee, to inquire into the state of the coin and paper-currency of the country. Having had those opportunities, it would not be necessary for him to enter into detail on the present occasion; still, however, it might be desirable that he should give a short statement of the reasons on which he supported the bill, before he made the motion for going into the committee, and he would rely on the indulgence of their lordships, if it should be necessary for him to give any further explanation in the course of the discussion. He had already stated, that delay in the resumption of cash-payments did not arise in want of preparation by the Bank, in any thing connected with our domestic situation or ordinary foreign relations; but it was matter of notoriety that there were depending in France, transactions of a financial nature, which must necessarily have a great influence on the circulation of this and every other country in Europe. Their lordships were aware, that a financial operation, which took place last

year, had produced a very unfavourable effect on our exchanges. That, however, would have been easily got over, had it not been connected with the prospect of other financial measures, which were in contemplation for the present year. Their lordships knew that the engagements into which France had entered were partly financial, partly political. Under these engagements an arrangement had lately been made between the French government and the allied powers for payment of the contributions fixed in 1815, and the discharge of the claims of private individuals in foreign countries. The object which the French government had in view by this arrangement was, to pay off the whole of the claims in the course of three years, instead of five, the time originally fixed—that is to say, to anticipate the payments of the 4th and 5th years. In consequence of the stipulations entered into under this arrangement, the government of France would find it necessary to raise more than 30,000,000 sterling within a very limited period. Now, when their lordships recollected the effect which had been produced on the exchanges last year, by a far more inconsiderable operation, what must they expect to be the consequence of so large a demand as this? It was certainly desirable that the exchanges should be favourable at the moment the Bank resumed payments in cash; and, though in an ordinary state of things it was not difficult to restore the exchanges to an advantageous state, it would not be advisable that the act should expire just at the moment when they happened to be unfavourable. But if the feeling existed, that the resumption of cash-payments would be improper at such a time, how much more strongly ought it to be felt when the unfavourable state of the exchanges did not arise out of any circumstances connected with the ordinary transactions of commerce, but out of a financial operation of the nature and magnitude of that to which he had referred? A noble marquis opposite had on a former occasion asserted that foreign loans never could form a ground for such a measure as the present; and instanced the effect of the loans made in Holland and in this country. With what the noble marquis had stated on the subject of these loans, he was ready on general principles to agree; and if the present measure applied to ordinary circumstances, would give him the full benefit of his argument. But had the transaction which he had described, growing out of an arrangement for the payment of military contributions to the powers which had occupied France, and claims of individuals on the government of that country, arising during a revolution of twenty-seven years, the nature and character of an ordinary loan? Could such an uncommon and extensive financial operation be compared to any loans ever made by foreign powers, either in London or Amsterdam? The question for their lordships to consider was, whether, acquainted as they were with the existence of that operation, and with the effects it must have, or, he would say, might have, they would choose to pass the present bill, or expose the country to the risk which would arise from its rejection? Were the risk much less than he thought it was, he certainly, for one, would not be bold enough to allow the act to expire without submitting to their lordships a proposition for its renewal. He knew it had been stated, that his argument on this subject was fallacious. It was stated, that the remittances occasioned by any loan made in this country would always be paid in goods. He would not enter into any argument on this point. The remittances would doubtless be made in the way most consistent with the interest of the individuals concerned. (*Hear, hear.*) Goods would be exported when the exchanges were favourable: but it was only to a limited extent that this could be expected to take place under such extraordinary circumstances. It was certain that a great artificial drain could not be made on a country without its injurious influence being felt. It was therefore quite unnecessary to discuss this topic. It had also been asserted, that the difficulty experienced in the resumption of cash-payments was owing to the great advances made by the Bank to the government. The same thing had been stated to have been the case of the original suspension. There had been considerable authorities for that opinion, but the idea was unfounded. The advances made to government had not, he was convinced, occasioned the first suspension; and he was equally confident that the present advances were not the cause of the continuance of the measure. But, if it were true that the Bank was in an unfavourable situation in that respect, that would be a reason for giving farther time, and would afford an additional argument for the present bill. Government were in the course of paying up the advances; and they were already repaid to a greater extent than they had been in 1797. If, therefore, any persons really thought that the whole difficulty lay in advances made to government by the Bank, they ought to support this bill, in order to give time to government to complete the measures which had been adopted for reducing them. His lordship concluded by moving that the house resolve itself into a committee on the bill.

Lord *Grenville* expressed the greatest disappointment at the statement he had just heard from the noble earl. He was one of those who had given entire credit to the grounds on which it had before been proposed to continue the Bank restriction for two years longer. He should be trespassing too much on their lordships' time, if he were to tread back the past history of that unfortunate transaction. Even at the commencement of the last war, he thought it a matter of great impolicy to acquire, not a facility of supplying the wants of the country, but to burthen it with a dreadful difficulty, to which its resources could not be equal but by

the greatest sacrifices. Satisfied as he was then, and confirmed as he was now, that there never had been a more fatal measure than the commencing and continuing of the suspension of cash-payments, he looked with the greatest anxiety to the time when we should be again free from that clog. He had always been far from thinking that the six months which had been promised, or that one year after the conclusion of the war, would be too long a period for the resumption of those payments. But if he felt or stated fewer objections at the time the continuation of the restrictions for two years was proposed, it was because he confidently believed that parliament had given the country a sacred pledge, which nothing but the most urgent necessity, such as a general failure of the Bank at least, could tempt them to relinquish—a pledge which he deemed so inviolable, that nothing but insuperable difficulties should induce them to renew the restriction. Not only on account of the public, but on account of the Bank itself, it was high time that the truth should be known. It was not fitting to go on with what was called restriction and restraint, if that restraint were in truth no other than indulgence granted to the Bank (*hear*) for the purpose of paying their creditors in depreciated paper. (*Hear.*) That, in effect, was the privilege that was given to the Bank; and when the noble earl talked of danger to the Bank, he should also have some consideration for the ends of distributive justice, and the dictates of common honesty, and consider what was due to creditors whose debts were paid in paper sunk five per cent. below the value that it represented. Before the house passed a measure of that importance, they should clearly know how the matter stood—whether it were an indulgence to the Bank proprietors, under the name of a restraint, or a measure affecting them against their wishes, and calculated for the public welfare alone. Whatever name was given to the transaction, it was admitted that it was not disagreeable to the Bank in the first instance, though doubts were now thrown out, that that body did not any longer acquiesce in it. It was necessary, therefore, to inquire, whether, in a great commercial nation like this there could exist any grounds for compelling the Bank to defeat the claims of its creditors. However, if it were really true that this measure was against the wishes of the Bank, we should have something more than a mere negative. If a proposal of the same description were made by government on behalf of the great banking-houses in London; if it were stated that the house of Hope, of Drummond, or of Child were likely to be distressed in attempting to pay their creditors, and that therefore it was expedient to pass a law enacting that they should be restrained from doing so, was there one of them that would not come forward and remonstrate, not only as to the injustice of such a measure with respect to their creditors, but its oppression with regard to themselves? Would they not say, that to compel such injustice would not only be against their feelings, but destructive of their credit; that it was only by the opinion entertained of their ability to satisfy the claims of their creditors, that they had risen to the degree of opulence which they at present enjoyed; that to destroy their responsibility was to destroy their solvency, and alter the very essence of their commercial establishments? But in whatever light the Bank of England might view these transactions, whether as a restraint to which they were willing to submit, or, as was sometimes insinuated, as measures in which they unwillingly acquiesced, the great interest to which parliament was bound to look, was that of the country, and looking at that, he never could be induced to give his consent to such a measure, even for the shortest period, on reasons so problematical as those which the noble earl had urged. At the commencement of this system we had been told that the existence of the country depended upon its adoption, though it was then admitted that the resumption of cash-payments would be an operation of great delicacy. It was now contended, that this was not the period for such a resumption, and that we ought to look to a time when it might be more convenient. This, however, was not a question of convenience: the measure could be justified only by imperious necessity. All men agreed, whether practical or scientific, that a metallic currency was the only proper basis of circulation. With this principle admitted, they were now called upon to substitute paper in its place, knowing that paper must continually vary at the will or caprice of the Bank, and according to their views of profit. They were required to give to that body an absolute control over the property of every man in the kingdom. Was this mere theory, or did they exercise the power as he had described it? They issued paper at one period until it was depreciated to the extent of 25 per cent. below the currency it represented; so that no man received his rent without suffering a loss of 25 per cent., or more. At that period when landlords felt the mockery of being paid 75 per cent. only on the amount of their rent, when the state creditor lost one-fourth of his dividend, and creditors as much of their debt, how did government meet the calamity which affected all classes of society? By enacting a law, which made that depreciated currency a legal tender, imitating thereby the worst conduct of the worst government that had ever disgraced the country. In this might be seen the error of surrendering the management of our currency to a class of men, who adapted their issues rather to promote their own gain, than to supply the wants of the country. That such was the case was clear, from the fact that, in the face of all this depreciation, the issues of the Bank had doubled, if not trebled, in amount. In all this he meant no imputation on the Bank. The objects of the Banking company were

grossly misunderstood, when it was said that they were to consider the interests of the public. They were no other than the directors of a mercantile concern, who were bound to do as well as they could for themselves and that concern, and it was for parliament to take care *ne quid detrimenti capiat respublica*. But this duty had been shifted from parliament to the directors of the Bank. The history of this transaction was one of the grossest breaches of trust that ever had disgraced the history of a nation, and had placed us in a situation of unparalleled difficulty and danger. After making every allowance for the enormous expense of the last year of the war (120,000,000*l*.), for the distress and dearth that attended the first year of peace, for the extent to which the exchanges were affected, and all other operating causes, he was confident that the principal cause, the *sine quâ non* of all our late calamities, arose from the extensive issue of Bank paper, and the ruin consequent on the depreciation of that issue. To that, more than to any other cause, must thousands in every rank of life, in the highest circles of commercial and agricultural enterprise, and the lowest sphere of laborious earnings, attribute the sufferings they had so grievously experienced. The principal cause of all this, he repeated, was the suspension of cash-payments, the over-issue of Bank paper, and the depreciation consequent on that over-issue. When the circulation of this country was in a healthy state, it consisted of coin, of Bank paper, and of country paper. It was an inevitable consequence that the over-issue of Bank paper should cause an over-issue of country paper; and it was in evidence before the committee that made inquiries on this subject, that whenever the Bank paper increased as one, the country paper increased as three. When the Bank paper became a legal tender, the country bankers could not be called on to pay in coin, because there was none to be had, but they paid in Bank of England paper, and if that had been confined within any limits, it would have been some restraint on the increased circulation of the country banks. But the former having increased to an enormous amount, there was nothing that could affix any bounds to the circulation of paper money, and the ruinous extension of credit. Out of this arose also the enormous losses sustained in consequence of forgery, which, though not so great on the country banks, had caused an unprecedented amount of loss and crime in the case of the Bank of England. The forgeries, indeed, on the Bank of England had increased to a frightful degree; and even if the bill before the house could produce a hundredfold more benefit than the noble earl anticipated from it, if the actual dangers were a hundred times greater than he apprehended, those benefits and those dangers would be light and trivial, compared with the mass of misery occasioned by the circulation of paper which entrapped thousands into the commission of crime. It was the duty of a wise legislature not merely to punish, but to prevent the commission of crimes; and therefore, on this consideration alone, the resumption of cash-payments was of paramount importance. Besides this, the Bank paper having led to an inundation of country paper, that had happened, which had happened in all countries where paper was made a legal tender —the prices of all commodities were raised, the value of all property was disturbed, and speculation was carried to an inordinate height. These had been the consequences of the Mississippi scheme, of the South Sea bubble, of the plantation paper-money, and of the French assignats. The Bank continued its issues till the country bankers failed on all sides for sums in which they never could have been debtors except through the medium of that paper currency that was forced on the country: they had failed in this manner to the ruin of the poor and industrious, of the great commercial speculator, and of the agriculture of the country: all of these had been unable to meet the demand for making good their engagements, through the convulsion attending the banking system. The next step was that which could not be wondered at. Other country bankers were obliged to control their issues and narrow their accommodation; they were obliged to call in payments, for which the demand came wholly unexpected; and unavoidable failures ensued. At this time the Bank called in its paper, thereby reducing the amount of country paper, and causing calamity which no other country could have endured without entire destruction. This was the state of things produced by the system he had described, and after which, as the noble earl had informed the house (a melancholy truth indeed), the Bank might have safely resumed payment in the course of last year. If there were any who felt like him (Lord Grenville), how must they be disappointed at being told, that the very level of exchanges, so much required by the other side of the house, did then exist: and there was no circumstance of deeper regret than that the Bank did not avail itself of that crisis: he said the Bank, because, though it was incumbent on the government to provide for the necessities of the country, yet, for two years, the government had abdicated that power, and in the very preamble of the former bill, said, that they gave the Bank those two years to take such measures as they might deem advisable for the public advantage, to prepare for the resumption of cash-payments. But were their lordships in the result satisfied with the exercise of this discretion? It was greatly to be regretted, now they were again called on to renew this pernicious system, that they were not allowed to examine what measure the Bank had taken to ensure the resumption of payments; because, if he were to trust to mere report, they intended, instead of preparing for payment, to throw such difficulties in the way of government as to deter it from proposing any such measure. Now

if the Bank wished to create any such difficulties, they could not do it better than by creating a difference between gold and paper, making gold dearer and paper cheaper; nor could they adopt more effectual means for this latter purpose than by drawing from the continent from 25 to 30 per cent. of their circulation. If you draw from any market a commodity to the amount of one-fourth of its quantity, that commodity must become immediately dearer, and this was what had actually happened. Persons who were really desirous of resuming payment, would take care that their paper should increase in value: and how would they do this? By contracting their circulation. The Bank knew very well that by an excessive issue they had depreciated the value of their paper; they knew, therefore, that by limiting the issue they might again, in some measure, restore its value. Instead of this, they had actually increased their issues two millions sterling. He did not ask the Bank to confess their error of 1811, but he asked them, when they had seen that an issue of 29 millions had decreased the value of their notes, whether the means to increase their value was not to reduce the circulation. The error would be more striking if their lordships called to mind the state of the other paper circulation of the country. It was notorious, that while the Bank had been thus increasing its issues, it had been doing so at a time when the country banks were beginning to revive from the distress which they had so deeply experienced. The circumstances to which he had adverted greatly increased his repugnance to commit any thing further to the Bank of England, without instituting the strictest inquiry. Their lordships should recollect, that this was not a concern of the Bank, but of the nation; every man in the country, from the highest to the lowest, was more deeply interested in it than in any other question that had of late years come before parliament. He was well convinced that one of the greatest difficulties with which this kingdom had to encounter in its late contest with France, was occasioned by the measure of Bank restriction, which had produced that disastrous state of the circulation so frequently admitted and lamented; and had it pleased Providence to continue the war but a single year longer, he apprehended that the country must have submitted to the yoke of the enemy; not that it had not physical force to resist him, but in consequence of its crippled resources and depreciated currency, it must have given up the contest. The pretence now urged for a farther suspension had never been heard of—because foreign princes were raising loans in their own countries, the renewal of cash-payments in this was to be farther suspended. He denied that the late loan in France of fifteen millions had produced the effect attributed to it by the noble earl: neither the raising of that sum, nor indeed of any sum in the present year, could have had the effect of altering the exchanges, or of raising the price of gold, at least to the extent asserted; for it was notorious and obvious to the most superficial, that where payments were to be made by one country to another, they were made in that commodity which it best suited the interest of the country paying to send. This point required no argument, since experience proved that the payments from this country had been made in cloth or other manufactures, or in the produce of her colonies. The proportion paid in gold was so small, that it could have no effect on the coin required for circulation. Under all the evils arising from this protracted system, he had hoped that parliament would now have stepped forward to compel the Bank to do that which was absolutely necessary to a wholesome state of circulation. If it had done so at an earlier period, no part of the remittances from this country would have been made in gold, which now gave a profit of five per cent. above other articles, but in articles of trade and commerce that would have added to the wealth of the nation, instead of draining and impoverishing it. The mistake out of doors, that the loan to France was to be made in specie, and not in goods, was too gross for the noble earl to fall into, but his argument shewed that he was in reality biassed by it: and therefore the moment the mistake was exposed, his argument fell to the ground. If cash-payments were not to be resumed, if the bill now before the house were only the prelude to others, if gold were not to be the chief circulation in 1819, but the paper system was to be continued in 1820 and 1821, and so on indefinitely, he entreated the house to reflect upon the consequences. Every landlord would feel the effects of it in his rents, every merchant in his remittances, and every tradesman in his receipts; every man who had money in the funds, and who went to obtain his dividend, would annually be paid by the Bank five per cent. less than was his real due. It was but a short time ago that the burthened subjects of the kingdom were relieved from the income-tax; that was a national impost, and while it was necessary it was paid cheerfully; but would the country submit in future to pay five per cent., not as an income-tax, but in a different form; not to the State, but to the Bank? Such was, in truth, the effect of measures like that before the house: it gave to the Bank the power, as it were, of putting a pump into the estate of every man, and pumping out just as much as it was thought convenient. Now it was at the rate of 5 per cent., but if the issues of the Bank were augmented, in a short time it might be 10 per cent., or even more: the profits of the Bank, and the losses of the people, were equally unlimited by any provision which the legislature had yet adopted. This was a state of things not to be endured. Though he was willing and happy to live under the dominion of the king and of the parliament, he could not consent by this noxious law to be placed under

the control of the Bank of England. It was worthy of remark also, that as the measure was now framed, and as it had existed since 1797, even if the directors should themselves wish (a supposition certainly not very probable) to put an end to this injurious system, they had not the power to do so. There was, besides, no clause to prevent an excessive issue of paper, which might soon involve the labouring and industrious classes in the same ruin and distress which they had experienced about two years ago.—He had thus endeavoured to shew the consequences of persevering in this paper currency: on the one hand, he could discover no benefit that would arise from it; and, on the other, he saw nothing but mischief and ultimate destruction to the finances of the country. The evils were so many, that he would not enumerate them; and so great, that his Majesty's ministers did not dare to look them in the face. (*Hear, hear.*)

The Earl of *Harrowby* contended, that his noble friend had begged the question in the most material points to which he had adverted in the course of his speech. In the first place, he had asserted that the act of restriction of 1797 was one of the most fatal measures that had ever been adopted by the legislature: he had founded a great part of his argument upon this point, which he had taken for granted, forgetting that the matter had frequently come under discussion in the house, and that it had been decided over and over again to be a measure that it was not only right to adopt in 1797, but which it had been wise to renew at several periods since. He (Lord Harrowby) was one of a great majority who held, that without the Bank restriction this country could never have attained the eminence it had acquired; without it, it never could have reached that height of mercantile prosperity which had made it the envy of the world; nor could it have effectually resisted the attempts of the great despoiler of nations. Although the proposition in 1797 was received with some astonishment, not to say dismay, that feeling soon abated; and, afterwards, experience convinced even those who had been most alarmed, that without its aid Great Britain could not have maintained her rank among nations for a single year. Another point which the noble baron had taken for granted was, that the bill now before the house was introduced at the instance, if not at the solicitation of the Bank; the contrary was the fact; the Bank had interfered in no way regarding it, and although the monied part of the nation were united in their opinion as to its necessity, yet the Bank directors had made no representations to ministers upon the subject. Of course he did not mean to say that they at all objected to a measure that would be for the benefit of those whom they represented; but they had taken no part in the affair, and had naturally shewn some reluctance to stand forward to be subjected to the calumnies, not to call it abuse, to which now they were daily exposed. It was not his business to pronounce a panegyric upon the directors, but he would take this opportunity of stating, that their views were liberal and disinterested, and that, although they had the interests of the proprietors in view, they did not forget those of the country. His lordship then entered into a detail of some dates and figures, in order to shew that his noble friend had been mistaken and misrepresented by the noble baron. He insisted that, coupling the amount of the issue of paper now, with the amount of gold in circulation in 1797, according to the statements of the late earl of Liverpool, there was no reason for asserting that the quantity of paper now forming a part of the circulating medium was excessive: and with regard to the advance in price of various commodities, it was not fair to contend that it was owing entirely to the Bank restriction, when so many concurrent causes might be shewn, and among them the great increase in the amount of taxation. The noble baron had complained, that neither in the bill of 1797, nor in any subsequent enactments, had any provision been introduced to limit the amount of bank-notes in circulation: but surely public opinion, and the control of parliament, if called for, were sufficient for that purpose; and by those the circulation was not only more effectually, but more beneficially limited than by the interposition of legislative authority.—It was not correct to assert, that the Bank had persevered in its issues, in defiance of public opinion; a few able speeches might have been pronounced in parliament, a few learned pamphlets might have been published, but those speeches and those pamphlets were not public opinion; they were the opinions of a few individuals, but they were far from being the sense of the great body of the nation. To those who urged that cash-payments should be immediately resumed, he would observe, that the inconveniences of delay were much less than the inconveniences that might result from a sudden and violent change: the precise moment must be chosen, and that was a matter of no slight difficulty or danger. If at too early a date an artificial circulation were abandoned, the consequence might be, that it would be found necessary to return to it, and the result of such a proceeding must be highly injurious. In the mean time, notwithstanding what had been thrown out, there could be no doubt of the solvency of the Bank, even to four times the amount of its issues. The constitution itself was not more firm and stable than the credit of the Bank of England.—The argument respecting forgeries had been greatly overcharged. During the last fifteen years the average number of executions had not exceeded thirteen in each year. During the same period every other species of crime had increased much more; some three-fold, four-fold, five-fold, and some even six-fold. It was, therefore, incorrect to say that human misery had been increased by the restriction of cash-payments. At the same

time, the Bank had done every thing in its power to resume cash-payments; but it was necessary, for reasons in which the Bank had no interest, to continue the restrictions for a further period. A foreign loan of an ordinary amount and in ordinary circumstances would not justify the measure; but never before was there an instance of such a loan as France required at the present period. France had first required a loan of 15 millions, and then another loan of 30 millions. It had been argued, that if gold should be by the operation of the loan carried out of the country, it would increase the ability of the country which might receive it to purchase our manufactures. But by draining this country of its gold, it would increase the price of our manufactures, and thus the ability of other countries, instead of being increased, would be diminished. Besides, in commercial transactions with foreign countries, long credit was required, and the immediate pressure could not therefore be relieved by the distant return of trade. With respect to France in particular, the commercial laws of the two nations were such as to prevent any return to this country for commodities exported. It had been asked whether any evil could be specified such as was now apprehended. But how had 30 or 40 millions of the current gold of the country disappeared? He had been informed by some of the Bank directors, that, in 1814, 6,000,000*l.* of English gold had been melted down at the mint in Paris. The supporters of the bill were asked, when would the proper time come for resuming cash-payments? The only proper moment, in his opinion, to remove the restrictions would be when no person in the country could perceive their removal. The water should be level on both sides when the flood-gate was opened, otherwise it would rush with such violence as to shut the gate again.—For these reasons he felt it his duty to support the motion.

The Marquis of *Lansdowne* said, he would not, at that late hour, and after such long speeches, enter at length into the question: but he could not omit the opportunity of protesting against the principle on which this measure was founded. Throughout the whole of his speech, the noble earl who had just sat down, had been begging the question of his noble friend's argument. He had, on the one hand, included among the advantages of the restriction, that it enabled the government to carry on the war; and had excluded, on the other hand, the enormous increase of debt, arising from the great increase of prices. (*Hear, hear, hear.*) It had, in fact, increased the prices at a double, triple, ratio during the war; and was consequently the source of all the accumulated pressure which the country had already felt, and which it had still to support. The whole commerce, the whole agriculture, the whole energy and industry of the country felt the weight of the evil of that system which was now proposed to be continued. It had been argued, that no depreciation had taken place: if not, it was for the supporters of the bill to say what reason prevented the resumption of cash-payments after the general pacification of Europe. The only reason which they had to allege was, the French loan. No loan had, at any former period, been charged with such consequences. The noble lord at the head of the treasury had asserted, that the loan would be paid in gold, and was all to go out of this country. He could affirm, on the authority of those who negotiated the loan, that but a small part of it would be remitted from this country. The credit of Britain had been necessary for raising it, but the greatest part of it would be raised in France itself, and other countries of Europe. But even though it were to proceed entirely from this country, it did not follow that it must be made altogether in the precious metals. If an individual in this country were to enter into a contract for supplying an army abroad with bread, or with arms, did it follow that he must take out of this country all the flour that was to make the bread, or all the iron from which the arms were to be manufactured? He would do that, or not, according as it would be to his advantage. If the high price of gold made the purchase of manufactures easy, would not the increase purchase of manufactures diminish the price of gold? the one would always be found to correct the other. The experience of all former transactions of this kind had confirmed and illustrated this principle. The noble earl had stated, that in 1814 and in 1816, the price of gold had increased, while the issue of bank-notes had increased. But in those years country bank paper had been withdrawn from circulation, which had formerly constituted a much greater proportion of the paper currency than Bank of England notes. At no period had the price of gold continued for any time to decrease. In 1785 it had fallen, but it was only for a short time, in consequence of a quantity of gold bought in Portugal. The present system was dangerous, as it enabled a private corporation to control the value of every man's property in the country. The noble earl had said, that public opinion was a sufficient corrective to make the Bank directors do their duty. But how had they performed their duty under this corrective? The paper currency, which in 1797 was only 10,000,000*l.*, was, in the last half of the year 1817, 29,000,000*l.* Was it to public opinion, which had been thus ineffectual, that the resources and revenue of the country could be trusted? During the last year public opinion had been more loudly declared for the resumption of cash-payments than at any former period; and yet, from the beginning of 1816 to the end of 1817, the Bank had increased its issues 3 millions. Let not their lordships, therefore, be told, that public opinion was an adequate corrective. The noble earl, in mentioning the subject of forgeries, had omitted the true evidence of the increase of this dreadful evil—

the amount of prosecutions. Prosecutions had increased to such an extent, as to alarm the country, and to alarm the government so much, that the Bank had not resolution to prosecute in all cases to conviction. The solicitor of the Bank was left to determine whether they should prosecute for the major or for the minor offence. While no fixed standard was assigned to regulate our currency, the whole financial system was at the mercy of the Bank. It had been said that the directors were not desirous of this measure; but they had not petitioned against it, and since they had profited by the restriction, he could not believe that its continuance was disagreeable to them.

Earl *Bathurst* said, that if the Bank were now to resume cash-payments and issue gold, it must diminish its issue of paper in proportion. The consequence would be, that the gold would be taken out of the country and the paper circulation contracted at the same time. Such a state of things must produce the most serious injury to commerce. He should not delay their lordships longer, but give his support to the measure, from a conviction that the opposite line of policy would be attended with the greatest inconveniencies.

The Earl of *Lauderdale* urged several arguments against the bill (See the Protest of the noble earl at the end of the debate), and concluded with observing that he should, in the committee, propose a clause to limit the restriction to six weeks after the next meeting of parliament.

Lord *King* declared, that he was decidedly hostile to the measure. He did not believe that a foreign loan would injure the Bank, if cash payments were resumed. The Bank had formerly regulated their issues by the price of gold, and afterwards by the demand for discounts; but now no rule existed by which they were governed. He wished to bring them back to the first rule he had mentioned. If this bill were suffered to pass, he was afraid that arguments would never be wanting to prolong the restriction *ad infinitum*.

The Earl of *Liverpool*, in reply, stated, that the continuance of the restriction was not an indulgence claimed by the Bank. They had long ago declared, that they were ready to resume their payments in specie. He was convinced, that the restriction had not checked commerce or agriculture, and that, without it, we could not have made such immense efforts in the war. But, nevertheless, he was anxious to put an end to the restriction as speedily as possible, and for this reason—the tendency of an inconvertible paper currency was to create fictitious wealth, bubbles which, by their bursting, produced great inconvenience and loss to the people. He admitted, that the report of the bullion committee was a valuable document; but it had stated, that the country paper was regulated by the circulation of the Bank, which was not the case.

The house having resolved itself into a committee,

The Earl of *Lauderdale* proposed as an amendment, that, instead of the 5th July, 1819, the restriction should expire in six weeks after the commencement of the next session of parliament.

The committee divided:—

Contents, 9—Not Contents, 22.

The bill then went through the committee.

PROTEST AGAINST THE BILL.] The following protest was entered on the journals by the Earl of *Lauderdale*, against the second reading of the bill:

"Dissentient,

1. Because this bill for continuing the restriction of payments in cash on demand, for another year, has been introduced and supported on the ground, that the raising of foreign loans would drain this country of its coin; an opinion founded on gross misconception and ignorance of the subject; for the metallic currency of no country can be exhausted, except by the substitution of a paper currency, not payable in cash on demand, which is unfortunately the very system it is the object of this bill, at least for a time, to establish.

To such a degree does the ignorance of those who have argued the necessity of this bill, on the probability of great foreign remittances, appear to me to extend, that it seems to have escaped their observation, that capital may be conveyed from one country to another in the shape of goods as well as of bullion; and that the former is the mode in which the great bulk of foreign remittances must be made; for the moment the exchange becomes unfavourable by the forced exportation of a small quantity of coin, it must give such encouragement to the exportation of commodities, and such discouragement to the importation of them, that, whilst it is impossible, consistent with the interest of the merchant, to import commodities equivalent to the goods exported, it must be his interest to make every necessary remittance in goods rather than in coin.

It is, in truth, folly to imagine, that the exportation of coin or bullion, as a means of restoring the balance of payments, when deranged by a foreign loan, or any other source of necessary remittance, can be long persevered in, either by this or any other country: for, on the supposition that those who have engaged to make remittances will consult their own interests, the quantity of coin that can at any time be withdrawn from the circulation of a country to effect this object is small indeed; as must be obvious to those who reflect, that as soon as any portion of the gold or silver coin is exported, the value of that which remains must increase, or, in other words, the value of all the commodities must diminish; which, of course, will present to the contractor for a foreign loan a state of things that renders the exportation of goods a more advantageous means of fulfilling

his engagements than the exportation of coin or bullion.

It is true that the foreign market may be glutted with those goods, at the price at which the merchant can afford to sell them, and that bullion may again become a source of less expensive remittance: but the moment a little more gold is exported, a further reduction of the price of commodities must ensue, which cannot fail once more to create an efficient demand for our manufactures, and to render the exportation of gold the least profitable means of conveying capital abroad.

Thus, therefore, before any country can be drained of its gold, by the necessity of remitting capital, in consequence of foreign loans, there must be a proportional demand for, and exportation of, its commodities; and as gold and commodities must become alternately the least expensive means of remittance, so it cannot be exhausted of its coin, without supposing that it is possible that it should be exhausted of all the goods of its growth and produce.

2d. Because this doctrine, sound in theory, is supported both by authority and experience.

From the authority of Mr. Winthorp, when examined before the Irish Exchange Committee, we learn, that it is impossible to drain any country of so much of its coin as is necessary to carry on its traffic, unless by the establishment of banks, and the issue of the paper of such banks, made to answer as a substitute for coin.

And from experience we know, that at a time when great foreign remittances were forced, both by the existence of the Austrian loan, and large subsidies we had agreed to pay to German princes, betwixt the years 1794 and 1797, little more than 1,250,000*l.* in specie was remitted by Mr. Boyd, the agent for the imperial loan; whilst it appears by the report of the House of Lords on the Bank of England, 1797, that the exports to Germany alone, in the years 1795 and 1796, amounted to eight millions annually, when in time of peace they did not amount to more than 1,900,000*l.* Indeed, eight millions, the value of the goods annually exported to Germany at that time, exceeded, by at least 2,600,000*l.*, the value of the exportation of commodities, in time of peace, to France, Flanders, Holland, and Germany combined, leaving no doubt that such an increase of demand could alone arise from the circumstances of the engagements which the country had formed, to send capital abroad.

3d. Because the probability of great and extensive foreign loans, to be filled by the capitalists of this country, which gives to parliament reason to apprehend the necessity of large foreign remittances, far from forming a ground for arguing that the restriction of payments in cash ought to be extended, forms a solid ground for maintaining, that the welfare of the State more than ever requires that it should immediately be done away.

For, as these remittances may be made either in goods or in bullion, procured by the melting of our coin, it is apparent that, as the taking off the restriction must create a home demand for our coin, it would encourage the remittances being made in goods, to the great benefit of our manufacturers; whilst the continuance of the restriction, by annihilating all demand for our gold coin, must encourage the remittances being made in gold, to the great injury of our manufacturers."

HOUSE OF COMMONS.

Tuesday, May 26.

MOCK AUCTIONS.] Mr. *Alderman Atkins* presented the Report of the Select Committee appointed to take into consideration the laws relating to Auctions.—It was ordered to lie on the table, and to be printed.

ROCK SALT DUTIES BILL.] Mr. *Calcraft* brought in a bill "to repeal the duty upon Rock Salt delivered for feeding or mixing with the food of cattle, and imposing another duty, and making other provisions, in lieu thereof."—Read a first time.

FINANCE.] Mr. *J. Smith* seeing the Chancellor of the Exchequer in his place, begged to put a few questions to him upon a subject very interesting to the public in general, as very mischievous reports were in daily circulation with the avowed object of depressing the public credit. The first question was, whether he intended to raise any money by loan or otherwise in the course of the coming year. The second question was, whether it were intended to pay off the 3,000,000 of exchequer-bills which were borrowed, free of interest, from the Bank? The other point upon which he wished to have some information was respecting the payment of the 6,000,000*l.* to the Bank. It was of great consequence that the public should have the best information on this subject, because many people strangely supposed that if the Bank received 6,000,000*l.* from the government, the amount of the circulation of bank-notes would be diminished in that ratio.

The *Chancellor of the Exchequer* stated his astonishment at the first question which had been put to him by the member for Nottingham; for so large a sum in exchequer-bills had been funded this year, as to render it very improbable indeed that either a loan or funding would be resorted to next year. In answer to the second question, he was in treaty with the Bank, and he had no doubt but that the sum of three millions would remain in the Bank as a loan to government at a low interest. In answer to the third question, the six millions would be paid to the Bank at the periods most convenient to the government. It was absurd to suppose that the amount of notes in circulation would depend upon payments by government to the Bank.

The Bank had the control over its own issues, and it would, no doubt, supply the public, as usual, liberally, and he had reason to know that this was their intention.

Mr. *Tierney* observed, with regard to the three millions of exchequer-bills, that as notice had been given for payment, an interest of 4 per cent. would become payable, unless an arrangement were intermediately made by the government and the Bank; and unless the government paid the 6,000,000*l.* before the end of the year, it was idle to talk of the issues of the Bank being lessened, or the restriction upon cash-payments being ever taken off.

The *Chancellor of the Exchequer* explained, that with regard to the 3,000,000*l.*, an arrangement was actually in progress; and that, upon the other part of the subject, he had already stated that government had made its arrangements with a view to a gradual payment of the 6,000,000*l.*

PROPERTY-TAX RETURNS.] Mr. *Lushington* brought up a Statement of the measures which had been taken for the destruction of Books and Papers ordered on the 10th March.—It was ordered to lie on the table and to be printed.

LAND-TAX ASSESSMENT.] On the motion of Mr. *Brougham*, an account was ordered forthwith "of any Orders which have been issued by the Lords Commissioners of his Majesty's treasury, or the commissioners for taxes, regarding the land tax assessment, within the last three months."

PRIVILEGE OF PARLIAMENT.] Mr. *Bathurst*, in pursuance of the notice which he had given yesterday, rose and moved the following resolutions: 1. "That all witnesses examined before this house, or any committee thereof, are entitled to the protection of this house, in respect of any thing that may be said by them in their evidence." 2. "That no clerk or officer of this house, or short-hand writer employed to take minutes of evidence before this house, or any committee thereof, do give evidence elsewhere in respect of any proceedings or examination had at the bar or before any committee of this house without the special leave of the house."

These resolutions were agreed to, *nemine contradicente*.

NORTHERN CIRCUIT.] Mr. *M. A. Taylor* rose and moved, that the report of the select committee, appointed to inquire into the administration of justice upon the northern circuit, be read. (See page 1569.) This being done, the hon. member observed, that no man was more thoroughly convinced of the excellence of our laws than himself, when they were administered; but that administration, however pure, could not be effectual, unless the judges received some assistance in the execution of their arduous duties. He had had communication with several of the judges upon this subject; and Mr. Baron Wood, who had authorized him to use his name, declared that he had been obliged to leave the circuit before the business was half performed. The apprehension of any danger from effecting a change in the present system was perfectly idle. No danger or inconvenience had resulted to Scotland from the change which had been made in the constitution of its courts for the administration of justice. In that country, the principal court had been divided into two chambers, and a new jury court established with the happiest effects. Had the people of England less right to require that a remedy should be applied to the defective system of their courts? The judges found that, with all their diligence, it was impossible to get through the business assigned to them. The court of King's Bench had not been able, during the last term, to hear all the motions for new trials from the northern circuit, although it sat on the last day until twelve o'clock at night. The parties in those cases must in the mean time be at a loss how to proceed, and the summer circuit was approaching. It was well known that the term business could not be completed in due form, and that the judges were obliged to sit at Serjeants'-inn, where, by a fiction, they constituted a court—a court which heard, but could not determine. For his own part, he was not satisfied with this mode of administering justice. It ought to be administered, not in a corner, before a thin bar and a few bystanders, but in a full court, before a full and enlightened bar, at stated periods, and in the view of the public at large. The constitution regarded the judges but as men, and the best control over them was, the publicity of their opinions and decisions. (*Hear, hear, hear.*) It might be matter of consideration whether any of the judges of the court of King's Bench could be spared for the additional circuit, or whether it might be necessary to add to their number. If two additional commissioners were appointed, he should suggest the necessity of clothing them with the judicial dignity in all its circumstances; for although serjeants, who were frequently employed in discharging an arrear of cases, might be, and probably always were, fully competent to the task, their decisions were not received with the same satisfaction as those of men who had not only a higher rank and station to give them authority, but who were known to be abstracted from all party feelings or interests which might create a prejudice in their minds. Let the house consider now what was the attendance which the judges gave at the Old Bailey, where they tried most of the capital felonies, and where the sessions lasted frequently 14 or 15 days. No appointments would secure confidence or respect which should not place the new commissioners on an equality of rank and dignity with the rest of the judges. A barrister might be appointed, if the crown should think proper to execute a commission of gaol delivery, though not of assize or *Nisi Prius*; but would his judgments command respect, or be listened to with vene-

ration? The hon. member, after observing, that the report of the committee had lain on the table nearly a month, which had afforded ample time for its consideration, and that the opinion of the judges, of the most eminent counsel, and of the people in general in the northern counties, was decidedly with him, concluded by moving, "that an humble address be presented to his royal highness the Prince Regent, representing to his royal highness, that this house having taken into their consideration the report of the select committee on the administration of justice upon the northern circuit, humbly request that his royal highness will be graciously pleased to adopt such measures as shall give to the counties of Westmorland, Cumberland, Durham, and Northumberland, and the town and county of Newcastle upon Tyne, the benefit of a general gaol delivery, and a commission of assize and *Nisi Prius* twice in each year; and to assure his royal highness that this house will make good any expense attending the same."

Lord *Castlereagh* said, he did not mean to oppose the general principle of the hon. member's motion. He admitted the existence of the evil, but the most effectual mode of redressing an evil was often a matter of difficult consideration, and the house would feel itself bound to see its way through the embarrassments which might occur before they adopted any decisive measures. He hoped that the hon. gentleman would consent to withdraw his motion, on the assurance that his Majesty's ministers would satisfy themselves as early as possible with regard to the most practicable and efficacious remedy that could be applied.

Mr. *Brougham* recommended to his hon. friend the expediency of withdrawing his motion upon the understanding held out by the noble lord. It was much too late to legislate upon so serious a subject, for an address would have all the effect of a legislative proceeding without any of its advantages. The house of lords, as the supreme court of justice, was, perhaps, that branch of the legislature with which all reforms of the judicial system most properly originated.

Mr. *M. A. Taylor* replied. He observed that he had been formerly told that the house should wait till the facts had been stated; the facts had now come, and he was now desired to wait till some other opportunity should occur. Did the noble lord, and the hon. and learned gentleman recollect, that if they adjourned this question, the next circuit would be left exposed to the same evils and inconveniences, the same denial of justice? If the noble lord would give a plain assent to the principles that had been laid down, he was willing to withdraw his motion; but if no such assent were given, he should, in the next session, if he had then the honour of a seat in that house, be left just where he was. He never could assent to any proposition that did not give to the four northern counties the same benefit of *Nisi Prius* as the other counties enjoyed. (*Hear.*)

Lord *Castlereagh* said, that his Majesty's ministers would pay every attention to the subject, but it was impossible that they could then pledge themselves to any particular measure.

Sir *C. Mordaunt*, Mr. *W. Smith*, and Mr. *Harvey*, severally insisted on the necessity of altering the present system, and supported the principle of the motion.

Mr. *M. A. Taylor* then rose, and said, that in consequence of the representation of the noble lord, that his Majesty's ministers would devote their attention to the subject, he had no objection to withdraw the motion.

The motion was then withdrawn*.

* It is extraordinary that the evils arising out of the present system of administering justice in the northern counties, should have been suffered to exist so long. They were fully exposed, many years ago, in a valuable and highly interesting work, which has been generally ascribed to that eminent lawyer, John Lee, Esq.—"One capital defect in the administration of our laws, which most immediately calls for redress, is the great length of time which is suffered to elapse between the crime and the punishment. In no part of England, but the county of Middlesex, are there more than two assizes held in every year, and those at such unequal distances, that a man who is the object of a prosecution may lie *eight months* in prison before he is brought to a trial. This grievance is still greater in the four northern counties, for they have but one assize in a twelve-month; and in the town of Hull (incredible as it may appear) the assizes are seldom held more frequently than once in the three years. I have been informed by a gentleman who goes the northern circuit, that at the last assizes held at Hull, a man was convicted of some offence, for which the judge said he should never have punished him with more than *six months* imprisonment; and this poor wretch had lain *two years* in jail before he was brought to trial. An instance as striking, though of a different kind, of the evils resulting from this delay of justice, is mentioned by Mr. Howard. (State of Prisons, page 15.) One Peacock, a murderer, was kept a prisoner in Kingston jail almost *three years* before he could be tried; in the mean time the principal witness against him died, and he was necessarily acquitted. The consequence of executing the sentence so long after the commission of the crime has been well observed by the Marquis of Beccaria to be that of rendering the example of the punishment nearly useless. When the sentence is executed, the crime has been long forgotten. The spectators seem to contemplate not the punishment of a criminal, but merely the death of an individual; and the sentiments with which they go away impressed are, not of the justice of the law, and the danger of violating it, but of compassion to a fellow-creature to whose sufferings they have been witnesses. But there is another, and surely a much more important reason why the trial of a prisoner ought to follow much sooner after the perpetration of the crime, namely, *that it is always possible that the trial may manifest his innocence.*" Observations on Madan's "Thoughts on Executive Justice," 12mo, 1786, pp. 109, &c."

At the last assizes for the county of Cumberland,

LOTTERIES BILL.] The *Chancellor of the Exchequer* moved the third reading of this bill.

Mr. *Lyttelton* said, that undeterred by the want of success which his opposition to this measure had experienced, he now rose to state, that his objection to it remained wholly unchanged. He was ashamed of it in every respect; it was a most shabby and dishonourable plan for cheating the people out of their money. He was really surprised, when he considered the acts in which the right hon. gentleman (the Chancellor of the Exchequer) was often engaged, that he should not only give his support to, but insist on the adoption of a system so base and disgraceful. What! could the right hon. gentleman, who, on one day, was the builder of churches; on another, was a friend to the education of the poor; on a third, recommending the distribution of bibles; and, on a fourth, supporting the plan of saving banks; could he be the patron of a system which went to undermine the morals of the people? He lamented to say that this was the fact. But if the right hon. gentlemen were disposed to sacrifice public morals for the paltry gain of 200,000*l.*, he was not inclined to agree with him. He abhorred and detested such dishonourable and fraudulent practices, and he would continue to oppose them as long as he had a seat in that house. With that view he should move, "that the bill be read a third time this day three months."

Mr. *Parnell* said, that nothing had given him so much pain during the short time he had sat in that house, as to see how much great questions of morality and policy had been sacrificed to profit. (*Hear.*) But the present sacrifice was of a more degrading character, as it surrendered those great principles to a paltry financial profit of 250,000*l.* Future ages, recording faithfully the events of the present day, would place such actions in a proper light. When the right hon. gentleman, yielding to the fate that awaits us all, should sink into the silent tomb, this epitaph, if not engraven on his monument, would form a most appropriate inscription for it.—

Here lies the Right Hon. Nicholas Vansittart,
Once Chancellor of the Exchequer:
The Patron of Bible Societies;
The Builder of Churches:
A Friend to the Education of the Poor,
An Encourager of Saving Banks,
And *a Supporter of Lotteries!*

Mr. *Morland* expressed a strong disapprobation of the measure. If his Majesty's ministers said that we should be slow in tampering with the revenue of the country, his answer was, that ministers should not tamper with the morals of the people. (*Hear, hear.*)

Mr. *Lockhart* wished to know on what grounds that house could enact capital punishments, when they were passing laws which invited the people to perpetrate crimes? (*Hear, hear.*) He could not consent to this measure on any grounds of revenue whatever. Considering the abominable effects which this system was calculated to produce, he was satisfied that there was no impost that could be imposed which the people of England would not prefer to it.

Mr. Alderman *Wood* was of opinion, that no fault could be found with the keepers of regular offices. Many frauds and impositions, however, were practised, and great and extensive evils arose from the system of insurances. Some offices belonging to the latter description of persons had been entered, and the books taken away, by which it appeared, on inspection, that clerks in banking-houses, clerks in the customs, and in other public departments, had entered their names as insurers from 1*l.* to 10*l.* In exposing such evils to the house, he would not hesitate to mention names. One of the offices to which he alluded, was discovered in Newgate-street, and another in Covent-garden, where he entered and found all that he had stated. In one of those places, a gentleman who held a high office in the Long-room in the Custom-house was the person who took the insurances. The hon. member concluded with saying, he hoped the right hon. gentleman would at last find, that such an immoral system as this would not be tolerated by the people.

Mr. *Lyttelton*, after what had fallen from the worthy alderman, begged to trouble the house with a very few words. As the worthy alderman had spoken in praise of the licensed lottery-office keepers, he must now say a word in their dispraise. In doing so, he acted from the very best information on the subject, and the unbiassed conviction of his mind. He would say, then, that they were the last people in this country, next to hangmen and informers, on whom he would bestow any panegyric. He considered them to be fraudulent and criminal men, and he would add, that no persons could earn their money in a more dirty manner. (*Hear, hear.*) They practised the most shameful and disgraceful frauds on the public by their schemes and puffs, by which they hoped to entrap the

(August 1818,) Mr. Justice Bayley was obliged to leave Carlisle, with several causes untried, in order to proceed to Appleby, in Westmorland. He proposed to Mr. Scarlett, and several other gentlemen of the bar, to return to Carlisle from Lancaster; but that, they said, was out of the question—they could do no such thing.—A meeting of solicitors took place at the Bush-inn, in Carlisle, at which were present several residing in that city, and nearly all from the other parts of the county. It was agreed, that a deputation should wait upon the Grand Jury, to express to them their opinion, that the assizes ought to be held in that county twice a-year. A deputation accordingly waited upon the Grand Jury, who, after considering the subject, unanimously came to a resolution in favour of a spring assize.—The Grand Juries of Northumberland and Durham, at the late assizes held in those counties, came to similar resolutions.

ignorant, and, he regretted to say, they too often succeeded. It would be well, however, for all persons to know, that, in small prizes, the chances were four and a half to one against the miserable adventurer, and in the higher prizes they were 2000 to one against him. And yet people suffered themselves to be taken in by these "respectable persons," the lottery office-keepers, as the worthy alderman had called them. He trusted that the eyes of the public would be opened at last to such fraudulent and disgraceful practices.

Mr. Alderman *Wood*, in explanation, said, that he had only spoken in praise of licensed lottery office-keepers, because he did not believe that they were engaged in any illegal insurances. He by no means meant to support the system of lotteries. *(Hear, hear.)*

The question was then put, "that the bill be now read a third time."—The house divided:—

Ayes, 40—Noes, 14.

The bill was read a third time, and passed.

ENCOURAGEMENT OF PARTNERSHIPS (IRELAND) BILL.] This bill was read a third time, and passed.

HOUSE OF LORDS.

Wednesday, May 27.

PARTNERSHIPS IN IRELAND BILL.] This bill was brought from the Commons, and read a first time.

BANK RESTRICTION BILL.] The Earl of *Shaftesbury* moved the third reading of this bill.

The Earl of *Lauderdale* moved that the preamble should be altered to the following effect: "Whereas the affairs of the Bank, in consequence of its advances to government, have been placed in such a situation as would render it expedient, if not necessary, for parliament to continue the restriction act beyond the 5th day of July next, on which day it was enacted that cash payments should be resumed: and whereas the mint regulations were so altered and arranged by the 56th Geo. III. c. 68, as to make it impossible that gold should remain in circulation, though by the said act, gold is declared to be the only legal tender of payments beyond the sum of 40*s*. Be it therefore enacted, &c."

This preamble was negatived, without a division.

Lord *Holland* then moved a proviso, to put an end to the operation of the act, in the event of gold falling to 3*l*. 17*s*. 6*d*. an ounce.

This proviso was also negatived.

The Earl of *Lauderdale* next moved the following proviso:—"Provided always, and be it further enacted, that the restriction on cash payments shall continue till the 56th of the king, chapter 68, entitled 'An Act to provide for a new Silver Coinage, and to regulate the Currency of the Gold and Silver Coin of the Realm,' be repealed, or until the said act is altered or amended to the effect that our gold coin, or our silver coin, shall, one or other of them, be exclusively declared a legal tender of payment; or that the relative value of our coin in these two metals shall, as far as may be, be so adjusted, that the denominative value of each shall bear the same proportion to the intrinsic value of the pure metal respectively contained in each."

This proviso was negatived, and the bill was then passed.

PROTEST AGAINST THE BILL.] The Earl of *Lauderdale* entered the following Protest on the journals, against the rejection of his clauses;

"Dissentient,

1. "Because it appears to me that no reduction of the advances to government, on the part of the Bank of England, or any other arrangement of its affairs, however prudent and well calculated to secure its being qualified to pay in cash on demand, could, if the restriction was done away, enable that establishment to fulfil its engagements for any length of time, without enormous loss to the proprietors; unless the act of the 56th Geo. III. cap. 68, entitled, an Act to provide for a new Silver Coinage, and to regulate the Currency of the Gold and Silver Coin of this Realm, is altered or repealed.

"By that act gold coin is declared to be the only legal tender of payment for any sum exceeding 40*s*., and the proportion betwixt the value of our gold and silver coin is altered from 15,059 to 1, which is nearly the present relative value of gold to silver bullion in the market of Europe, to 14,121 to 1, making a difference of 5*l*. 18*s*. or nearly 6 per cent. in the relative intrinsic value of our gold and silver coin.

"Under this arrangement, it is evidently impossible that gold can continue to circulate in this country; for, unless there was a gold price and a silver price for all commodities, gold coin can only have the same avail in making purchases as silver coin—that is, it would have 6 per cent. less of efficacy in the purchase of commodities in these his Majesty's dominions than in the rest of Europe, a difference more than sufficient to force its being exported the moment it is issued from the Bank.

"The Bank, therefore, must be subjected to a great loss from a constant demand for gold, whilst it continued to issue its paper; a demand not naturally arising from the state of the circulation, but inevitably resulting from the profit afforded by the exportation of gold; and this loss must be the more formidable, as, under the present system of our paper circulation, the Bank of England is liable to provide gold, not only for its own notes, but, through its own notes, if they are allowed to remain in circulation, for all the paper issued by the private bankers throughout the kingdom.

2dly. "Because, though the profits the Bank has acquired since the restriction have been, to the great injury of the community, large beyond example, yet these profits would, without benefit to the community, be exhausted, if they conti-

nued their paper in circulation under the 56 Geo. III. cap. 68; as it is impossible that any capital could continue to sustain the operation of purchasing gold at the price it would infallibly hold in the market, when measured by our silver coin, and paying it away at the rate of 3*l.* 17*s.* 10½*d.* per ounce, to persons who could alone realize the profit which its comparative intrinsic value secures by exporting it; for that act provides, under severe penalties, that "no person shall by any means, device, shift, or contrivance whatsoever, receive or pay for any gold coin lawfully current, within the united kingdom of Great Britain and Ireland, any more or less in value, benefit, profit, or advantage, than the true lawful value which such gold coin doth or shall by its denomination import; nor shall utter or receive any piece or pieces of gold coin of this realm at any greater or higher rate or value, nor at any less or lower rate or value, than the same shall be current for in payment, according to the rates and values declared and set upon them pursuant to law."

3dly. "Because, as I cannot help regarding the declarations made in the course of the debate on this subject, that every thing had been done on the part of the government and of the Bank to qualify it to resume payments in cash on demand, as tending to deceive parliament, whilst the 56th of the king, cap. 68, remains in force; so, I cannot concur in passing an act for the resumption of cash payments on the 5th of July, 1819, or at any other definite period, without reference to the alteration or repeal of that law; for I should feel myself by such conduct a party to a gross deceit, which parliament will practise on the people of this country, by passing an act which seems to assume the possibility that the Bank may, without ruin to the establishment, resume and continue its ancient salutary practice of paying in cash on demand, whilst the provisions of that act are in force."

(Signed) LAUDERDALE.

POOR LAWS AMENDMENT BILL.] The Earl of *Shaftesbury* brought up the report of this bill.

The Earl of *Carnarvon* suggested, that the clause which related to the meeting of select vestries should be so amended as to compel their meeting once a fortnight.

Earl *Grosvenor* objected to the clause which enabled the parish to rate the owners of certain houses instead of the occupiers. He disapproved altogether of the principle on which this clause proceeded. The evil complained of, and which had given rise to the introduction of the clause, was partial and confined to great towns. Why, then, legislate for the whole country, with a view to correct an inconvenience experienced only in particular spots? In many cases much injustice would arise from the execution of this bill; for owners who might be absent would be rated, and could not avail themselves of the right of appealing against the charge. He trusted that the noble and learned lords, who had agreed with him in his objections to this clause in the committee, would support him in a motion for rejecting it. He should not object to the bill, if it were corrected as to this point. This, and the other bill relative to parish vestries, had come before their lordships in consequence of the inquiry instituted in another place. It had been expected by many, that something more extensive would have resulted from that investigation; but when he considered the difficulties with which the subject of the poor laws was surrounded, he was surprised that so much had been done.

The *Lord Chancellor* thought that the really objectionable part of the clause might be amended. As to the absence of the owners of houses, he did not consider that an objection of much importance, as it might be expected that their stewards would be in the way, either to pay the rate charged, or appeal against it.

Lord *Redesdale* considered the clause very objectionable. From the manner in which it was worded, those who made the rate would have it in their power to charge some, and exempt others, as they pleased, which might lead to much injustice. The clause would also have a very serious effect on the cottages of the country, as it applied to houses the rent of which was from 4*l.* to 20*l.* The rent of 4*l.* would include most cottages, and as they were at present maintained by the owners of land, without any view to profit, the operation of this clause would either cause their destruction, or make them fall into the hands of persons who would raise the rents. It had been said in the committee, that much inconvenience was experienced at Birmingham, by the rates not being recoverable, in consequence of the mode of letting out low rented houses. It was therefore thought advisable to make the owners subject to the rate rather than the occupiers. But if Birmingham, or any other place, were in this situation, let a bill be proposed applicable to the particular case. This would be the proper course, and not that now proposed, which was hostile to good policy and the general spirit of our legislation. Nothing could be more mischievous than any measure tending either to the destruction of cottages, or to raise their rents. A foreign gentleman, a native of Switzerland, had assured him, that the disturbances which some years ago took place in that country, were entirely owing to a change of system, by which the cottages no longer remained in the hands of the land-owners, who were naturally disposed to pay consideration to the comfort of the people on their estates; but had become, by lease or otherwise, the property of persons who made a large profit by letting them. He should be afraid, if this bill passed, that the cottages in England would soon be in the same situation. In towns, the operation of the act would be attended with another evil, to which he had already alluded; for as the clause gave the power

of rating *any* houses of the particular rent mentioned, it would be left to the pleasure of those who imposed the rate to say on what houses it should fall. It was easy to conceive how, under this clause, by the system of management which often prevailed in parishes, it might be contrived to charge some particular houses and exempt others. He would therefore propose, that the word *all* should be substituted for *any*, if the clause were adopted; but he hoped it would not pass without some amendment to remove the other objection.

The Earl of *Liverpool* thought the objections of the noble and learned lord, and the noble earl opposite, deserving of consideration, and, in particular, that which related to the rent of houses. If 4*l.* should not be found high enough to remove the apprehension which the noble and learned lord entertained of the operation of the clause, he had no objection to increase the rent to any sum which would be considered sufficient to form an exception for all cottages. The operation of the clause, with respect to great towns, he thought beneficial; but if that advantage could not be obtained without including cottages, he would rather give up the clause altogether. He was of opinion, however, that the clause might be so framed as to except cottages. With regard to the principle of the clause, he did not consider the objections which had been made to it as altogether well founded. On that subject the argument might be, and indeed had been, turned the other way. Only last year an application was made from the town of Birmingham for a measure of this kind, and a bill was introduced into the House of Commons; but it was then objected that a particular law ought not to be made for a single town; that if the change were desirable, it ought to be made general. On this ground the measure was lost, and he could not but say that there was weight in the argument by which the question was so decided. The clause under consideration, he thought, might be made so as to cover cottages; and, with that modification, it would be to him unobjectionable.

Lord *Redesdale* said, that increasing the rent would not answer the purpose. It would be necessary to limit the clause to towns containing a certain number of inhabitants.

The Earl of *Lauderdale* agreed, that to amend the clause in the way which the First Lord of the Treasury had proposed, would render it nugatory with respect to great towns. It would be necessary to alter it in some other way, if their lordships did not prefer omitting it altogether.

Lord *Holland* also thought that limiting the clause to great towns would be the best way of amending it; but even when so amended, the principal objection of legislating generally, in order to remove a partial inconvenience, would still remain.

Earl *Grosvenor* thought that, as the clause was objectionable on so many grounds, it would be better to get rid of it altogether. He should therefore move that it be omitted.

After a conversation of some length, it was agreed that Lord *Redesdale* should move his amendments before the question was put on the omission of the clause. The noble and learned lord felt, however, considerable difficulty in framing a proviso which should confine the clause to towns. He could not determine the amount of population which ought to form a rule for the limitation. He therefore only moved that the word *all* be substituted for *any*, which was agreed to.

The *Lord Chancellor* said, that though he considered the clause still objectionable, he would vote for it, thus amended, in the expectation that it would be farther corrected by a proviso, which might be introduced on the third reading.

Earl *Grosvenor*, however, persisted in his motion, and their lordships divided on the question "that this clause do stand part of the bill."

Contents, 22—Non-contents, 6.

PARISH VESTRIES BILL.] The report of this bill was brought up.

ALIEN BILL.] This bill was read a second time, on the understanding, that its principle should be discussed in a committee.

REWARDS ON CONVICTION BILL.] On the motion of the Marquis of *Lansdowne*, this bill was read a second time.

EDUCATION OF THE POOR BILL.] The Earl of *Rosslyn*, in moving the second reading of this bill, said, that it was not necessary for him to expatiate on the advantages of education to all classes of society, as he believed that those advantages were now generally acknowledged, and that the prevailing prejudices on the subject had all died away. His lordship pointed out the benefits which Scotland had derived from the blessings of education, and contrasted them with the disadvantages that England and Ireland experienced from the want of it. Into whatever country Scotchmen emigrated, they had always succeeded in improving and humanizing that country, as well as in deriving emolument from the exercise of their own talents and acquirements. The number of Scotch beggars was not above one in a hundred compared with the Irish; and yet the funds for the support of education in Scotland were exceedingly small: but they were well managed, and no abuses existed: whereas, in England, abuses had prevailed in the administration of charitable funds from the earliest period, down to the present moment. The noble earl then referred to various ancient and modern acts of parliament, the preambles of which distinctly acknowledged the existence of these abuses, and the necessity of finding a remedy. He referred also to the various commissions that had issued at different times, but the powers of which being insufficient, they had all failed in the accomplishment of their object. The existence of the abuses being thus proved beyond a doubt, the only question that remained was, as to the sort of remedy that

should be adopted. The provisions of Mr. Gilbert's act had been found wholly inefficient. The 52d of Geo. III. c. 101. though well meant, had only enabled parties to attempt redress by commencing a chancery suit; and to say nothing of the unavoidable delay and expenses of such a proceeding, who was there that, with no hope of reward, or even of indemnity, would enter on such a course for the sake of the poor? A commission then, armed with the requisite powers by parliament, was the only mode by which any check could be imposed on the existence and increase of these abuses. When he considered that, within the last 50 years, the poor-rates had increased from 700,000*l.* to nearly 8,000,000*l.*, he thought it highly proper that an inquiry into the state of all charitable funds for the relief of the poor should be made at the same time. Those charities were the property of the public; and it was too absurd to say, that any private interests could be affected or should be considered in their examination. His lordship then detailed the chief provisions of the bill. They were for the appointment of 14 commissioners, six of whom were to have no salaries, and all of them to be appointed by the crown, which would, he hoped, in a case of such importance, use due discretion in making the appointment. The commission was to be armed with power to examine on oath, and to call for papers, persons, and records. His lordship then concluded by moving, that the bill should be read a second time. After the general approbation with which the measure had been received, and the expectations it had excited, he thought that any opposition to it could not but be discreditable, and attract ill-will on their lordships' house.

The bill was read a second time. On the motion, that it be committed,

The *Lord-Chancellor* said, that with as strong a sense of the existence of abuses as any man could entertain, and he hoped with as much reprobation of them*, he could not help thinking that this bill would be much more detrimental to the interests of charities than any mode of proceeding that could be devised, and therefore felt bound to give it his decided negative. With respect to the 52d of the king, an act which was certainly well meant, it gave a summary application to the Court of Chancery, by way of petition. He begged to state, that the late master of the rolls, (Sir William Grant) and himself, had applied themselves in every way to redress the evils that were pointed out to them, as far as was consistent with the rules of distributive justice: but, in the end, they found so many difficulties in the application of the act, that in their opinion, and that of almost every gentleman at the bar, who had been in any way concerned, they could do nothing else but desist. Where, indeed, it was clear who was the trustee, and who was the *cestui que trust*, there was no great difficulty; but they were all obliged to agree that they were unable to adjust any thing under the limited powers of that act, where the parties concerned could not be very clearly ascertained†. He thought the present measure, however, objectionable on many grounds. If the legislature did not protect to the utmost all honorary trustees, in the execution of their trusts—if they were to be exposed to suspicious and vexatious inquiries into all the details of their duty—not one honourable man would be found in the kingdom to take upon himself the responsibility of a charitable trust. There were in this country numerous and splendid charities, founded by munificent donors, with which courts of justice ought to have nothing to do,—*cujus est dare ejus est disponere;* and such charities ought only to be under the *domesticum forum* of the visitors nominated by the founders. Unless it were proved that the visitors abused their trust, he would resist to the utmost all legislative interference with their duties. He should be glad to know where was the power of parliament to interpose between the negligent schoolmasters and their scholars, even supposing they were negligent; but the fact was, that a foolish fashion prevailed of sending boys, by dozens, to private seminaries, so that the endowed grammar-schools in country towns were deserted, and the deficiency of pupils was unfairly attributed to the misconduct of masters. One great difficulty he felt with regard to the bill was, that although it provided that reports were to be laid before both houses of parliament, and even before the throne, it did not give the most distant hint what future steps ought to be taken, or how the trustees of any charitable institution who misconducted themselves were to be brought to justice. The 4000*l.* set apart in the bill would not pay the expenses of one-fortieth part of the inquiries that must be instituted; for there was scarcely a parish in the kingdom that had not some charitable establishment or other. The important trusts were generally gratuitously discharged, and if a more temperate measure than this were not provided, no man would in future take upon himself such arduous and hazardous duties. The corporation of the city of London, and all the com-

* In 13 Ves. 580, the Lord Chancellor is reported to have said, "It is absolutely necessary, that it should be perfectly understood, that Charity Estates all over the Kingdom are dealt with in a manner most grossly improvident; amounting to the most direct Breach of Tr

† The Court of Chancery will not interfere with the management of Charities except in cases of direct breach of trust. It will take no cognizance whatever of any other neglect or misconduct on the part of the trustees. (See 2 Ves. and Beames, 138.) But even of cases of direct breach of trust, it affords most inadequate means of inquiry; and the facts disclosed in the *note*, page 1715, respecting the parish officers of Yeovil, are quite sufficient to deter any person from entering into that court from a sense of public duty.

panies forming it, were trustees for charitable purposes to an immense extent, and it became the house to be very careful how it interfered with the discharge of their functions. He admitted that the law upon this subject required amendment, but the alteration now proposed was most injudicious; there was nothing in the nature of a charity that was not within the cognizance of these commissioners; even the national schools would be subject to them, and to-morrow the Archbishop of Canterbury himself might be summoned before them to give an account of his demeanour. For this reason it was fit, not only that the duration of the bill should be limited, but that its application should be restricted like the 43d of Elizabeth, to certain enumerated charities. He did not intend to resist the commitment of the bill, but he despaired of making it unobjectionable.

Lord *Holland* said, he wished to state, shortly and plainly, his grounds for supporting the bill, to which the greater part of the speech just delivered did not at all apply. It was not a bill empowering commissioners to judge, but only to inquire—to ascertain the nature and extent of existing abuses. The noble and learned lord had himself voted for such a measure in the naval inquiry, which some years ago took place, and nothing was to be decided by the commissioners in this case any more than in that. It was necessary for parliament first to be informed upon this great subject, what were the funds, and how they were employed, for the purposes of education? It was not an inquiry directed against trustees or visitors, but in their favour; and if they discharged their duty faithfully, it would only redound to their honour and to the satisfaction of the house. He held it indisputable, that the conduct of every man to whom a trust was assigned, or even who possessed property under conditions, was subject to the investigation and control of parliament. Upon the question of right, the power of parliament could not be denied, and the exceptions in the bill in favour of particular institutions were rather a blemish than an excellence. The result of the investigation might be the proof that no abuse existed, and then parliament must proceed with the work of education with such means as it could furnish; but if it were found that the funds had been misapplied, or that the institutions had fallen into neglect, then it would be able to judge what steps ought to be taken, to advance the great object of the improvement of the lower orders with the means thus discovered. Did the noble and learned lord intend to say that parliament ought to act without information? No. Then how was it possible to proceed without encountering, in acquiring that knowledge, most of the objections this night stated? Could the noble and learned lord frame a better bill than the present? If he could, so much the better; but, however great the acumen he usually displayed in picking holes in the bills of other men, he had been singularly unfortunate in the measures he had himself originated. They were invariably found extremely defective; and this, among other proofs, shewed, that the framing and the blaming of a bill were two very different things, as had been said of speeches for and against ministers; for he recollected to have heard of a member of parliament, who, during the American war, had greatly distinguished himself by his harangues against government, but soon afterwards joining the ministry, had made a speech which was considered far below the usual pitch of his talents. A gentleman expressing his surprise at this falling off to Soame Jenyns, received this short and pointed answer:—"What right have you to expect that a man should be a good glazier who has been employed all his life in breaking windows?" (*Laughter.*) Because he had successfully attacked ministers, it did not follow that he could as successfully defend them; and because the noble and learned lord could find fault with the bills of other men, it did not follow that he could produce an unexceptionable measure of his own. The noble and learned lord had, in words, paid many compliments to the trustees and visitors of charitable institutions; but he had, in fact, cast upon the whole body a most galling stigma; for while he contended that their conduct was pure, he had refused to let it appear that it was so in any way but by his own assertion. The commissioners, it ought to be remembered, were to pass no censure, but merely to state facts, and upon their information parliament was to found any ulterior measures which its wisdom might deem requisite. Upon the whole, he supported the bill, because it instituted an inquiry, which the legislature had a right to make, which it ought to make, and which it had frequently made.

Lord *Redesdale* said, he was convinced that the bill could do no good, and might occasion infinite mischief. The commissioners would not do their duty if they did not rigidly inquire into all charitable foundations; and if they performed their duty, it would give disgust to all who had hitherto executed their trusts most faithfully and beneficially. The measure would also have the effect of deterring every honest man from accepting a duty which might subject him to malicious and groundless charges. The bill, it had been said, would be a vehicle for information; but it would be a vehicle for scandal, and a vehicle for immense vexation. The expenses of carrying the bill into effect would also be enormous. In each of the 11,000 parishes in England, the expenses would amount to three or four thousand pounds. It would thus occasion enormous taxation upon the parishes. The machinery already existing was sufficient to correct any abuse that could be pointed out. This bill could therefore do no good. It would convert that house into a criminal court of justice. The effect of it would be to disqualify individuals from being trustees. He had conversed with many trustees, who said, that they would

not have accepted of the trust, if they had been aware of such a measure as this. The bill extended to all institutions excepting those which were excepted. If Jews were excepted, why not Roman Catholics—why not Quakers? The charitable lady (Mrs. Fry—see *note*, p. 549.) who was employed in reforming prisoners in Newgate, was not excepted from the inquiries of the commission to be appointed. If such a bill passed, trustees would consist only of persons of great zeal and of little discretion. On those grounds he should give his negative to going into the committee.

The Earl of *Carnarvon* said, that if their lordships were prepared to resist all preliminary inquiry, because they did not then know what might be the results of that inquiry, and to say, that they would receive only specific bills for every abuse which could somehow or other be proved to them, this bill must, of course, be rejected. But, unless they were prepared to go so far, he could conceive no reason, and he had heard no reason, why the bill should not be committed.

The house then divided:

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The bill was accordingly committed.

HOUSE OF COMMONS.

Wednesday, May 27.

Rock Salt Duties Bill.] This bill was read a second time, and committed.

Mines Assessments Bill.] The committee on this bill was postponed for three months.

Bankrupt Laws.] Mr. *J. Smith* rose, to call the attention of the house to the subject of the bankrupt laws. In the last session, a petition had been presented from a large body of persons engaged in commerce, who complained of the grievances arising out of the present system. The committee which the house had appointed on that subject had had the benefit of the opinions of some gentlemen of the first rank in their profession, and of several persons of most respectable character. An hon. and learned gentleman, (Sir S. Romilly) a member of that house, and also a member of the committee, had favoured them with his views of the present system, and of the necessity of revising it; (see page 1043.) and the committee had also heard the opinions of Mr. Cooke, Mr. Cullen, and Mr. Montagu, who had been commissioners of bankrupts for a great many years. The house would perceive, by examining the report of the committee, that the greatest abuses prevailed under the present laws. Mr. Montagu had stated, in the fourth examination before the committee, that it was scarcely possible to say more in a few words than had been said by the present Lord Chancellor when first he took his seat upon the bench; he at that time, from having been concerned as counsel in almost every bankrupt petition, well knowing the nature of the existing evils. In the first page of the 6th volume of Mr. Vesey's Reports, the reporter said this: "The Lord Chancellor took the first occasion of expressing strong indignation at the frauds committed under cover of the bankrupt laws, and his determination to repress such practices. On this subject, his lordship observed with warmth, that the abuse of the bankrupt law is a disgrace to the country, and it would be better at once to repeal all the statutes than to suffer them to be applied to such purposes; there is no mercy to the estate; nothing is less thought of than the object of the commission. As they are frequently conducted in the country, they are little more than stock in trade for the commissioners, the assignees, and solicitor; instead of the solicitors attending to their duty as ministers of the court, for they are so, commissions of bankruptcy are treated as matters of traffic; A. taking up the commission, B. and C. act as commissioners. They are considered as stock in trade; and calculations are made how many commissions can be brought into the partnership; and unless the court holds a strong hand over a bankruptcy, particularly as administered in the country, it is itself accessary to as great a nuisance as any known in the land, and known to pass under the forms of its laws." The opinion so expressed by the Lord Chancellor in the year 1801, must, he conceived, have been very much strengthened by the different cases which had been submitted to his consideration during the long period in which he had presided in the court of chancery.—He should now state to the house the leading points in which amendments of the bankrupt laws were proposed by the committee. The first question was, as to the description of persons who should be included within those laws. At present, this was not regulated by any general rule; and Lord Mansfield, in the case of Wyllie *v.* Wilkes, in Douglas, 519, had said, "It is a pity that the legislature should be silent, and force the courts, in order to attain the ends of justice, to invent legal subtleties which do not come up to the common understanding of mankind." An innkeeper as such could not be made a bankrupt, but if he sold a pint of liquor out of the house, he then might be a trader, and it was by facts of this sort that commissions issued against innkeepers, who clearly bought and sold to a very large amount. An extreme case upon this subject was *ex parte* Magennis, in Mr. Rose's Reports, in which an issue was directed, where the innkeeper sold only a pint or two of liquor out of doors. Persons who undertook the erection of buildings, and house-carpenters, as they were called, who had occasion for very great sums of money, and who obtained very extensive credit, were not traders, unless they could be made traders by the circumstance of their selling some moveables, such as bricks, or a carpenter making tables, of which there was a very recent instance in a contested commission, by a person who built the Circus at the end of Portland Place, who resisted his

commission, and was found a trader solely by having made some tables for one or two customers. The workers of mines, coal mines, and other mines, although they dealt to the extent of many hundred thousand pounds, were not traders; but if they sold a bushel of loose materials at the pit's mouth, they were traders. There was another description of persons whose dealings were very extensive, who in consequence of gaining their subsistence as it was said substantially by labour, were not liable as traders, such as dyers, calenderers, and other persons of that description. Again, there was a case lately, in which a gentleman who kept a pack of hounds, and was in the habit of buying dead horses to feed them, and who happened to sell the skins of the carcases, was declared to be a trader. The committee, therefore, recommended, that the bankrupt laws should be extended to all whose dealings required that credit should be obtained by bills of exchange or otherwise; and that persons who were not generally so engaged, should not be subject to those laws, in respect of occasional or casual acts of buying and selling.—The next regulation was, as to acts of bankruptcy. In the first place, the committee had thought it desirable, that traders, believing themselves to be insolvent, or not having the present means of paying their debts, should be permitted to subscribe and lodge with the secretary of bankrupts a declaration thereof, which should be published in the Gazette, and thenceforth deemed an act of bankruptcy. This provision, he conceived, would be extremely beneficial both to the debtor and his creditors. As to making a man a bankrupt against his inclination, the committee thought, that the following additions should be made to the acts of bankruptcy now established by law: 1. A general stoppage of payment for seven successive days. 2. Being absent from home thirty days, without making provision for bills of exchange, promissory notes, or ordinary payments becoming due. 3. If after three notices in writing had been left at the house of a trader, allowing a period of seven days between each, informing him of a writ having been issued, he did not enter an appearance, or put in bail, in the regular way within nine days after the last notice; provided such trader were within the kingdom at the time the first notice was left. 4. If a trader remained abroad to defeat or delay his creditors, although he might not have gone abroad with that intention. 5. If a trader remained in prison upon civil process for fourteen days. Other regulations would be necessary, with respect to warrants of attorney and deeds of trust, but he would not then trouble the house with them.—The next object of the committee was, to provide more effectually for the security of the effects, books, and papers of the bankrupt, by making the messengers independent of the solicitors.—Then came a most important consideration, namely, as to the means of preventing fraud in proving debts. (*Hear, hear.*) Mr. Cullen had stated, that, at present, to prove a debt, a real or a fictitious creditor had no other trouble than walking to Guildhall in London, or to a master extraordinary in the country, to make a deposition or an affidavit of his debt. Here was no expense, no plunging into a suit, no declarations, no pleadings, no trial, no witnesses, no verdicts, no judgments, no executions; but the benefit of all these at once, by his own oath only! This too often occurred before assignees were chosen, or there being any person who had any knowledge of or means of opposing the claim. The great press of creditors, that appeared before assignees were chosen, was not for the choice only, but to get proofs upon the proceedings without investigation. From this practice, Guildhall, on a busy day, could be compared to nothing but a cock-fight; it was difficult to conceive a scene of greater confusion. The committee recommended, therefore, that the particulars of any debt intended to be proved should be delivered in to the commissioners four days prior to the day appointed for proof. They also proposed to empower the commissioners to strike out debts which had been improperly proved; for, at present, if a debt were admitted, though it was discovered two minutes after to be bad, the commissioners had no power to expunge it, but the assignees must petition the Lord Chancellor for that purpose—a remedy often worse than the disease.—The next branch of the subject related to the nomination of assignees. In Scotland, the provisions of the law respecting the sequestration of a bankrupt's effects, were perfection itself, compared with the law in this country. Two or three assignees were now appointed by the majority of creditors, and they were often placed in a most unpleasant situation. As many bankruptcies were concerted, the bankrupt might turn round on the assignees and prove the invalidity of the commission. The assignees were then liable to be called on to refund all the sums which they had received and expended, and also open to actions for interfering with the bankrupt's property. A man in this situation, not ten days ago, had been cast in an action in 500*l.* damages, and an execution had been put into his house on the judgment. The committee therefore proposed, that a new officer should be appointed, called an agent (similar to the trustee in Scotland) to be chosen by the creditors, subject to the approbation of the commissioners, and who should give security for good conduct, and be remunerated for his trouble. Such a provision would be very beneficial*.—The next

* This provision appears to be called for, not merely to protect persons in the character of assignees, but also for the benefit of the bankrupt's estate. There are many bad motives by which individuals may be induced to offer themselves as candidates for the office of assignees: for instance, they may wish to serve a solicitor with whom they are connected, or a banker with whom they keep money:

point, and that of the greatest importance, respected the facility with which bankrupts obtained their certificates, and the absence of discrimination between the culpable and the unfortunate. Persons had been known to prove debts to a great amount, that they might join in granting a certificate, and it was often more easy for a fraudulent than an honest bankrupt to obtain it. To elucidate what the law was, he would state a case in which a bankrupt had been known to possess 17,000*l.* a short time before: being asked to explain how he had spent it, he answered very truly, that he had expended it in different sorts of profligacy and debauchery, which he detailed. And yet he obtained his certificate, and, by law, he was entitled to it. To guard against such immorality and injustice, the committee proposed, that every certificate should be signed by four-fifths of the creditors, in number and value, and that it should be made a part of the duty of the commissioners to inquire into the previous conduct of the bankrupt in contracting his debts*.—Another point on which the committee had bestowed great attention, was, the capital punishment denounced against bankrupts in certain cases. After what had been so ably urged, particularly by an hon. and learned gentleman (Sir S. Romilly) against that part of the system, he should only say, the case was fully made out, that no good effects could result from a principle of such severity, and that its only operation at present was to prevent the punishment of fraud altogether. (*Hear, hear.*)—(See page 1043.)—With regard to the allowance which ought to be made to bankrupts, the committee were of opinion, that it ought, generally speaking, to be liberal. This would encourage them to assist their assignees in the recovery of debts. The committee thought that the ordinary measure should be 5 per cent. on the total amount of the dividends, or such further per centage as the commissioners should, upon a consideration of all the circumstances of the case, think it proper to award; but that in no case the allowance should exceed 2,000*l.* This might appear to some persons rather too much, but by those who were acquainted with the number and nature of bankruptcies, and how much depended upon the zeal and activity of bankrupts in the recovery of debts, the sum would be deemed comparatively immaterial.—Another object of the inquiries of the committee had been to provide for the better regulation of the commissioners. At present, the business was very ill managed. This he said with regard to London; but in the country the system was grossly defective; for, while in the former the commissioners were appointed by a judge competent to decide upon their qualifications, in the latter they were selected by the solicitor of the commission, that solicitor being probably influenced in his selection by a calculation upon those who might have an opportunity afterwards of appointing him to an office of the same nature. The latter system was liable to such objections, that Lord Rosslyn, when Chancellor, made out lists of those legal gentlemen from whom eligible persons might be selected as commissioners in several of the principal trading towns in England. But this had not been done by any of his predecessors; and the present Lord Chancellor had disapproved so much of this measure, that he had not, in a single instance, added to these lists, or even filled up the vacancies in them, which had been caused by death. (See page 1055.) The committee therefore proposed, that the trial of commissions of bankruptcy in the country should be put an end to altogether, and that such trials should take place exclusively in London. Such an arrangement might be thought inconvenient, but, on the whole, it would be productive of much less expense and greater justice.—These were the general views of the committee, which

they may wish to conceal transactions respecting their own claims, which would be detected by adverse assignees; they may wish to serve the bankrupt: they may be anxious to obtain the bankrupt's customers, which often happens when they are of the same trade as the bankrupt: they may find it convenient to trade with the bankrupt's property: they may contrive to purchase the bankrupt's estate, either directly or in collusion with the bankrupt: they may calculate on retaining unclaimed dividends, which, in commissions where the final dividend has not been made till many years after the bankruptcy, frequently amount to a considerable sum. It is notorious, that the interests of creditors are often materially injured by the maladministration of the bankrupt's estate. Mr. Montagu, in his examination before the committee, says, "I have endeavoured to ascertain the annual loss arising from the mal-administration of bankrupts' estates; and taking any fixed sum, say one hundred pounds on the average under each commission, and if there are upon an average about nine hundred commissions in a year, it will appear that a very large sum is lost, about ninety thousand pounds. An instance proving the necessity of some more vigilance than at present exists, occurred to me only the last week; from very great experience in bankruptcy, and an endeavour as well as I am able to discharge my duty as a commissioner, I certainly am not more likely to be imposed upon than my brother commissioners; I passed an assignee's accounts within ten days from this time, and was perfectly satisfied with the statement; it so happened, that at the meeting for the dividend, an adverse creditor applied to prove his debt, and stated, that his express purpose for so doing was to examine the assignee and his accounts; his proof was admitted, the assignee the day after applied to me voluntarily, and stated that he had made an error in his account, and wished to charge himself with three hundred pounds more. It is impossible for me to state, that this discovery was made by him in consequence of the application of the creditor, but such is my suspicion; it was the last dividend, and I certainly never should have heard any more of it."

* On the subject of certificates, *see* the opinions of Sir S. Romilly, p. 1047.

had been sitting nearly two years, during which they had applied their utmost industry to the investigation of this subject—a subject which they had found surrounded with legal subtilties, and difficulties of every kind. They had accordingly employed a solicitor, Mr. Freshfield, from whom they had received the most important assistance. In the course of their inquiries they had directed their attention to Ireland, and he understood, that, as the evils of the present system were felt in a greater degree there, it was the intention of that part of the administration which was connected with that country, to adopt such remedial measures as might be found advantageous in England. *(Hear, hear.)*—The hon. member concluded with moving, "that leave be given to bring in a bill to alter and amend the bankrupt laws."

Sir *J. Newport* observed, that the effects of the bankrupt laws in Ireland were so mischievous, that if not materially altered, it would soon become necessary to abandon them, as it would be a less evil to live under no law at all, than under a system which in practice was so injurious to the honest trader.

Mr. *Wrottesley* complained of the present imperfect accommodations provided for commissioners of bankruptcy in the city of London.

Mr. *Lockhart* said, he was happy to find that the certificate would depend on the good conduct of the bankrupt, and that the commissioners were to be invested with considerable discretion as to the amount of the allowance.

Mr. *Finlay* said, that nothing could be better than the law for distributing the effects of bankrupts in Scotland, and nothing, he believed, could be worse than the system which existed in Ireland.

Leave was then given to bring in the bill.

REGENCY ACT AMENDMENT BILL.] On the motion of Lord *Castlereagh*, this bill was read a first time.

LAND-TAX ASSESSMENT.] Mr. *Brougham* stated, that he had seen in a public journal, the copy of a letter, signed John Thompson, dated Kendal, 9th May, 1818, purporting to be a circular notice to the assessors of the land-tax, not to make out any assessment till they should receive farther instructions. When he considered from what quarter this notice proceeded, that it was given by an officer of the revenue, and that it had a direct tendency to operate against *bonâ fide* voters, by precluding them from putting their names upon the register of assessment, he was obliged to pronounce it one of the grossest attempts to defraud men of their right of voting, that ever, perhaps, was brought under the consideration of that house. But, before any further proceedings were instituted, he felt it right to move, that a copy be produced forthwith, "of all letters or notices issued by John Thompson, clerk to the commissioners of the land-tax in the town of Kendal, relative to the assessment of that tax during the last two months, together with the names of the commissioners or other persons by whose authority he issued the same."

Mr. *Lushington* said, that the subject had never been before the treasury, but it appeared, on inquiry at the tax-office, that a reference had been made by Thompson, with regard to some cottages of the value of 40*s*. each, in certain parishes in Westmorland, for the purpose of knowing whether they were assessable or not to the land-tax. The reply of Mr. Lowndes was, that this liability did not depend on the value only, but on the title and other qualities of the estate. This was all that was known upon the subject at the treasury, or the tax-office.

Mr. *Brougham* said, that whatever might have been the original letter, the notice related to electioneering.

Lord *Lowther* believed that the letter had been copied from a provincial paper, and that it contained many false and scandalous statements.

Mr. *Wynn* observed, that the officers of the revenue were the last persons to express an opinion on subjects of election.

Sir *J. Graham* expressed his belief that no such letter had been written as that bearing, or purporting to bear, the signature of John Thompson. The fact was, that a great deal of property, never assessed for the last hundred years, had lately been offered for that purpose, and he apprehended, that it was the duty of the local commissioners, to give instructions to the collecting officers on such a subject. He wished to see the whole correspondence produced.

The motion was agreed to.

ENGLISH COURTS OF JUSTICE.] Sir *J. Newport* rose to submit a motion relative to the commission appointed two years ago to inquire into abuses in courts of justice in England. He observed that, contrary to his opinion, the commission included two masters in chancery, Mr. Campbell and Mr. Alexander, besides other gentlemen in the profession, and their salaries amounted to 1200*l*. a-year, while the commissioners appointed for the same purpose in Scotland, had only 800*l*. The Irish commissioners had presented several reports, and the Scotch commissioners had presented four; whereas the English commissioners had presented only one report, and even in that, they had committed so signal a mistake, that they had been obliged afterwards to make a separate appendix, or supplement to correct it. They had sanctioned in their report the payment of a fee of from one guinea to twenty-seven shillings, which it had been usual to pay on the admission of solicitors to practise in the court of Chancery, although an act of parliament expressly declared, that such fee should not, in any case, exceed one shilling. This single instance would enable the house to judge of the superior fitness of masters in Chancery to form a part of such a commission, when they overlooked an act relating to the business of their own offices. Yet this com-

mission had already cost the country 21,000*l.* while the Irish commission, which had done its duty so much more effectually, cost only 16,000*l.*; and the Scotch commission only 10,000*l.* He therefore moved, "That the committee of finance having, in their tenth report, brought under the view of the house the appointment of two masters in Chancery as commissioners to examine into the English courts of justice; and having adverted to the considerable expense incurred, and the tendency to prolong their duration, in commissions of this nature;

"The house does entirely agree with their committee in the opinions there expressed, that no unnecessary delay should be allowed to take place, that frequent returns of the progress of those commissions should be submitted to the house, and that an expeditious and diligent execution of such important examinations can hardly be supposed where any of the commissioners have other official duties to perform."

Mr. *Bathurst* defended the conduct of the English commissioners. He thought that masters in Chancery were highly proper persons to be in such a commission; for although they were unable to devote their time exclusively to the object of the commission, yet their experience atoned for that inconvenience. They had sat more days, and had laid before the house a larger mass of information than on any former inquiry of a similar description. Upon the whole he did not conceive that sufficient grounds had been laid for the motion of the hon. baronet, and therefore he should move the previous question.

Mr. *Courtenay* observed, that the hon. baronet had not contented himself with throwing out general insinuations against the two masters in Chancery, but had actually thrown out that they were peculiarly ill-fitted on account of the fees which they received. The fee in question was a fee of 1*l.* which was paid by solicitors on their admission. The instrument of admission was prepared for the Master of the Rolls by the clerk of the public office, and the fee on that occasion was one in which the masters had not the slightest interest. He was persuaded that the duties of the commissioners had been most anxiously and faithfully performed; and with respect to that individual fee, he conceived that the statement was calculated to make an erroneous impression.

Mr. *Webber* entered into a defence of the Irish commissioners, and contended, that they had been most laborious in the investigation of the business committed to their charge.

Mr. *Bathurst* said, he did not intend to make any invidious comparison; but the question brought before the house was, that the English commissioners had been very negligent. It appeared to him that they had done as much as any other commissioners.

The *Solicitor-General* remarked, that the hon. baronet, in drawing a comparison between the Scotch and Irish and the English commissioners, had argued, that the latter had not done enough. He, on the contrary, declared, that the English commissioners had employed as much time, bestowed as much labour, and produced as many materials as the other commissioners. He could not help thinking that the motion was intended to imply an imputation on the conduct of those commissioners; but he put it to the house to say, whether any case had been made out against them.

Sir *C. Saxton* contended that the Irish commissioners had devoted the utmost attention to the objects of inquiry, and had investigated every fee that came under their notice.

The *Attorney-General* said, that the gentlemen appointed under the English commission, were persons of great legal knowledge, and had discharged their duties in a manner that entitled them to the highest praise; but it appeared from the statement of the hon. baronet, that they had been guilty of the crying sin of overlooking the fee, in the act of Geo. II., relative to the admission of solicitors. The learned individuals in question, if they were neither too much employed in their other duties, nor accessible to any improper bias, were the fittest persons to inquire into the practice and fees of the court to which they belonged. The masters in Chancery could thus assist with their peculiar knowledge the other members of the commission, who without their assistance must, by a more circuitous way, obtain the information which they could supply. They could best tell what were the fees of their own office, whether sufficient or not, whether warranted by law, or growing out of abuse and other circumstances. The commissioners seemed well selected for their duty, and the commission well calculated to accomplish its object.

Mr. *Lockhart* thought, that such a passage as that in the act in question, might escape the vigilance of any man. So far from being liable to censure, he conceived that the commissioners were entitled to great praise for their exertions.

Sir *J. Newport*, in reply, said, that he had from the beginning objected to the appointment of masters in Chancery to inquire into abuses in their own offices. He meant no offence to those learned persons; he did not even know them, and was willing to allow them all the praises which their friends had bestowed upon them; but still he persisted in his former opinion, that they ought not to have been in the commission.

The previous question was then put and agreed to.

MOCK AUCTIONS BILL.] Mr. Alderman *Atkins* obtained leave to withdraw this bill, and moved for leave to bring in another bill, the object of which he explained to be, to impose a duty on every lot sold at auctions.

On the suggestion of Mr. *Speaker*, that it was not probable such a bill could pass through its different stages, in both houses, during this session, the hon. alderman withdrew his motion.

CLANDESTINE MARRIAGES BILL.] This bill was read a third time, and passed.

HOUSE OF LORDS.

Thursday, May 28.

ROYAL ASSENT.] The royal assent was given by commission to the Bank restriction bill, and the Spanish slave-trade bill.

The commissioners were, the Lord Archbishop of Canterbury, the Lord Chancellor, and the Earl of Shaftesbury.

CHURCHES IN SCOTLAND BILL.] This bill was brought from the Commons, and read a first time.

CLANDESTINE MARRIAGES BILL.] This bill was brought from the Commons, and read a first time.

PARISH VESTRIES BILL.] This bill was read a third time, and passed.

SAVING BANKS BILL.] This bill was read a third time, and passed.

FEVER HOSPITALS (IRELAND) BILL.] This bill was read a third time, and passed*.

Their lordships then adjourned till Saturday next.

HOUSE OF COMMONS.

Thursday, May 28.

CHURCHES IN SCOTLAND BILL.] This bill was read a third time, and passed.

USURY LAWS.] Mr. Serjeant *Onslow* presented the following Report from the Select Committee appointed to consider of the laws which regulate or restrain the interest of Money.

1. That the laws regulating or restraining the rate of interest have been extensively evaded, and have failed of the effect of imposing a *maximum* on such rate; and that of late years, from the constant excess of the market rate of interest above the rate limited by law, they have added to the expense incurred by borrowers on real security, and that such borrowers have been compelled to resort to the mode of granting annuities on lives, a mode which has been made a cover for obtaining higher interest than the rate limited by law, and has farther subjected the borrowers to enormous charges, or forced them to make very disadvantageous sales of their estates.

2. That the construction of such laws, as applicable to the transactions of commerce as at present carried on, have been attended with much uncertainty as to the legality of many transactions of frequent occurrence, and consequently been productive of much embarrassment and litigation.

3. That the present period, when the market rate of interest is below the legal rate, affords an opportunity peculiarly proper for the repeal of the said laws.

The report was ordered to be printed, and Mr. Serjeant *Onslow* gave notice, that, early in the next session, he would bring in a bill to repeal the Usury Laws.

PORTUGAL SLAVE TRADE TREATY BILL.] Lord *Castlereagh* moved the third reading of this bill.

Dr. *Phillimore* said, that this was the first time that the legislature had interfered for the purpose of justifying officers in detaining ships belonging to the subjects of a foreign state. He conceived such an enactment to be at least superfluous, as the authority for the object specified emanated from the prerogative of the crown, and the act of the crown was the act of the nation. Should Portuguese ships be brought into this country by virtue of an embargo laid on by the executive government, and should the transaction afterwards terminate amicably, would any enactment be necessary for the justification of the officers who had detained the ships in consequence of the embargo?—He also saw with regret an article in the treaty for the appointment of commissary judges, and commissioners of arbitration, for the adjustment of disputed claims. By this enactment, a ground would be laid for neutral nations to renew the claim of having contested rights tried by the tribunals of the country from whose subjects the property had been captured. Though the principle had been departed from in the case of Spain, he had hoped that Portugal would have had faith enough in the justice of Great Britain, to have abided by the decision of her ordinary tribunals of international law.

Lord *Castlereagh* said, that the convention had reference to the particular case of the detention of ships having slaves on board, and made no alteration in the law of nations. It did not proceed from the prerogative of the crown, and the right of making war and peace, and consequently would not derive its justification from that prerogative.—By the appointment of a mixed tribunal, a final decision of the cause would be found, which would not be the case should it be sent to the ordinary tribunals. The case was one of special policy, and a general enactment was necessary to cover all the questions that might arise.

The *Attorney-General* said, that without the enactment in the bill, an action of trespass might be brought against a British officer detaining a Portuguese ship, as had happened in the case of an American vessel detained for a supposed breach of the Navigation act. In the case of prizes alone could the prerogative of the crown

* In a former note (page 1511) some account is given of the origin of hospitals among the Greeks. It may be now added, that among the Romans, Fabiola was the first person who ever erected an hospital for the sick. During her lifetime, she gave every thing she possessed—and her family estates were then very great—entirely to the relief of the poor and afflicted. She was a descendant of Fabius Maximus Verrucosus, the great opponent of Hannibal, but lived many ages after his time.—See the life of *Fabiola*, written by *St. Jerome*.

avail the captor, as with prizes the courts of law had nothing to do. Courts of prizes were established by nations for adjudication in times of war.—We should certainly not choose that a Portuguese tribunal should judge of matters respecting our vessels taken by them. A mixed jurisdiction had therefore appeared the most satisfactory and proper.

Dr. *Phillimore*, in reply, observed, that he was not able, from any thing which had been said, to distinguish the seizure of vessels under this treaty, from the case of an embargo.

The bill was then read a third time, and passed.

POOR LAWS.] Mr. *S. Bourne* moved to refer a most valuable communication from the General Assembly of the Church of Scotland on the subject of a provision for the poor, to the committee on the poor laws. The document to which he alluded, contained a variety of suggestions of the utmost importance, and reflected the highest credit on the talents and industry of that body from which it emanated. He was sorry that he happened not to be in the house when an hon. and learned gentleman (Mr. Brougham) had given notice of his intention to bring forward some propositions upon the subject of the poor laws, as he was naturally anxious to know what plan he had in view, and he regretted, that the hon. and learned gentleman had been unable, from the variety of his avocations, to give his assistance to the committee in the progress of their labours.

Mr. *Brougham* concurred with the right hon. gentleman, that no communication respecting the poor laws could come from any quarter with greater authority than from the General Assembly of the Church of Scotland; in which country, although there were no poor laws, the poor were not unprovided for; and he joined in the expression of gratitude, due for a production equal to any expectations that could have been formed from the learning and abilities of its authors. With regard to his own views on the subject of the poor laws, he declined to submit them to the house, until they could be accompanied by all the details necessary for their illustration, and he had not yet had time to digest them, in consequence, particularly, of his employment in the committee upon the subject of charitable institutions. When he mentioned the continued sitting of that committee, it might appear somewhat surprising to those who merely understood that a bill for appointing a commission of inquiry by the crown was now in progress. If he thought, indeed, that the bill were likely to pass in the form which had received the approbation of that house, he should see no reason for the production of any further report; but he was sorry to say, that objections had been raised in a quarter whence they were not expected, objections which could not be ascribed to any fellow-feeling with the authors of the abuses in question—any participation in an interest in their continuance—any unfounded or shameful alarm at the corrections and remedies which the bill provided—but to the extraordinary subtilty alone of some men's minds. It was hardly credible that those objections should have been made by the learned person, in whose hand-writing, and at whose suggestion, all the material alterations and provisoes had been introduced, and adopted for the express purpose, if any thing less than a miracle could effect it, of removing and settling his doubts. *(Hear, hear.)* The bill, however, it now appeared, was to be cut down and emasculated, and its whole virtue withdrawn, and was then to be called a bill for promoting effectual inquiry. If such a bill were to be sent back to them, filled with modifications which had been triumphantly rejected when brought forward in that house, he trusted that they would know how to consult their own dignity, and he, instead of taking any steps respecting it, should direct his attention to the preparation of some other measure. He trusted that a committee of that house would fearlessly pursue its object in spite of all the difficulties with which the timid sceptical legislator, the weak and panic-struck alarmist, the mere—but he would refrain from giving full expression to his thoughts—might attempt to impede its course. He was confident that the house would vindicate its own incontestible rights and privileges, that its committees would not shrink from the performance of their duties, however laborious, and even costly, as compared with the proceedings of a commission, and would ultimately submit a proposition suitable to the exigencies of the case, and satisfactory to the universal and loudly-expressed sense of men of all ranks in the community. Communications poured in upon him from every part of the country, expressive of one common sentiment, that the proceedings of the committee involved the most important interests of the people; *(hear, hear)* and he now gave notice, that, on Tuesday next, he would submit a motion to the house upon the subject to which his observations referred.

The house then adjourned till Saturday next.

HOUSE OF LORDS.

Saturday, May 30.

ROYAL ASSENT.] The royal assent was given by commission to the Duke of Kent's Annuity bill, the Saving Banks bill, the Fever Hospitals (Ireland) bill, and the Building of Churches bill*. The commissioners were the

* On Tuesday, July 28, a meeting was held at the Privy Council office, for the purpose of opening the commission instituted for the erection of new churches. The following is the list of the distinguished persons who have been appointed to regulate and superintend the execution of the act of parliament:—

Archbishop of Canterbury	Bishop of Winchester
Archbishop of York	Bishop of Litchfield and Coventry
Bishop of London	

Lord Chancellor, the Earl of Shaftesbury, and Lord Melville.

GRAND JURY PRESENTMENTS BILL.] This bill was read a third time, and passed.

ROCK SALT DUTIES BILL.] This bill was brought from the Commons, and read a first time.

HOUSE OF COMMONS.

Saturday, May 30.

ROCK SALT DUTIES BILL.] This bill was read a third time, and passed.

COMMISSIONERS OF BANKRUPTS.] On the motion of Mr. *J. Smith*, the house resolved itself into a committee on the salaries payable to Commissioners of Bankrupts, when the following resolutions were agreed to, and ordered to be reported on Monday next:—1. "That provision be made out of the consolidated fund of the United Kingdom of Great Britain and Ireland, for defraying the Salaries of the Commissioners of Bankrupts, in lieu of fees."*—2. "That the Lords Commissioners of his Majesty's Treasury of the United Kingdom of Great Britain and Ireland, be authorized to issue out of the consolidated fund of the said United Kingdom, any sum not exceeding 30,000*l.* for providing a suitable building for holding the public and private meetings of the Commissioners of Bankrupts, and for the transaction of all business in Bankruptcy."

BANKRUPT MEETINGS BILL.] Mr. *Wrottesley* moved for and obtained leave to bring in a bill "to repeal so much of the Bankrupt Laws as requires creditors to meet for the city of London, and all places within the bills of mortality, at the Guildhall of the said city."—The bill was brought in, and read a first time.

LAND-TAX ASSESSMENT.] Mr. *Lushington* presented a copy of correspondence between the tax-office and the assessors of land-tax in Westmorland.

Mr. *Brougham* wished to call the attention of the house to this correspondence, particularly to the letter of Mr. Johnson to the commissioners of taxes, in which he described himself as being the secretary to the committee for ma-

Bishop of Lincoln	Rev. John Headlam
Bishop of Chester	The Lord Chancellor
Rev. Dr. Ireland, (Dean of Westminster)	The Earl of Harrowby
	Earl of Liverpool
Rev. Dr. Pott, (Archdeacon of London)	Earl of Hardwicke
	Viscount Sidmouth
Rev. G. O. Cambridge, (Archdeacon of Middlesex)	Lord Grenville
	Lord Kenyon
	Lord Colchester
Rev. F. J. H. Wollaston, (Archdeacon of Essex)	Right Hon. C. Manners Sutton
Rev. J. Eyre, (Archdeacon of Nottingham)	Right Hon. N. Vansittart
	Right. Hon. C. Bathurst
Rev. E. Outram, (Archdeacon of Derby)	Right Hon. Sir W. Scott
	Right Hon. Sir J. Nicholl
Rev. Dr. Mant	Right Hon. W. Huskisson
Rev. Dr. Wordsworth	Francis Burton, Esq.
Rev. T. D. Whitaker, LL.D.	B. C. Stephenson, Esq.
	Joshua Watson, Esq.

* This appears to be one of the most salutary alterations of the present system of administering the bankrupt laws. Mr. Montagu, in his examination before the Committee, says,—"With respect to the appointment of commissioners, it appears to me to be deserving consideration, whether the small emoluments attendant upon the office are sufficient to secure gentlemen sufficiently acquainted with the law, to prevent that loss of time and consequent expense to the creditors attendant upon long explanations, which would be unnecessary were the gentlemen fully acquainted with the law. In my attendance upon the different lists of commissioners, I see a constant alteration, so that I am now occasionally obliged to argue to new commissioners questions which were settled by the previous board, and which before that previous board, I used to argue for some years ago; litigation, attendant upon petitions to the Lord Chancellor, is a consequence of this. It appears to me, if I am right in my view of this, that it is unavoidable in the present system, from the insufficiency of the emoluments to insure the undivided attention, or the permanent continuance of gentlemen of ability. As to the individual attention of commissioners, it appears to me, that gentlemen of attainment and in considerable practice who are commissioners, are, in proportion to their value, necessarily at different places attendant upon the discharge of different duties, instead of being confined to the discharge of the duty of commissioners; and as to their permanent continuance, it is obvious that the appointment of commissioners is very frequently more as a passage to other situations, than as a permanent situation. I could, if it were necessary, mention many striking instances where, whatever advantages the community may have obtained by the appointment of the gentlemen to different situations, we have to lament the loss of them as commissioners of bankrupt. It appears to me also, that the mode of payment of commissioners is deserving of consideration. At present, in the finding of a bankruptcy, the commissioners have always an interest in declaring that the person is a bankrupt; and it is to be remembered that this declaration is at a private meeting, when all the proceedings are *ex-parte*. I do not mean to say that this motive warps the minds of gentlemen who act as commissioners, but I submit it to be deserving consideration, whether the legislature should suffer any judge to be placed in a situation where, by possibility, he may be so influenced. It appears to me also, that the payment is objectionable, from its appearing to be wrong; it is by payment in court to the judge, as if he were a counsel. I have repeatedly seen, what I have felt to be very painful, altercations by whom the fees should be paid to the commissioners; and I once heard commissioners refuse to proceed until their fees were paid. It appears to me to be of so much importance in the administration of justice, not only that what is right ought to be done, but that the appearance should be proper also, that I think it right to mention these facts. But it is not apparently objectionable only, for it may be really injurious, sometimes by creating unnecessary expense in meetings, which might be avoided; and sometimes by their declining to do what is just between the parties, to avoid the appearance of injustice, which I have occasionally witnessed."

naging the election of the present members for Westmorland. The writer went on to ask for certain returns of land-tax, in which return, he told the commissioners of taxes that Lord Thanet's property need not be included. Now this was the letter of an electioneering agent to the commissioners of taxes, a person who never ought to have been allowed to approach the tax-office; yet to this letter, Mr. Winter, the secretary to the board of taxes, the next day returned a most courteous answer, recognizing him in his character of secretary to the committee for managing the election of the present members, and informing him, that the returns for which he asked, would be furnished to him by the assessors of the several districts. If, however, any should be wanting there, the tax-office would furnish them. This was a most flagrant breach of the privileges of the house, and if notice were not taken of it by the proper quarter, he should move to bring the parties implicated to the bar of the house.

The *Chancellor of the Exchequer* said, the whole of this correspondence was new to him, and he wished to have time to make inquiry before he gave any opinion upon it.

Mr. *Brougham* said, it appeared to him that there was a system of electioneering policy established in favour of the present members for Westmorland, and that the commissioners of taxes were parties to it. This was one of the grossest attacks upon the freedom of election, that he had ever witnessed; and he trusted that the house would not pass it over without shewing their sense of it by calling its authors to the bar. The letter to which he had on a former night alluded, namely, that of Mr. Thompson, had turned out to be a real document, and not a fabrication.

Lord *Lowther* declared himself ignorant of the whole transaction.

Illicit Distillation (Ireland).] General *Hart* rose to call the attention of the house to the several acts relating to distillation of spirits in Ireland. He said that, it was impossible for him to enumerate all the instances which had occurred, of the severity with which the law had been administered. That severity certainly had been great; and the expenses attending the system had been very considerable. In 1814, the expenses incurred in rewards alone, under the present system of preventing illicit distillation, was 8864*l*., while 71,000*l*. had been paid to lawyers. Returns had been produced, stating what had been the exact diminution or increase of illicit distillation; and it was proved to have increased since the late severe penalties with which it had been visited. In former times, it had been sufficient to confiscate the property of the distiller, and to punish him; but now the punishment fell, in fact, on the township. There was no civilized country in the world where a similar system prevailed, and there was hardly any country where similar practices did not occur; in some parts, indeed, the pains of death were not sufficient to prevent them. The hon. general concluded with moving, "That leave be given to bring in a bill to repeal such parts of the act of the 54th of the King, and all former acts relating to distillation of spirits, as authorize the imposing and levying of fines on Town Lands and other districts in Ireland."

Sir *G. Hill* opposed the motion. He said, that the fines on town lands were enacted by the Irish parliament in 1783, and were amended by the parliament of the United Kingdom in 1803. In 1810, Mr. Wellesley Pole, at that time Chancellor of the Exchequer for Ireland, prevailed on parliament to suspend their operation for two years, and in the year 1812, they were repealed. The immediate consequence was, that though the gaols were crowded with people who had been connected with illicit distillation, the practice increased to a very great extent. In 1813, petitions, signed by the most respectable gentlemen and merchants, were presented from Drogheda, Belfast, Londonderry, and Tyrone, praying for the re-enactment of those laws. A committee was appointed, composed entirely of members for Ireland, and they reported, that it would be highly expedient and beneficial to restore the former system. This report was approved of by the house, and a bill conformable to it was passed. In 1816, another committee was appointed, and they again reported in favour of the town land fines. He contended, therefore, that the house ought not to abrogate the existing laws on this subject; they should hold the principle of town land fines over the country, as severity was essential to abolish illicit distillation, a practice most baneful in its effects. Since the laws had been re-enacted, smuggling had greatly decreased, and he felt persuaded that, if they were continued, it would be at last annihilated.

Lord *Compton* pressed upon the gallant general the propriety of withdrawing the motion.

Mr. *Chichester* said, that if the proper powers had been exercised, the practice of illicit distillation would have been put down, and it would not have been necessary to resort to this unconstitutional measure. At least it should not have been resorted to till all other means had been tried in vain.

Mr. *Peel* said, the first question was, had the measure been efficacious? If not, there was ground for repeal. It might be efficacious and yet unjust, and then there was no reason why it should not be repealed. It might, however, have failed in one district, and have been efficacious in the rest of Ireland. There was not one petition against it, except from the county of Donegal. On the contrary, documents had been presented, proving the system to have been as successful as could have been anticipated. If he compared the number of fines, and found a decrease with the system, then it might be said to be successful. If he examined the rewards to the civil and military power, and found them diminish, then it might be said that it was effi-

cacious. The quantity of illicit spirits increasing, rendered the demand for legal spirits less; but if the latter increased, then he might argue that the system was successful. In five years great alterations had taken place among the fines. In Lent assizes, 1814, there had been 1,327 still fines; in 1815, 1,506; in 1816, 1,058; and in 1818, the amount had diminished to 368. The two last years had diminished by one-fourth. Of rewards in 1813, the sum paid to the military and to the civil power had amounted to 21,000*l.*; in 1815 it was 15,000*l.*; and last year 7,000*l.* Last year, therefore, it was one-third of the sum paid in 1813. With regard to legal spirits, in three years in the county of Derry there had been consumed 18,000 gallons before the operation of this measure, but in the last three years the consumption had been 111,000 gallons, six times the amount of the former. In Strabane, the last three years' consumption had been 90,000, six times the amount of the quantity for three years before. In Ulster, the consumption for the three last years had been 1,510,000 gallons, a quantity greater than what had been consumed in three years before the measure was in operation. In 1817, the fines on the whole of Ireland, except Donegal, were 593, and in that county 619 more than in all Ireland besides. For the last five years in Kilkenny there had been 13 fines, in Cork 12, in Wicklow 5, in Waterford 3, and in Kerry not one. For these 33, there had been in Donegal 3,400; that is, for every one in these parts there had been 100 in the county of Donegal. The question then arose, why could not things be managed differently in that county? There were various causes to be assigned. It was a fact, that, in that county, the tithes amounted in the worst and most remote parts, to 12*s.* per acre. A memorial had been presented by Mr. Robert Young to the Board of Excise, in which he had expressed his surprise that he should have suffered more than those who had employed all their exertions to support illicit distillation, though it had been his constant endeavour to suppress it. By the evidence of a revenue officer, which had not been contradicted, Mr. Lucius Carey had actually imported man-traps, with the avowed intention of catching any revenue officer that might come near them. There seemed to be a particular fondness for illicit spirits in Donegal, which, perhaps, operated as a kind of premium for them. The gallant general on his examination, on one occasion, had been asked what sort of whiskey was most sought after; to which he had replied, "If the people could get any other, they would not drink parliament whiskey." He was asked whether he gave his hay-makers what he called parliament whiskey (meaning legal spirit); to which he replied, "he would not give them that if he could get any other." Many of the inferences that had been drawn on this subject were totally erroneous.

Sir *N. Colthurst* thought that the system would finally prove effectual in Donegal. Its discontinuance would be the greatest injury to those who had large distilleries.

Mr. *Parnell* said, that the measure was most vexatious. It was not only operative when a still was found any where, but if a worm or any part of a still were found; and it was known that, if any quarrel or disagreement existed, a man had nothing to do but to go and put a still on the person's ground with whom he had quarrelled.

Mr. *V. Fitzgerald* said, that the measure by no means justified the strong expressions that had been used against it. He deprecated the mode in which the gallant general had come forward at such a period of the session, without making a single statement in support of his motion. If in Donegal the measure had not operated, the rule should not be *ex uno disce omnes*.

Mr. *Knox* said, that if the question came to a division, he should vote for the repeal.

General *Hart* replied. It had been said, that he had no grounds for his motion. His grounds were—to prevent cruelty and oppression; his arguments—that the law provided punishment enough in fine, imprisonment, and transportation. He defended the conduct of the gentlemen of Donegal, and after giving notice of some further proceeding in the next session, concluded by expressing his willingness to withdraw the motion.

The motion was then put, and negatived without a division*.

HOUSE OF LORDS.

Monday, June 1.

STEAM BOATS REGULATION BILL.] Lord *Melville* moved the order of the day for reading this bill, with the view of postponing it. He observed, that there were in this bill provisions which, in his opinion, ought not to obtain the sanction of parliament. The order being read, it was, on his lordship's motion, postponed.

REWARDS ON CONVICTION BILL.] This bill was committed, and the report received.

PRIVATELY STEALING (IRELAND) BILL.] This bill was read a third time, and passed.

SLAVE TRADE.] The Earl of *Liverpool* laid on the table a copy of the Treaty between his Britannic Majesty and his Majesty the king of the Netherlands, for preventing their Subjects from engaging in any Traffic in Slaves." Signed at the Hague, May 4th, 1818.

PARLIAMENTARY REFORM.] Lord *King* presented a petition from certain inhabitants of

* The Rev. Edw. Chichester, a beneficed clergyman, and a magistrate, resident near Enishowen, in the county of Donegal, has written two pamphlets to expose the grievances arising out of the laws on this subject. He presents a mass of abuses and oppressions, intolerable if they really exist, and absolutely frightful to contemplate.

Westminster, praying for a Reform of Parliament. It referred to an opinion stated to have been given from high authority, that parliament could alter the constitution; and asked, if that were the case, might not it be altered to the despotic constitution of Ferdinand VII. or of the Dey of Algiers? It described lawyers as men of narrow minds, prayed for universal suffrage and annual parliaments, and called upon their lordships to define what was the constitution. It was signed by Major Cartwright, Messrs. Walker, Maclaren, Place, and several other inhabitant householders of the city and liberties of Westminster.

The *Lord Chancellor* observed, that as the petition stated great lawyers to be men of narrow minds, it was singular enough that the petitioners should have chosen the son of one of those narrow-minded persons to present their remonstrance to their lordships. The ancestor of the noble lord who had presented the petition was a warm advocate of the liberties of his country; and he hoped that a descendant of a Lord Chancellor would always be found ready to bring under the consideration of their lordships the just complaints of the people; but when the absurdity of this petition, and the language in which it was couched, was considered, he trusted that a descendant of Lord Chancellor King would not consider it one which their lordships ought to receive.

Lord *Holland* did not see why the absurdity of the prayer or the language of a petition should form an argument for not laying it on the table. That it was unintelligible might be a very good reason for not reading it; but as it had been presented and read, he thought it should be received.

The petition was rejected.

ALIEN BILL.] Lord *Sidmouth* moved that this bill be committed. He observed, that when the events and circumstances of the French Revolution were considered, it was not surprising that the effect of that great convulsion should not yet have subsided. It was true, that many of the persons who had been concerned in the overthrow of the French government, and in the attempt to overthrow the governments of other countries, were dead, but the spirit still existed in many parts of Europe. It was with the view of counteracting the effects which this revolutionary spirit might have in this country that the first alien law had been enacted, and for the same object it was now proposed to continue it for two years longer. It was necessary to keep out, as well as to send out, of this country those persons who should avail themselves of the vicinity of France to foster a spirit menacing to the security of this and the other governments of Europe. He was aware it might be said, that the situation of things was very different now, and at the time when the alien law was first enacted; that the year 1818, with the country at peace, was not at all like 1793, and the country at war: but if their lordships compared those periods, they must also take into their consideration the difference of the two measures. It was by no means accurate or just to assert that this measure resembled that of 1793, for they were, in fact, of a different nature. By the act of 1793, aliens were made subject to very severe regulations, and were exposed to penalties if they violated them. They could not land at any port in the country without a license from the government. The place of their residence was fixed, and they could not travel to a distance of more than 10 miles from it without a special license obtained for that purpose. There were no such provisions in the present bill, which merely proposed to provide for the regular exercise of an authority which, he must contend, belonged to the executive government. It was true that this authority, to the extent to which it had been laid down, was questioned by some; but even those who most objected to the doctrine, admitted that a power for the removal of foreigners, in periods of danger, ought to be lodged somewhere. That power was one of the prerogatives of the crown, and it must be exercised in some way or other, either under proclamation or under a legislative enactment. The present bill merely provided for its prompt exercise, and, in fact, tended only to give effect to the prerogative. He was, however, ready to acknowledge, that such a measure ought not to be adopted without necessity; but the existence of such a necessity was at the present moment unquestionable. At a time when all the governments of Europe deemed it necessary to expel from their territories, or place under particular regulations, obnoxious foreigners, was it to be contended that this country ought to form an exception to that policy? Were we to cherish the revolutionary spirit, and to allow all factious individuals to find an asylum in this country? He would ask, whether the evils of such a course of proceeding would not be infinitely greater than any that could possibly arise from this bill? Before he moved the commitment of the bill, he should briefly state the nature of a clause which he intended to propose, the necessity of which would appear from the circumstances he was about to state. An act of the Scotch parliament passed in 1685, for the establishment of the Bank of Scotland, contained a clause by which all foreigners holding shares in that bank became thereby naturalized subjects of Scotland, and, according to the act of Union, all subjects of Scotland were naturalized in England. It appeared, therefore, that any foreigner, by investing a small sum of money in the Bank of Scotland, might become a naturalized subject of Great Britain. All the pains which their lordships had hitherto taken in framing regulations for naturalization, and all the precautions adopted in passing naturalization bills, might have been superseded by the short process he had described. At the expense of a very inconsiderable sum, any foreigner might become a subject, and all

alien bills would be of no avail. His attention had been called to the effect of this act of the Scotch parliament only within these few days. Had the discovery been made at a more early period of the session, he should have proposed a short bill to meet the case. There would not, now, be time for discussing a proposition for the repeal of this act, but he would recommend to their lordships the suspension of its operation during the period in which the present bill should continue in force.

Earl *Fitzwilliam* said, he had given his assent to this measure when it was originally proposed, because there then appeared to be a reasonable ground for giving such a power to the executive government; and he had not objected to its renewal when the subject was last under consideration, because he believed that the act would have been allowed to expire at the period to which it was limited; but he could not, without pain, see his Majesty's ministers again calling on their lordships to pass a bill of this kind. It was demanding the continuance of a system of arbitrary authority, for which no reason existed, and which they ought not to be permitted to possess. He should therefore give his vote against this measure.

The Duke of *Sussex* said, he had opposed the former bill on this subject, and he conscientiously felt it to be his duty to oppose the present measure. But, even though he had not felt the strongest objections to the principle of the measure, occurrences which had taken place in the course of the last year, and which proved the improper manner in which the power given to ministers had been executed, would have been sufficient to have induced him to oppose it. With the case of an individual (Baron Eden) against whom the alien act had been enforced his name had been connected; but he sincerely despised all the insinuations that had been made on that subject and he would now state the facts which had come to his knowledge to their lordships. An officer, who held a commission in the British service, had been tried in Portugal for a pretended conspiracy. In consequence of that trial, his name was struck out of the army list, by his Majesty's government. But this was not all: having escaped, he arrived at one of the outports in a ship from Lisbon; upon which, the government immediately ordered the expenses of his passage to be paid, and sent him on board of another vessel to be conveyed out of the country. As to the trial, he firmly believed that this gentleman was perfectly innocent of the charges brought against him; but for his part he had no communication with him at the period of that trial, nor for five or six years preceding it, when he knew him in the family of an illustrious friend. For himself, he felt that he stood clear of all imputation on the subject; but if their lordships knew what the nature of a state trial in Portugal was, he apprehended that they would not regard the circumstance of this officer having been condemned as a point of much consideration. The Portuguese practice was, that immediately upon a conviction in favour of the crown, the judge was promoted. What might be the guilt or innocence of this individual, it was not for their lordships to determine, but there appeared no reason why he should have been deprived of the protection of the laws of this country. It was right that a jealousy of the power of ministers should exist, and he for one could not help strongly entertaining that jealousy, when he found them guilty of such acts, and the more especially when he heard it asserted that this measure was necessary for the tranquillity of other countries. It was proper to pass laws for the tranquillity of England; but to invest ministers with arbitrary power, under the pretence of maintaining the tranquillity of other countries, was what he would always protest against. He also particularly objected to the language of the preamble of the bill, which, contrary to fact, appeared to ground the expediency of the measure on circumstances which had taken place since the last act was passed.

Lord *Holland* regarded the measure as most unjust and impolitic. The grounds on which it had been attempted to induce their lordships to agree to this bill—namely, that few persons had been sent out of the country under the former act, and that those who were sent were persons of notoriously bad characters—were either totally inconsistent or untrue. The argument which had, he believed, the most effect in reconciling the public mind to this measure, was that which was founded on the small number of persons against whom it had been enforced. The objection, however, was not merely to the number of persons sent out of the country, but to the cruelty with which the act operated on those who were allowed to remain in it. The noble Secretary of State had begged the question, when he inferred that those persons who came to this country must necessarily be of bad character. He had said, "Would you make this country a receptacle for all the persons of bad character whom other governments may think proper to expel from their dominions?" But, was there ever a time when the governments to which he alluded did not possess the power of sending any person they pleased out of their territories? This, however, formed one of the principal objections to the measure. The illustrious person who had just spoken had pointed out a case which shewed the fallacy of taking the exclusion of individuals by foreign governments as a criterion of character. Could their lordships be induced to place any reliance, either on the decisions of foreign courts of justice, or the acts of foreign governments, in such cases? Were such decisions or acts ever regarded by their ancestors? Louis XIV., or any other despot of former times, found no difficulty in saying, that the unfortunate individuals whom they persecuted, and drove into exile, were persons of bad character: but that did not prevent them from obtaining an asylum in England. Their lordships could not, therefore, refer to ex-

perience to shew that the power given to ministers had not been unduly exercised, for it was a power of that nature which could not be exercised without abuse. But it was not merely on account of the cruel situation in which this bill placed foreigners, by cutting them off from every refuge, it was the principle of the bill itself that excited the most decided hostility. The noble viscount had contended that this bill did not deny protection to aliens in general; but it did, in effect, deny them all right and all protection; and when he said that the bill had only desperate and abandoned characters for its object, he forgot that the innocent as well as the guilty were equally subject to its operation; he forgot the prejudice it must excite against every alien who came into the country, and how entirely dependent it must render him on the will of every man with whom he had to deal. The noble viscount, too, had laid great stress on the argument, that no abuse had yet been committed. Let their lordships look into this boasted assertion a little. He (Lord Holland) held, that there was no arbitrary power that was unattended with abuse. The persons invested with such power might have the clemency of Titus or Vespasian; they might be endued with the deepest penetration, and the highest qualities of intellectual wisdom, and still the knowledge that they were in possession of arbitrary power might enable others to abuse it. Did not the noble viscount know, that to whatever individual he might shew countenance or favour, that individual was immediately enabled to take undue advantage over any unfortunate alien with whom he might be engaged in any transaction? Would the noble viscount say that he was not himself liable to be deceived? Suppose, while he was walking home that night, he should meet or speak kindly to any individual who owed an alien money, that very circumstance might, perhaps, afford a ground for ill usage. Such an individual, relying perhaps on the noble viscount's good opinion of him, might whisper insinuations to the prejudice of the alien. If there were no alien act, the foreigner might set such wickedness at defiance. Conscious of his own integrity, he might boldly meet his debtor, and rely on the laws of the country. But, at present, insinuations of the slightest nature might intimidate the alien to submit to any injustice. When it was urged that these were imaginary cases, he did not like to mention names, but he knew that such things had happened. The late M. De Boffe had expended large sums on an importation of foreign books; one of them was considered to contain matters not exactly agreeable to certain persons in this country. A hint was given to M. De Boffe, that he should take care what works he sold. This alarmed him so much, that he sent back the whole parcel, and suffered a great loss by the undertaking. Now, if he who had resided so long in this country, who had friends and legal advisers, and knew its customs so well, was put to all this loss and inconvenience, how much worse must the case be with an unprotected stranger? It would be insulting to the house to dwell on all the various possibilities in which such things might happen; but he should relate one instance of the late Mr. Pitt, a man of all others the least disposed to make any ungenerous use of arbitrary power. At the commencement of the late contest, a man waited on Mr. Pitt, saying, that he had a fact of importance to communicate, and begged to speak without witnesses; but Mr. Pitt insisted on having witnesses. The man then stated, that the government of France had hired a person to assassinate him, and added so many circumstances of the notes by which the assassin was to be paid having been transmitted through Ghent, Bruges, and a variety of other towns, that Mr. Pitt was, in the end, induced to believe the account. He wrote to foreign ministers, and they, under the operation of an alien act then existing in Flanders, traced the individuals connected with these notes in the establishments of the Flemish bankers. Two individuals were there thrown into prison, where they remained for five years, to the ruin of themselves and families. (*Hear, hear.*) At the peace, it was discovered, that these unfortunate individuals, so unluckily connected with the notes in question, were coming to England to discharge a private debt with the money in question, and to recover a demand which they had against Mr. Pitt's informant. These were circumstances, these were facts, that called on their lordships to pause before they subjected aliens to the effect of a mere insinuation made against them. He did not blame Mr. Pitt; but he mentioned the fact, to shew the mischiefs unavoidable in the exercise of arbitrary power. He knew that the present bill contained a provision enabling aliens to appeal to the privy council: but how could a man appeal after he was sent out of the country?—His lordship then referred to the case of Las Casas; who, whether he had offended against the regulations of St. Helena or not, was unnecessarily deprived of his papers when he arrived in this country. The alien act gave no powers for the seizure of papers, and he (Lord Holland) believed such seizure illegal. The papers were afterwards restored; but the loss of them for six or seven months might be ruinous to a literary man, whose subsistence might depend on the observance of his engagements with a bookseller. There was no intention, perhaps, to injure the man, but if he was ill used redress was impossible. As to the prerogative that had been so much insisted on, and the necessity that there must be a power somewhere of sending aliens out of the country, there must be also a power to hang, but the question was, whether a discretionary power should be vested in the ministers of the crown. He thought the prerogative did not exist; the general principles and habits of our government were against any such arbitrary power; but the noble viscount had shewn sufficiently the spirit with which he was

actuated, and had set out by ridiculing all laws that opposed the powers he required, though those laws had existed before, and were sanctioned by, the Union. These laws the noble viscount (who set himself to teach mankind how to legislate on new and sweeping principles) was to repeal, without alleging the slightest abuse or inconvenience arising out of them. It had always been the policy of this country to encourage foreigners, and to reap the benefit of their skill and capital; and the best way to effect this had been found to be the extension to such persons of the advantages of the British constitution. Next to Holland, whom we had now compelled to follow the same narrow course as ourselves, this country had always been the most distinguished for a liberal and generous policy. She had always been the subject of panegyric on this account, and her very geographical position considered as having something providential in it—

"Britain! thy land by Heaven was sure design'd
"To be the common refuge of mankind,"

were the words of Waller, the founder of our parliamentary eloquence, and a man well versed in the knowledge of our best interests. He, it seemed, was in a mistake, and this country was no longer a refuge for the oppressed, but what Gibbon called one of the cells of the great state prisons of Europe, and completely subservient to other states. What was it that had been accomplished by all the measures and system of the war which the noble viscount so highly extolled? If that system had been so successful as he represented it, where was the danger, or the demand for an alien bill? The noble viscount must either say, that after all the efforts of this vaunted system, after all the blood and treasure that had been expended, things remained just where they were, and the same measures must still be returned to; or, that he had put down all the revolutionary spirit of Europe, but was still so fond of power that he could not part with it. It was not to abuses that might be committed against foreigners, that the unconstitutional nature of this measure was confined; the effect of arbitrary power was not confined to those upon whom, but extended to those by whom it was exercised. Was there any man whose disposition remained the same after he had been accustomed to the exercise of arbitrary power? After sending out aliens with such facility, the noble viscount could not help wishing for the convenience of the same power whenever he was thwarted, with whatever justice, in any other quarter. The constitutional doctrine was, to consider the evils arising out of arbitrary power in general, rather than instances of special abuses. He should allude to the case of the Spaniards who had escaped into Gibraltar, and who (as he hoped by mistake) were sent back into Spain, where two of them were condemned to death, and one to twelve years in the gallies. The gallant officer who had returned them into Spain received an account that one of them, Don Diego Correa, had written against the English: it turned out, however, that this was not true, and that a mistake had been made in the name; but the result of this mistake was the loss of all the unfortunate Spaniard's property. This shewed how any secretary of state might, with the best intentions, be entirely misled.—But the greatest objection was the gross impolicy of the measure. We, whose great object had always been to prevent universal monarchy, were now most unwisely lending ourselves to such a system. It was not an imaginary but a real evil, that all Europe should be governed by one will; and if, instead of one, we had five or six, all agreeing together, the effect of this oligarchy of a club of sovereigns would be just the same. Russia would proscribe one man, France another, Austria a third, and no where would any refuge be found from the power of a despot. The effect of such a system, under the Roman empire, had been well pointed out by Gibbon:—"The division of Europe into a number of independent states, connected however with each other, by the general resemblance of religion, language, and manners, is productive of the most beneficial consequences to the liberty of mankind. A modern tyrant, who should find no resistance either in his own breast or in his people, would soon experience a gentle restraint from the example of his equals, the dread of present censure, the advice of his allies, and the apprehension of his enemies. The object of his displeasure escaping from the narrow limits of his dominions, would easily obtain in a happier climate a secure refuge, a new fortune adequate to his merit, the freedom of complaint, and perhaps the means of revenge. But the empire of the Romans filled the world, and when the empire fell into the hands of a single person, the world became a safe and dreary prison for his enemies. The slave of imperial despotism, whether he was condemned to drag his gilded chain in Rome and the senate, or to wear out a life of exile on the barren rock of Seriphus, or the frozen banks of the Danube, expected his fate in silent despair. To resist was fatal, and it was impossible to fly. On every side he was encompassed with a vast extent of sea and land, which he could never hope to traverse without being discovered, seized, and restored to his irritated master. Beyond the frontier his anxious view could discover nothing but the ocean, inhospitable deserts, hostile tribes of barbarians, of fierce manners and unknown language, or dependent kings, who would gladly purchase the emperor's protection by the sacrifice of an obnoxious fugitive. "*Ubicunque esses,*" said Cicero to Marcellus, "*cogitare deberes te fore in ejus ipsius quem fugeres potestate.*" If we followed this example, we should make the world one vast prison, and be perpetually embroiled with foreign powers. Hitherto we had refused to give up to the vengeance of foreign powers those who fled from their injustice; and at what

time was it that we took on ourselves to become police officers to the rest of Europe? When it was clear from the state of things, that there must be shortly alterations and convulsions in the state of Spain, and were we to espouse the cause of either party? When it was avowed that this bill was to prevent convulsions in France, how were we to say to the king of Spain that we would not do as much for him? He would reply, "then you espouse the cause of my enemies, you support the standard of revolt against a legitimate sovereign." It was by laws and policy counteracted by the present bill, that England arrived at the pre-eminence she had now attained, and we must not violate that policy or trample on those laws. The operation of the present bill would effect a sacrifice of all the advantages we had enjoyed. It would involve us in perpetual difficulties with foreign states, and, in a constitutional view, be highly dangerous to the liberties of the country. For these reasons, he never voted against any bill with so much determinate hostility as against this.

The Earl of *Westmorland* said, that the bill should be considered in two points of view: first, as it regarded our internal peace, and secondly, as it enabled us to preserve the relations of amity with foreign states. He thought it perfectly conformable with the 30th chapter of Magna Charta. In the existing state of Europe, it was impossible to maintain the relations of peace and war, without an act like the present. Was there any reason for opposing it from the abuse of the powers granted under similar acts? Were the powers granted by former alien acts misused? No: during the last two years, only four persons were sent out of the country under the powers conferred upon ministers. This surely was a proof that foreigners were not harshly treated, and an argument against those dangers which the noble lord opposite apprehended from this measure.

The Marquis of *Lansdowne* said, he was decidedly hostile to the principle of the bill, and the grounds on which it had been supported. It had been said, that government had never abused the powers conferred by former bills; but was it not an abuse that persons were prevented from coming into this country with their property and other advantages? The principle avowed by the noble lords on the other side was "*pœna ad paucos, metus ad omnes*," but what worse principle could a statesman act upon? How was the secretary of state to determine as to the character of foreigners? With all the information which he was able to procure at home with respect to domestic offenders, it was sometimes proved upon trial, that he had been mistaken. And could it be expected that, with regard to foreign countries, he was more likely to obtain accurate information? There appeared in all the arguments on the other side a disposition to undervalue the laws of the country, which were competent to punish guilt wherever it was found. He never could believe that a constitution which had withstood the strongest efforts in violent times, could be destroyed by a few foreigners, towards whom the people of this country entertained a degree of jealousy amounting to repugnance. It was on a connection of the absurdity and injustice of the proceeding, and seeing that no special case was made out to prove that it was called for by any circumstances peculiar to the present times, that he should oppose the motion.

The Earl of *Harrowby* said, he was willing to admit most of the general propositions of the noble marquis, because they did not apply to the particular circumstances of the present case. He argued, that the bill did not give new powers unknown to the constitution, but merely gave facilities to the exercise of an undoubted right. He put it to the house, whether any honest alien, who wished to reside here for the fair exercise of his art or industry, would be for a moment deterred by the provisions of this measure? Could any cases of the kind be brought forward?

Lord *Holland* said, across the table, that such cases existed within his knowledge.

The Marquis of *Lansdowne* made the same statement.

The Earl of *Harrowby* continued. Then the noble lords had the misfortune to be acquainted with persons of a more nervous temperament than ordinary men. He contended that foreigners might be induced to reside here, not merely to overturn the happy constitution of this country, but for the purpose of wounding France through the sides of England, by availing themselves of her free press and her immediate vicinity. The power of sending them away, like every other power, was exposed to abuse; but the question was, whether, looking at the whole case, it were not better to incur the present, than expose ourselves to other and greater evils?

The house divided:

Contents, 34—Not Contents, 15.

The house then went into a committee, and lord Sidmouth proposed his clause relative to aliens who had bought shares in the bank of Scotland, pursuant to the Scotch act of 1695.

The Earl of *Lauderdale* moved that the act be read, and the clerk read the title; but the English statute-book did not contain the act itself.

Lord *Melville* said, that he had a copy of the act in his possession, and he offered it to the house.

The Earl of *Lauderdale* and Lord *Holland* urged, that it ought to be brought before the house in a regular manner, and not produced from the pocket of any peer.

The Duke of *Sussex* professed himself quite in the dark as to this statute: the house ought to have information before it proceeded to a vote.

The Earl of *Lauderdale* said, that the original act was in the Record-office at Edinburgh, and ought to be laid on the table.

Lord *Melville* said, that he was ready in his capacity of governor of the Bank of Scotland, to produce the statute as printed by the King's printer, which was generally deemed sufficient evidence of an act.

The *Lord Chancellor* admitted that, strictly speaking, an authentic copy of the act ought to be produced, but he thought it would be very easy to frame a clause which would steer clear of that act. It might be enacted, that all persons naturalized after the 29th of April except by act of parliament, should be deemed aliens.

Earl *Grey* observed, that such a clause would go much further than this bill.

The *Lord Chancellor* said, he had no objection to go further.

Earl *Grey* did not doubt that the noble and learned lord would go as far as his ministerial friends requested him: he had always shewn himself ready to support the prerogatives of the crown, but never to maintain the rights of the subject. Such a sweeping clause as that alluded to by his lordship would have the effect of doing away all the advantages hitherto derived by aliens under the solemn provisions of the legislature.

The *Lord Chancellor* said, that, whether he or the noble earl had best defended the liberties of their country, must be left to others to determine; but he rejoiced that the course of his politics had been quite different from that of the noble earl. As the Scotch act had been recited in several British acts, he did not think it necessary to call for that act.

Lord *Holland* insisted, that what was now suggested was without precedent. What had the house to do with the secret intelligence procured by ministers from the noble governor of the Bank of Scotland? Informing had of late become so much the fashion, that even ministers stooped to it; the noble governor of the Bank of Scotland did not disdain to become an informer against his employers, the proprietors of shares. (*Hear, hear.*) A short time ago ministers had boasted (how truly was not the question) that they were not dependent on the Bank of England, but at least they were now anxious to shew that the Bank of Scotland was dependent upon them.

The Earl of *Liverpool* urged that the only object of the clause was, to prevent aliens from secretly introducing themselves into the state, and by an old forgotten law entitling themselves to rights which belonged only to natural-born subjects, or to aliens who might participate in those rights through the provisions of an act of parliament. The clause was to operate only from the 29th of April, which was the day when the notice of the alien bill was first given.

Earl *Grey* observed, that there were many acts of parliament which, in certain cases, gave the privileges of natural born subjects to foreigners, and it would be gross injustice to deprive aliens of those advantages to which they were entitled under a public act of the Scotch parliament, incorporated at the Union.

The subject was then dropped, and the committee proceeded to the clause relating to the duration of the act.

Earl *Grey* proposed, that it should be continued only for one year, but the amendment was negatived, without debate, and without a division.

The Earl of *Carnarvon* proposed a clause, to exempt from the operation of the bill aliens who had married British subjects, or who had been domiciliated here five years before the last peace: but it was immediately negatived.

The *Lord Chancellor* then moved the following clause: "And be it further enacted, by the authority aforesaid, that such persons as may have been naturalized, or claim to have become naturalized, since the 28th day of April last, by the effect of any act of parliament heretofore passed relative to the Bank of Scotland, or who may claim to be naturalized by becoming partners of the Bank of Scotland after the passing of this act, shall be deemed and taken to be aliens, notwithstanding the provisions of any act of the parliament of Scotland, whilst the provisions of this act relative to aliens shall remain in force.

The Marquis of *Lansdowne* resisted this device, by which the necessity of producing the Scotch statute was avoided, and moved, as an amendment, that the words "28th day of April" be omitted, and the words "from and after the passing of this act," be substituted.

Lord *Melville*, in reference to what had been said by Lord Holland, denied that he had deserted the interests of the Bank of Scotland, by communicating the intelligence he had given to ministers: the statute had been sent to him from Edinburgh, for the purpose, by persons who, like himself, were concerned in the Bank of Scotland. He thought the accusation brought against him not at all warranted by the facts.

Lord *Holland*, in explanation, said, that he had not intended to say any thing offensive to the noble lord, but he thought the two offices of Governor of the Bank and Minister of State in some degree incompatible.

The Earl of *Lauderdale*, Lord *Holland*, and the Earl of *Rosslyn* severally observed, that this was not so extraordinary a discovery as the noble viscount imagined. They believed that it was known to the Bank of Scotland, and that it had been an inducement to all aliens, since the Union, to purchase into that Bank. But this might be all conjecture, and, therefore, time should be given to inquire into the state of the Bank, with the view of considering what injury their property might sustain. The right of every stockholder in England rested entirely upon the same foundation; and upon the whole, if the noble and learned lords did not adopt the amendment, they would shake that good faith in the establishments of this country which it was their duty to uphold.

The question was then put, that the words "the 28th day of April" stand part of this clause. Their lordships divided:

Contents, 42—Not-Contents, 20.

Lord *Gage* then proposed a clause, similar to that proposed by Mr. Brougham in the Commons, to enable aliens to be conveyed to any part, if a ship should be ready to sail to that place, within one month after they received notice to leave the country. On this clause their lordships divided—

Contents, 20—Not-contents, 42.

Lord *Sidmouth* then gave notice, that he should move to-morrow, that the standing order, No. 26, be taken into consideration, in order that the report of the committee should be received, and the bill be read a third time.

Lord *Holland*, the Marquis of *Lansdowne*, the Earl of *Lauderdale*, and the Earl of *Rosslyn* protested against that course of proceeding. It would be to suspend the standing orders for no other reason than to afford personal accommodation to ministers.

On the other side, the Earl of *Liverpool* and Viscount *Sidmouth* maintained, that the standing orders had been often dispensed with upon occasions by no means so pressing; and that, from the late period of the session, it was necessary to accelerate the progress of this measure, which had been already long enough before the house to afford noble lords an opportunity of understanding it.

EDUCATION OF THE POOR BILL.] On the motion of the Earl of *Rosslyn*, their lordships proceeded to take into consideration the report on this bill, when several amendments were made. On the question being put, that the bill be read a third time,

The *Lord Chancellor* rose and said, that this bill had been very much improved since it came up here. With respect to the part which he had taken in it, he felt very strong objections to make any allusion, because, in the first place, it was the duty of every member there, and particularly of the person who held the situation which he filled, not to observe on any thing that passed in another place; and, secondly, because it was often extremely difficult to ascertain what really had passed: but if what he had read as having passed was correct, he felt himself bound to observe to their lordships that his conduct had not been treated with justice or propriety. He left it to the judgment of those who had known him long, both as a judge and as a member of that house, whether he ought to have been treated in that manner. (*Hear, hear.*) He would now merely add, that whatever effect might have been intended to be produced, it should never operate as a check on his mind to diminish the respect, civility, and attention, with which he had always treated every member of parliament, every gentleman, and particularly every gentleman of his own profession. (*Hear, hear, hear.*)

The bill was then ordered to be read a third time to-morrow.

HOUSE OF COMMONS.

Monday, June 1.

BANKRUPT LAWS AMENDMENT BILL.] The resolutions passed in the committe on Saturday last being reported, and agreed to by the house, an instruction was given to the gentlemen appointed to bring in the Bankrupt Laws Amendment Bill to make provision for the same.—Mr. *J. Smith* then brought in a bill "to alter and amend the Laws relating to Bankrupts."—It was read a first time.

PARLIAMENTARY REFORM.] Mr. Alderman *Wood* presented the following Petition and Remonstrance of the inhabitant householders in the City and Liberties of Westminster, in public meeting assembled, on the 23d day of March, 1818.—"That on the house, as appears to the petitioners, there doubly rests a legal, constitutional, and moral obligation, promptly to redress the wrongs of the people whenever they are aggrieved, and make their application; inasmuch as it is a house which holds the office of a national representative, and which also claims to be, in respect to certain electoral and legislatorial rights of the commons, a court of judicature having exclusive jurisdiction; in the first place, the very nature of representation requires that the house shall do for the people in all ways, but more especially for redress of grievances, whatever they, if legislating personally, would, for self-preservation, do for themselves; and, in the second place, if the house be an English court of judicature, it must well know that every such court hath of necessity its attributes and its duties, its power and its responsibility; if such a court do not wantonly abandon its functions, it decides causes coming within its jurisdiction, whenever by bill, suit, or petition, regularly brought before it; to try or not to try an issue, it hath no option; to do or not to do its duty, it hath no choice, neither hath it any discretion whereby it can dispense with affording redress; for, in the English constitution, as in the code of nature and reason, it is an eternal principle of equity, emphatically reiterated in the maxims of our law, and shines the brightest gem in Magna Charta, that justice shall neither be denied nor delayed; wherefore, when suitors apply to such a court for redress of intolerable wrongs committed by its own members, it cannot be competent to say, "Go your way for this time, when we have a more convenient season we will send for ye;" in short, touching the house, one of whose offices it is to impeach unjust judges, it is impossible it can enumerate among its privileges, that of being itself an unjust judge; or, among its attributes, that of an authority to pervert equity, and to mock at justice, a shocking impiety, peculiarly offensive to God, and disgusting to man; to

deny justice, were to dispense with and to suspend law, treasons for which a king was expelled from the throne, and such a denial by a court that had monopolized all the powers of redress, were an aggravation of the guilt beyond all power of language to express; the house are earnestly requested to observe, that by the law of this land it appears, that whenever by petition of right even a private man empleads the king himself, for that his majesty wrongfully holds an inheritance belonging to that man, the king, as mere matter of official duty, invariably says, in writing, "Let right be done to the party," when a commission as invariably issues to that end; but when last year more, as it is believed, than a million of aggrieved people, speaking as it is believed, the sense of many millions, empleaded by their petitions of right, those members of the house who wrongfully withhold from the whole nation the most valuable and most sacred inheritance, constitutional representation, the empleaders instead of being answered that right should be done, experienced on the contrary a perversion of equity and a mocking of justice, mixed with insult and calumny; and their oppressors had influence enough not only to cause their petitions to be trampled upon, but to procure a suspension of all laws of protection; in consequence of which, virtuous parliamentary reformers were inhumanly hunted by the blood-hounds of false accusation into ruin and misery, chains, dungeon, and exile; the petitioners feel warranted in maintaining, that neither an English assembly of representative legislators, nor an English court of judicature, can be privileged to substitute its own arbitrary will for law, its own capricious pleasure for the constitution; discretionary law, characteristic of despotism, hath ever been peculiarly abhorrent to the free mind of England, nor can discretionary law, which may for any length of time deny, and which, as it appears to the petitioners, hath, in fact, by a contempt of their petitions of right for five and thirty years, denied political liberty to the people of England, be reconciled with that divine principle of her constitution, by virtue of which the very touch of her soil gives freedom to the slave; wherefore the petitioners pray that the house will, as speedily as may with due consideration consist, pass a bill for effectually securing to the people in all time to come, the self-evident right of universal freedom fairly distributed according to population, with annual elections, and in those elections the protection of a ballot."—Ordered to lie on the table, and to be printed.

LONDON, &c. PRISONS COMMITTEE.] Mr. Alderman *Wood* presented the Report of this Committee. It was ordered to lie on the table, and to be printed.

SLAVE TRADE.] Lord *Castlereagh* presented to the house by the command of the Prince Regent, the "Treaty between his Britannic Majesty and his Majesty the King of the Netherlands, for preventing their subjects from engaging in any traffic in Slaves."—The noble lord observed, that this treaty differed in only two or three points from the treaties concluded with Spain and Portugal. The first point was, that the reciprocal right of search should not extend to the Mediterranean, the North Seas, or the Channel.—The next point was, that the number of ships authorized to search, should be limited on each side, and that each of the contracting parties should give notice to the other, what were the ships so authorized.

Mr. *W. Smith* congratulated the house on the completion of this treaty. He was fully assured that the Slave Trade was so likely to be short lived, that the exemption of the Mediterranean from the operation of the right of search was a matter of no consequence.

SPANISH PATRIOTS.] Lord *Morpeth* said, he held in his hand a petition from Don Diego Correa, one of the two Spaniards who were so improperly surrendered to the Spanish government by the governor of Gibraltar, in 1814, in consequence of a communication from the British Consul at Cadiz. The companion of Captain Correa had the good fortune to escape, but he himself was tried by the Spanish authorities. The case was however brought into discussion in that house by a distinguished individual, now no more (Mr. Whitbread); and, in consequence of the interposition of his Majesty's government, Captain Correa was liberated, and sent to Gibraltar, whence he came to this country. In consequence of ill health and inability to subsist in England, he had recently applied to the Spanish consul for a passport to return to Spain; but his application was rejected, on the ground that having been claimed by the British government, he had no title to Spanish protection. The petitioner therefore appealed to the justice and liberality of parliament, for the means of subsistence during his stay in this country.

Lord *Castlereagh* said, it was not in the power of this government to restrain the conduct of Spain with respect to its own subjects. Captain Correa was furnished with a passage from Gibraltar to this country, but was expressly told that government could not make any provision for him.

Sir *J. Macintosh* conceived that there was a grievance stated in this petition which was extremely worthy of attention. The British government had thought itself obliged, in point of honour and duty, to obtain the release of the petitioner. Captain Correa then came to this country; and now he was told that, on account of the interference of the British government, he was divested of his national character. The interference of this government for his protection was visited on his head by the officers of his own country: it was now said, that he belonged to no country, he was the subject of no state. They declared that he was divested of all privileges belonging to the character of a Spaniard, if any privilege did belong to that

character now. (*Hear, hear.*) He had, therefore, a good right to claim redress from the government which had placed him in this predicament.

Lord *Castlereagh* said, that this was not a fair construction of what had been done to Correa. Depriving him of his passport was not stripping him of his national character. The inconvenience he now suffered was the result of the views which his own government took of his conduct.

Mr. *Brougham* wished to avail himself of this opportunity to ask a question of the noble lord. He should be glad to be informed, whether any remonstrance had been made by this government to the court of Madrid, in behalf of those unhappy persons—those gallant persons, he should say—who, after having fought the battles of Ferdinand, were consigned to a loathsome dungeon, nearly opposite our own garrison at Gibraltar. If any remonstrance had been made, as the noble lord had formerly promised the house that there should, he wished to know in what manner it had been received by the liberal and enlightened policy of the grateful Ferdinand. (*Hear, hear.*)

Lord *Castlereagh* said, that some representations had been made to the Spanish government, but it was a most delicate subject, and there was no particular intelligence which he could lay before the house. He feared, however, that the observations which had been made on the other side of the house, relative to the policy of the Spanish monarch, had tended rather to retard than promote the interests of the individuals in question.

Mr. *Brougham* said, that he perfectly understood the explanation of the noble lord. It was obvious that all our remonstrances to Ferdinand had been ineffectual; and, therefore, it was a bitter satire to talk of the policy of that prince. (*Hear, hear, hear.*)

Mr. *Bennet* said, that with respect to what the noble lord had stated concerning the observations that had occasionally fallen from his side of the house, he was fully convinced that if those observations had not been made, not the smallest interference would have taken place on behalf of those unhappy individuals. (*Hear.*)

Mr. *Speaker* then put the question, that this petition be brought up. He wished, however, to state to the house, that it appeared to him to pray for pecuniary relief, and it was not consistent with the practice of the house to receive such petitions, without the previous recommendation of the crown. If any other construction could be put on the phraseology of the prayer, then the house would not, perhaps, reject the petition; but if no other construction could be put upon it, then they might think it proper to adhere to their rules. At all events, he thought it his duty to call the attention of the house to this point.

The petition was then read.—On the question that it do lie on the table,

The *Chancellor of the Exchequer* objected to its being received, as the prayer directly implied pecuniary relief, which could not be given without the consent of the crown.

Lord *Cochrane* contended that the petition ought to lie upon the table. He observed, that that ungrateful monarch, Ferdinand, being unable to persecute Correa in his own country, had handed him over to his Majesty's ministers. It was quite certain, that those ministers would never give any relief to those who differed from them. He had heard, however, that this parliament, happily for the public, was about to expire, and he hoped that in another parliament the case of these suffering Spanish patriots would be taken into due consideration.

The petition was then withdrawn.

LAND-TAX ASSESSMENT.] Mr. *Brougham* rose to call the attention of the house to the subject which he had lately brought before them, relative to the assessment of the land tax in the county of Westmorland. He now held in his hand a paper signed by two commissioners of the land tax, by which it appeared, that instead of holding a first meeting on or before the 30th of April, and a second on the 23d of May, they had issued an order that the assessment should not be made till the 27th of June. Now the house would observe, that until the party were assessed, he could not redeem his land tax. This order was signed by Christopher Wilson, of Kendal, and John Hudson, the minister of that place. The former was a very respectable person, and he thought it very likely that the latter might have been misled on this occasion. He had been informed that Mr. Wilson was the chairman of the principal election committee in that part of the county, for that party whose interests were to be benefited by a delay in the assessments, and that Mr. Wilson was a member of the same committee. Having taken notice of this subject in the way that he had done, and the house having expressed their opinion upon it, and feeling confident that the gentlemen would now adhere to the statutory provisions of the law, he should trust to the effect that might be produced on them, and on their colleagues in that part of the country, without pressing for any further proceedings. He was very far from suspecting the noble lord opposite, or any of his colleagues, of having participated in this business. It was, however, a very weak measure, and he ascribed it to the officious zeal of inferior agents, whose conduct seldom did much good when carried so far. At present he thought it unnecessary to take any further notice of this matter.

Lord *Lowther* observed, that several persons had lately applied to be taxed, and he thought it a very novel case for persons to apply for that purpose. The commissioners had had several meetings, and it had occupied a considerable time to digest the several acts; but, considering the extent of the district, they had acted with great vigilance and activity.—The noble lord

then complained of the unnecessary use that had been made on a former occasion of the name of Mr. Johnson, the solicitor.

Mr. *Brougham* said, he had not censured Mr. Johnson, who had acted merely as an agent. His observations were directed against the tax-office, and, in his opinion, it exhibited a most indecent appearance to see an election agent corresponding under that name with the board of taxes.

The *Chancellor of the Exchequer* contended, that the tax-office had only done their duty in giving an answer to the application that was made to them.

Mr. *Wynn* said, he could not agree with the noble lord that there was any thing very novel or extraordinary in the applications of the freeholders to be assessed. There was a special clause in the act of parliament to give every possible facility under such circumstances, and any delay on the part of the commissioners would be highly criminal, and, if brought before that house, would be visited with punishment. Whether there had been any delay on the present occasion, he would not undertake to say: that was a question that might be decided hereafter by an election committee, should the subject ever be brought before them. As to Mr. Johnson, he was justified in what he had done, but he ought to have applied to the commissioners, instead of the tax-office The latter, he conceived, had only performed their duty.

Sir *J. Graham* said, that the commissioners in that district had been more vigilant than in any other part of the kingdom. Scarcely any assessment, as gentlemen knew, was delivered in before the end of June, or the beginning of August. He was astonished to hear his hon. and learned friend say, that this subject ought to be inquired into at a future period.

Mr. *Waldegrave* differed entirely from the hon. baronet: he hoped that the matter would be brought forward in another parliament.

Here the conversation dropped.

REGENCY ACT AMENDMENT BILL.] Lord *Castlereagh* moved the second reading of this bill. He stated that one object of the measure was, to appoint an additional number of councillors to assist her Majesty in executing the trust confided to her with respect to the care of the king's person; the other object was, to provide for the meeting of parliament, within a limited time, in the event of her Majesty's demise during a prorogation, and before a new parliament had assembled. It appeared to him, that, under existing circumstances, the greatest inconvenience might arise, if these provisions were not adopted by the legislature.

Mr. *Tierney* observed, that this measure would not have been brought forward, had not ministers thought it a good time to dissolve parliament. But when they were viewing the inconveniences likely to arise from the death of her Majesty, they ought to have considered what was to be done in case of the death of the Regent, when we should have neither king, queen, nor executive government at all. *(Hear, hear.)* He should be glad to know how the magistrates of the conntry were prepared to act in such an event? There might, to be sure, be some who would take upon themselves the responsibility of assuming authority; but others, from want of nerve, or from other considerations, would decline embarking in that which would certainly be for the time illegal. Here, then, was the house discussing the Regency bill, and leaving out that most important consideration—what was to be done in the event of the Regent's demise? Could there be any doubt that, in that event, the Duke of York would be appointed Regent? Where, then, could be the inconvenience of making that appointment in the bill? Why could not parliament exercise that function now, which, sooner or later, it might be called upon to exercise?—Another point remained to be noticed. Not a word was said in the bill respecting the Windsor establishment. Were he disposed to be very hostile to his Majesty's government at this important moment, and to court popularity, he might expatiate on the unnecessary expenditure of that establishment. He might reply to the question, "Would you destroy his Majesty's comfort?" that his Majesty's comfort did not depend on the shew or splendor which that establishment was calculated to maintain. He would, however, content himself with observing, that the Queen's accommodation might be consulted (which, in the present state of her Majesty's health, it was very desirable to do), and yet that a considerable saving might be effected in that establishment.

Mr. *Canning* observed, that the bill before the house merely went to alter parts of the Regency Act, and by no means to revise the whole, which ought not to be done without serious consideration. He admitted that in the unfortunate event alluded to by the right hon. gentleman, the Windsor establishment might become a fit subject of discussion; but he was persuaded that the delicacy of the right hon. gentleman, and of every man in the house, would revolt from debating, at present, the ulterior saving that might result from such an event.

Sir *S. Romilly* remarked, that while there was the least prospect of his Majesty's recovery, no person ever looked to the Windsor establishment as affording the means of reducing the public expenditure; but now it certainly was a subject that ought to be taken into consideration.

Mr. *Wynn* suggested, that it would be more decorous to introduce some members of the royal family into the council; for thus, in the event of her Majesty's death, the king would still enjoy the protection and care of individuals of his own family.

The bill was then read a second time.

LUNATIC ASYLUMS (SCOTLAND) BILL.] Lord *Binning*, on moving that this bill be read a second time this day three months, said, that

there was an immense number of lunatics in Scotland, and that they ought to be provided for; but he could not give any pledge that he would bring forward the subject in the next session. He certainly never could contemplate the carrying of such a measure by a majority in that house against the opposition expressed by the country against it.

The second reading of the bill was then put off for three months.

OBSTRUCTION OF JUSTICE—IONIAN ISLANDS.] Mr. *Bennet* begged to call the attention of the house to the petition of Count Cladan, of Cephalonia in the Ionian islands, which he presented on the 27th of April last. (See page 1544.)—The hon. member said, that he had carefully examined the contents of the petition, and he was satisfied that a *primâ facie* was made out by Count Cladan, for the interference of government to afford him redress; and if they refused, for parliament to compel them to do justice to him. The first part of the petition was strictly the complaint of the count, with respect to the injustice and ill-treatment which he had himself suffered. The second part related to the wrongs and injustice suffered by the inhabitants of the Ionian islands, to whom we were bound to afford protection.—It had been said, that the count must seek redress in our courts of justice; but the only case which bore any analogy to the present was, the action brought by Fabrigas, a native of Minorca, against General Mostyn, in 1772. In that case, however, Fabrigas was considered to be the king's subject, as Minorca belonged to Great Britain at the time the transactions, the subject of prosecution, took place; but Count Cladan could not enter any of our courts, as the Ionian islands were not possessions of Great Britain, but merely placed under her protection. Supposing, however, that the count were entitled to sue in this country, the expense would amount to an absolute denial of justice. The witnesses were 101 in number, and were in the Ionian islands. Who was to bring them over, and maintain them here during all the delays of a trial? In the case of General Mostyn, the proceedings lasted three years, and Fabrigas obtained 3000 guineas. But any man who knew the expense at which those proceedings had been carried on, knew that the damages were inadequate to defray it. There could be no question, that to obtain redress against so powerful an individual as General Campbell, for acts committed in the Ionian islands, and which required a number of witnesses from those distant parts, was beyond the means of any private fortune in those islands.—For these reasons, therefore, and in order that the ends of public justice might not be defeated, he moved, "that there be laid before this house a copy of all correspondence that has taken place between his Majesty's Secretary of State for the Colonial Department and Count Cladan, relative to the conduct of Lieutenant General Campbell."

Mr. *Goulburn* said, it could not be expected of him that he should be nicely conversant with the law in this case, but he believed that, if General Campbell had acted in the way which Count Cladan had stated, there were tribunals in this country in which General Campbell could be called to account. He knew of one case which had occurred since he filled his present situation, in which the courts here entertained the cause, and did justice to the aggrieved party. He did not wish to pronounce any opinion with respect to Count Cladan; but this he could say, that, in the opinion of all those persons whom he had consulted on the subject of this accusation since it was last before the house, Count Cladan did not stand on the same ground as General Campbell did, with respect to the credit and estimation to which he was entitled. The hon. member then stated, that many of the most material papers for which the hon. gentleman had moved, had been transmitted by government to the Ionian islands, and concluded with giving his negative to the motion.

Mr. *F. Douglas* said, that the house of commons ought to be open to complaints of this nature, even though another tribunal should be open. He thought that his hon. friend had made out a complete *primâ facie* case, and he implored the house to consider the effect which a refusal to inquire into the facts would have on the inhabitants of all those settlements which were in the same situation as the Ionian islands.

Lord *Castlereagh* said, he must protest against the practice so often adopted, as almost to have grown into a system in that house, of stating calumnies under the form of petitions against the characters of individuals in responsible situations abroad; a practice not more injurious to those individuals than it was delusive to the parties preferring the complaints. He regretted the course pursued by the hon. member, because it appeared to him quite impossible that the house could interfere effectually for the purposes of justice. The only result therefore which could follow the introduction of this subject was the leaving an *ex-parte* statement to operate on the public mind, to the prejudice of an honourable officer whose case at present could not be fully understood.

Mr. *Barham* agreed with the noble lord, that nothing could be more improper than to bring under the consideration of that house, cases which might be readidly decided before a competent tribunal in the colony or place where they arose. But from what he understood of the present question, it appeared that the officer to whose conduct it referred, had taken upon himself the authority of revising judicial decrees, and of interfering with the ordinary administration of the law. He had thus set himself above the reach of those tribunals before which the matters in dispute were originally cognizable. He must declare, that he thought

the character of General Campbell deeply interested in repelling the charges now preferred against him.

General *Thornton* said, that from what he knew of General Campbell, he thought it impossible he could have acted in the manner which the petitioner had stated.

Mr. *Lockhart* was of opinion, that it was a dangerous practice to bring forward in that house the cases of persons in an inferior station of society, but he must protest against the extension of this principle to questions affecting the government and well-being of our foreign possessions. In proportion as they were enlarged, and the number of officers appointed to administer their affairs were increased, it became necessary that the inquisitorial powers of parliament should be extended, and rendered commensurate with the almost sovereign authority which was sometimes delegated to those officers. General Campbell had exercised a supreme authority, and it was no answer in such a case to a person who complained that he had been aggrieved to refer him to the ordinary course of justice.

Captain *Waldegrave* thought it his duty to protest against the doctrine advanced by the noble lord, which he considered as imposing an unconstitutional restraint upon the freedom and discretion of every member. Here was a case stated, in which the right of appeal (a right always allowed in a neighbouring country) to a second court, after a judgment of death had been invaded, and the appellant executed. Could it be said that this was an allegation which did not call loudly for inquiry? When he first heard the charges mentioned, he certainly had not felt disposed to admit their truth; but he was now of opinion, that a sufficient case had been established for inquiry.

Mr. *Money* said, he could not believe it possible that General Campbell had been guilty of the charges preferred against him.

Mr. *Bennet*, in reply, declared that he would spare no pains in the view of procuring such satisfactory evidence from the Ionian islands by the time that parliament should re-assemble as might afford the means of rendering justice to every party aggrieved. Those appeared to him to be no friends to General Campbell who opposed this motion on the ground of legal niceties, or the incredibility of the charges. That officer had been closeted over and over again with his Majesty's ministers, and must have furnished them with explanations on the subject. He had since thought proper to go abroad; but if the facts alleged could have been denied, would not the hon. gentleman opposite have gladly availed himself of the opportunity of triumphantly refuting the charges?

Mr. *Goulburn* observed, that General Campbell had merely gone to Paris, and was prepared to return if it should be rendered necessary by any proceedings of the house. He thought it right to state this, in order to shew that that officer had not fled from the accusation of the hon. gentleman.

Mr. *Bennet* wished to be understood distinctly as having never declared or imagined that General Campbell had fled from accusation.

The house then divided:—

Ayes, 8—Noes, 46.

HIGH BAILIFF OF WESTMINSTER.] On bringing up the report of the committee of supply, relative to the high bailiff of Westminster, Mr. *Bankes* renewed his objections to the grant.—After a few words from Mr. *Wrottesley* and Mr. *Lockhart*, the question was put, "That the Report be taken into farther consideration." The house divided:

Ayes, 8—Noes, 8.

In consequence, the house immediately adjourned.*

HOUSE OF LORDS.

Tuesday, June 2.

REWARDS ON CONVICTION BILL.] This bill was read a third time, and passed.

EDUCATION OF THE POOR BILL.] This bill was read a third time, and passed. It was then sent to the Commons, with its amendments†.

PURCHASE OF GAME BILL.] This bill having been read a second time,

The Earl of *Carnarvon* moved that it be now committed. He observed, that the sole object of the measure was, to place the buyer and the seller of game upon the same footing. As the law at present stood, the latter was subject to penalties, whereas the former was safe from all punishment. If their lordships rejected this bill, they would give encouragement to the rich suborners of an offence which the poor were tempted to commit, and which it was thought fit to allow to remain an object of severe penalties. If there existed any principle of law more cruel and unfair than another, it surely was that

* When there are forty members present (which number is necessary to constitute a house), and the votes are equal, it belongs to Mr. Speaker to give a casting vote.—In the House of Lords the Speaker gives his voice, as every other Lord of Parliament does, and if the votes are equal "*Semper presumitur pro negante.*" (2 Hats. 245)—Among the ancients the rule was, that where one judge condemned, and the other acquitted; of two different sentences, the milder ought to take place. The Greeks called this favourable case, *Minerva's Vote.*

† It will be seen, by the proceedings in the Commons on the 3d instant, that these amendments were agreed to. A Commission has been issued under this act, and the following are the names of the Commissioners:—

HONORARY.	STIPENDIARY.
Rt. Hon. C. M. Sutton	J. W. Warren, Esq.
Rt. Rev. Bishop of St. Asaph, (Dr. Luxmore)	W. Roberts, Esq.
	W. Mathews, Esq.
Rt. Rev. Bishop of Peterborough, (Dr. Parsons)	J. H. Holbeck, Esq.
	W. Grant, Esq.
Rt. Hon. Sir W. Scott	J. M'Mahon, E[illegible]
Rt. Hon. Sir W. Grant	T. Marsham, [illegible]
Rt. Hon. C. Yorke	Hon. D. Fi[illegible]

which punished the poor and acquitted the rich, when equally implicated in criminality. He had taken up this bill as he found it on the table, and he was of opinion that it had come from the Commons in a shape which did not promise that it would prove very effective in its operation. The state of the game laws was altogether objectionable; but, bad as the system was, it became the duty of their lordships to do what they could to improve it, and render it consistent, when their attention was seriously called to it, as it now was, by the bill before them. It was the wish, he understood, of his noble friend (Lord Lauderdale), that game should become the property of those on whose lands it was found, and that the sale of it should be legalized; but in the committee of the house of commons, though great attention had been paid to the subject, it had hitherto been found impossible to carry that principle into effect. To make game property was a proposition environed with numerous difficulties. In order to give it the protection of law, evidence of ownership would then be necessary, and upon what kind of proof that should be decided was not an easy matter to determine. He had considered the subject much, and conversed with proprietors of land in different parts of the country, but had never been able to come to any satisfactory conclusion. The question now before their lordships was, however, one of a practical nature. It was merely whether they would allow a law to remain in force, by which the poor man suffered the infliction of severe penalties, while the rich man was exempt from all punishment.

The Earl of *Lauderdale* thought there was no person acquainted with the situation of the gaols throughout the country, crowded as they were with persons committed for offences against the game laws, who would not oppose this bill. He was against every sort of tampering with the subject, because he knew that it was impossible for their lordships to go at this time into a consideration of the general system of the game laws; and unless the question were taken up on that large scale, no good could be done. His noble friend had inferred that the seller of game must be a poor man, and had truly stated that it was hard to punish the poor and let the rich escape; but the measure he supported would have another operation, which he completely lost sight of. The bill was so framed, as to render it impossible that any evidence of the commission of the offence should be obtained. How could there be any evidence of the offence, if the buyer and seller were both equally guilty in the eye of the law? But why were the gaols filled with unfortunate men, charged with offences against the game laws? Precisely for the same reason that the public was shocked with so many executions for forgery. An artificial system of paper had been introduced, which formed a temptation to the commission of the crime of forgery. In the same way, the unnatural state of the game laws produced a constant desire to violate them. In legislating, the first thing always to be considered was, whether the measure proposed were practicable. Did not their lordships know, that there was in this country a numerous body of funded proprietors as rich as landed proprietors? These men had no manorial rights, but they possessed wealth which gave them the command of every thing they could desire for their table; and with what they desired they would, doubtless, be supplied, in spite of all the laws which could be enacted. In consequence of the Union with Ireland, many great landed proprietors of that country resided in this, especially during the sitting of parliament, and they must also find it necessary to purchase game. It was absurd to suppose that men of great fortune could be prevented by laws from obtaining any of the luxuries of life. If his noble friend persisted in this bill, he should perhaps feel it his duty, at a subsequent stage, to move for the Lord Steward's accounts, by which their lordships would then see that the table of the Sovereign was served with purchased game. An attempt to amend the game laws by a measure like the present, was, in his opinion, perfectly contemptible; but as at this period of the session it was impossible to go into the general consideration of so important a question, he thought the bill ought to be withdrawn, in order that the subject might be taken up on more enlarged and just principles, in the course of the next session.

Earl *Grosvenor* reminded their lordships that the question had been very fully discussed in the other house of parliament, and that it had not been found practicable to bring forward any other measure at present. He had strong objections to the existing game laws. Among other things, he considered it a great hardship that the lives of gamekeepers should be exposed in the manner they daily were, by the imperfect state of those laws. He wished that the whole system should be taken into consideration; but when the question was, whether he would in the interim agree to the bill, he must say, yes. This answer he was bound to give, on the maxim that the receiver was as bad as the thief; but in this case there was the additional consideration, that the person proposed to be punished was not only the receiver of the stolen goods, but the encourager of the theft.

The Earl of *Limerick* felt it impossible for him to add any thing to the unanswerable arguments of the noble earl who had expressed so able an opinion against the bill. It should have his decided opposition. Indeed, it appeared to him that it must be perfectly nugatory, as well on account of the deficiency of evidence alluded to by the noble earl, as of the practices which would be resorted to in selling game. Were their lordships not aware that a turkey might be sold for four times its value, and game given in as a present along with it? Was there any law to prevent this? He thought it very hard that

persons who could not procure game from their own estates should be prevented from obtaining it by purchase. The bill was a measure of unnecessary severity, and though he was fond of sporting, he loved the liberties of the people still more than the preservation of game, and should therefore vote for the rejection of the bill.

Lord *Holland* said, he was not extremely fond of sporting, but he entertained as high a regard for the liberties of the people as the noble earl who had just sat down, and yet he intended to support the present measure. He could not, however, give his vote for the bill without some explanation of the reasons on which that vote was founded, lest it should be supposed that, by the support which he gave to this measure, he in any way approved of the principle of the game laws. To those laws he objected, not merely on the ground of their being founded on an unjust principle, but because they formed a fertile nursery of crimes. He could not help expressing his surprise at the extraordinary view of the question taken by his noble friend, and which the noble lord who spoke last so highly applauded. His noble friend had very ingeniously introduced the paper system into this question, though, for his part, he confessed he could not see the similarity of the cases between the forger and the buyer of game. His noble friend had dwelt on the inconveniences which a great number of wealthy persons would suffer who possessed no manorial rights. But if his noble friend were really desirous of altering the whole of the game laws, ought he not to support a measure which would make all those persons hostile to the system he wished to see changed? On the contrary, instead of making them enemies, he wished to place them in the situation of seducers. His noble friend had said, that the effect of the bill would be to prevent the obtaining of evidence. It appeared then, that, as the law now stood, the purchaser of game might convict the seller; but his noble friend paid a very indifferent compliment to those wealthy persons without manorial rights, for whose comfort he was so anxious to provide when he advanced this argument. Did he mean to say that the rich fundholder, after obtaining a partridge for his table, turned informer against the poor poacher who procured him that luxury? But this was a serious subject, and required the serious consideration of parliament, as soon as the question could be taken up on general principles. He was aware that the proposition of making game property was one of considerable difficulty, but he was not afraid of the consequence of such a measure with respect to violations of that property; for he could not conceive it possible that any law making game property could be the cause of such crimes as were the offspring of the present laws. At all events their lordships were bound to consider the state of the law as it now stood, and render the system as consistent as possible with itself. He should therefore give his vote in favour of the bill.

The *Lord Chancellor* said, he felt it impossible for him to give his assent to the bill as it now stood. If it were the intention of their lordships to deal out equal justice to the rich and the poor, this bill did not accomplish that object, for it only imposed a fine on the rich purchaser, whereas the poor seller was liable both to fine and imprisonment. A poacher had been committed to Dorchester-gaol for six weeks, for selling game to a man of property, while the purchaser went free. This was in contradiction to their lordships' opinion, that the buyer was worse than the seller. If the proprietor of one estate purchased game poached in his neighbour's, the principle of impartiality on which the bill proceeded would require, that if such a proprietor were the first man in the county, he ought to be sent to gaol as well as the poacher. It was fit, then, if their lordships adopted any measure on this subject, that they should take care to make it one which would deal out equal justice to all.

Earl *Bathurst* alluded to an opinion which had been entertained, that by this measure qualified persons would be liable to punishment for the sale of game, which, he thought, by no means followed from the enactments of the bill.

The *Lord Chancellor* said, that to make the measure consistent, the person who purchased game ought, not only to be liable to a fine of 5*l.*, but to imprisonment in the same manner as the poacher.

Lord *Holland* observed, that it would be very easy to alter the clause in the bill in such a manner as to remove the noble and learned lord's objection.

The house divided:

Contents, 33—Not-contents, 9.

The house then went into the committee, and the bill was reported without amendment.

ALIEN-BILL.] The Earl of *Lauderdale* presented a petition from certain persons who had recently purchased shares in the Bank of Scotland; and who, his lordship observed, were now threatened to be unjustly divested of their rights by an *ex-post-facto* law, introduced by the noble Secretary of State.—The petition being read, stated, that the petitioners were proprietors of stock in the Bank of Scotland, and were therefore by law naturalized subjects: that they had learned that, in a bill before parliament for continuing the alien act, a clause had been inserted, declaring that all persons who had purchased shares in the Bank of Scotland since the 28th of April last, should be deemed and taken to be aliens; that, under the authority of the existing law, the petitioners and many other persons had purchased stock, and had thereby acquired the rights of natural-born subjects; that they were merchants carrying on their trade in the British dominions, and that many of them were married and had children born to them in this country. Having purchased the stock, on the

supposition that nobody in Great Britain could be deprived of the rights they possessed by an *ex-post-facto* law, they prayed that the clause might not pass, and that they might be heard by counsel against it.—The noble earl moved, that the petitioners be heard by counsel.

Lord *Sidmouth* submitted to their lordships, whether, after the discussion which the clause in question had undergone, it could be considered necessary to hear council on the part of the petitioners. He saw no ground for such a proceeding, and should oppose the motion.

Earl *Grey* was astonished to hear the noble Secretary of State, without assigning any good reason, or giving any statement of the grounds of his opinion, recommend it to their lordships to pay no attention to the application which had been made to them. All that he had offered was an assertion that the clause had already been discussed. But what was the real state of the case? A certain number of individuals who, under the sanction of the laws and constitution of the country, had acquired rights and property, prayed to be heard by counsel against a measure which proposed to deprive them of the advantages they had fairly and justly acquired. They had stated, that they were merchants, and most of them the parents of natural-born subjects. In this situation, they complained of the violation of a public right, and asked to be heard in defence of their property and the rights which belonged to it. Could their lordships be prevailed on to refuse to hear them? Their petition was respectfully expressed; no objection could be made to receiving it; and yet the noble Secretary of State expected their lordships to reject its prayer, though he had used no argument to induce them to adopt so extraordinary and so unjust a course. Their lordships would recollect that they were judges on all questions of property in the last resort, and that it was in a peculiar manner their duty to guard against the violation of those rights on which the security of property depended. The liberal principles of government which had hitherto prevailed in this country had formed the foundation of its power and glory; and, if their lordships permitted all the rights derived from these principles to be taken away, it was not reasonable to expect that power and glory could continue.

The Earl of *Liverpool* trusted that he felt as sacred a regard for the principles of the constitution as any other person could do, but he did not think that the noble lord could state any ground against the introduction of the clause. That clause was introduced on public grounds and for public objects, and in such a case the claims of individuals must yield to the public good, though, perhaps, they might be heard with a view to compensation. Whether those who claimed redress under the measure were entitled to it or not, he would not say; but he could produce many precedents, where, in cases of state necessity, it had been the duty of parliament to legislate, without any regard to the claims of individuals. Compensation had indeed been attended to, but that did not affect the principle he had stated. He very well recollected, that when the question of the slave trade was agitated, one of the objections against its abolition was, the effect it would have on interests vested by act of parliament. He had agreed in the weight of those objections, and admitted that, if a case of injury were proved, compensation ought to be made: but if ever there was a question that stood upon unanswerable grounds of public policy, it was the present measure of the alien bill, (*hear, hear*, from noble lords), it was the policy pursued by this country with respect to foreigners; and what was that policy? He never heard the greatest latitudinarian contend, on the subject of qualification, that any man could become a naturalized subject except by taking the oath of allegiance; and now to contend, that the investment of so small a sum as 80*l.* in a banking company should confer that high privilege, was a most unheard-of assumption. Indeed, the clause in the act relating to the Bank of Scotland had been virtually repealed by several subsequent acts. By the 14th of the king it was declared, that no person should *thereafter* be naturalized unless he conformed with various requisites. The clause said that no one should *thereafter* be naturalized, which expression repealed the clause in the Bank act, by implication; and yet, because that clause had never been expressly repealed, the noble earl would infer that it was still in force; and it had now been conjured up for a particular purpose to be enforced in violation of all the sacred principles of the constitution, of all the principles of allegiance to the crown and the government. A proposition so monstrous, so unheard of, he believed had never before been made in that house; and if their lordships acceded to it, they would render of no effect, a bill, which after all that had been said, he deemed of the most vital expediency to the interests and existence of Great Britain.

Lord *Holland* complained that the noble earl had not stated the question fairly. He had said, that the question turned on the repeal of the Scotch act, and the public expediency of the alien act. The question was not, however, whether the Scotch act should be repealed, but whether their lordships would hear, at their bar, parties who complained that their persons and property were affected by the operation of a retrospective law; and whether that law, which seemed to make the noble earl so impatient, should be repealed in a single day, without any regard to the interests or vested rights of individuals. However, as the noble earl had dwelt so much, and with such vehemence, on this alleged preposterous law, he could not help observing, that he had fallen into a mistake from the hurry with which this clause had been brought forward. It was, indeed, but natural, that any one should be taken by

surprize in a question that could not be at once understood in all its bearings. The noble earl would find, if he examined the subject, that this clause in the Bank act did not creep by the Union unnoticed, but that the framers of that measure had it distinctly in view; for they, in speaking of the effect of the Bank act on the question of naturalization, included all those already naturalized by any Scotch law. The question, however, was, not the propriety or impropriety of altering that law, but whether their lordships should break down other great principles for the sake of obviating an imaginary danger, or compassing an imaginary convenience. They were told that the alien bill was a balance of inconvenience. Now, the inconvenience apprehended on one side was, that certain persons whom ministers wished to have in their grasp and net, had got out by relying on the laws of the country. Who those persons were, he knew not, except that they had been long domesticated here, and were good subjects of the king. That was the inconvenience on one side: on the other, their lordships broke down all rules and principles of government, and attacked the property and security which they professed to ensure. But the noble earl had argued this as a question of great state policy, in which the interests of individuals must be sacrificed to those of the public; and he had alluded to the abolition of the slave-trade, in which private interests had suffered severely. He (Lord Holland) well remembered the discussion on that question, and he recollected hearing, hour after hour, the counsel who spoke for persons interested in that trade. There was, however, a main difference between their situation and that of the petitioners. The petitioners here did not insist that the bill *might* injure their future prospects or speculations, but that it did take away from them those rights which they had already purchased under the existing laws of the country. We had told foreigners, that by the same laws which secured to landholders their land, to fundholders their claim on the funds, they might acquire and enjoy the rights of naturalization. And this the noble earl had called preposterous. Preposterous! yes, it was preposterous in the house, after omitting this subject on the first and second reading of the bill, now on the third reading to foist it in for the first time! And then the noble viscount said, that after the ample discussion of that night, he must refuse to hear counsel. Why, if the bill had been discussed in the first, second, and every stage of its reading, it would still be accordant to usual practice to hear counsel before it was passed. If the noble viscount's doctrine were to be admitted, there was an end of hearing counsel altogether: it was only to say, that the occasion on which petitioners requested to be heard was one of great public convenience, and their request might at once be refused. But he had known counsel heard on a third reading. The house was a tribunal of the last resort to all who were aggrieved, and it behoved them to hear the petitioners even with a view to the very measure which they complained of. Let the house know who these petitioners were; with what view they bought the shares in question, and to what amount. After all the pretence that had been set up about the balance of inconveniences, this was the principle, if any, on which their lordships ought to legislate. Say what they would, if they refused the prayer of these petitioners, they would sanction a great and flagrant injustice. Sure he was that this sacrifice to ministerial convenience would lead to a suspicion that more important rights would next be attacked. He had spoken last night of the ill effects of arbitrary power, and had shewn that those who were pampered by the high food of despotism, would acquire a disrelish for the homely establishment of a limited government. There could be no greater proof of this, than that the noble viscount, so celebrated for his mildness of character, after having been pampered with the suspension of the habeas corpus, the bill of indemnity, and the alien act, would not now condescend to hear the counsel of petitioners whose rights and property were sacrificed to an *ex post facto* law.

The house then divided on the question, whether counsel should be heard or not.

Contents 12—Not Contents, 22.

LIBEL LAW.] Lord *Erskine*, in moving the second reading of his bill "to prevent Arrests on the charge of Libel before Indictment found," stated, that there were two distinct questions for the consideration of the house. First, whether justices of the peace had jurisdiction to commit and hold to bail on the charge of a libel, before indictment found; and secondly, whether, supposing that jurisdiction existed, it should be suffered to continue. As to the first question, it could be supported only by the common law, or by express statute; and, on a former occasion, a noble friend of his (Earl Grey) had most correctly stated, (See Vol. I. p. 1005.) that the common law must be found in the decisions of the judges, in the writings of lawyers, or in universal practice. In one or in all of these authorities the proof of this jurisdiction must, if it did exist, be found; and if it were not to be found in any of these, it would not be denied to him, that it could not be the law of the land; for it was not within either the letter or the spirit of the commission to the justices, which was settled by the judges in the reign of Queen Elizabeth.—The noble and learned lord then went into an argument, for the purpose of shewing, that in the time of Henry VIII. there was no jurisdiction in justices of the peace to arrest even for felony, before indictment found. This was the unanimous judgment of the whole court in the 14th of Hen. VIII. (See the Year Book, Hil. Term, fo. 16. pl. 3.) Of the judges who decided that case, Broke was one, and he inserted the deci-

sion in his Abridgment, than which there could be no better legal authority, under the heads "Peace and Surety of Peace," and "False Imprisonment." At the distance of 90 years, lord Coke referred to this case, and said, he held the resolution of the court to be law. (4 Inst. pp. 177-8.) Lord Hale, in his Pleas of the Crown, (Vol. II. p. 108.) had laid down a proposition which, at first sight, might appear to support a power of arrest, before indictment by justices in *all cases* within the jurisdiction of sessions; but, in three pages afterwards, he declared, that this was "doubtful"—nay, not merely doubtful—for he said, "these things make against it: 1st, because some acts of parliament do particularly and expressly authorize them to it, which they would not have done if it had been otherwise lawful; 2dly, because, in most cases of this nature, though the party were indicted, or an information were preferred, yet the *capias* was not the first process, but a *venire facias* and *distringas*; and, in cases of information, no process of outlawry at all (8 Hen. VI. 9 B.), until the statute of 21 Jac. I. cap. 4. gave process of outlawry in actions popular, as in actions of trespass *vi et armis*." Lord Hale, then, merely meant, that, since the time of lord Coke, justices might, by universal practice, arrest for felony, and in all misdemeanors against the peace;—he did not mean, that they could commit or hold to bail, in cases of libel, because, as lord Camden had decided in Wilkes's case, a libel was not an actual breach of the peace, and in no case whatever, except that of the Seven Bishops, which was not law, had a libeller been bound to find surety for the peace. (*Hear, hear*.) The next writer was, Mr. Justice Hawkins; and the same construction must be put upon what he had said (Pleas of the Crown, B. II. p. 84.) in treating of felony, as had been applied to the work of Lord Hale. Hawkins said, that "constant and universal practice, since the time of Lord Coke, had altered the law as to the power of justices in felonies and misdemeanors against the peace; and that "the practice of justices had now also became law, in granting a warrant for the apprehension of any person, upon strong grounds of suspicion, for a felony, or other misdemeanor, before indictment found." By the words "other misdemeanors," he meant misdemeanors against the peace; and, even as to those he said, "yet as justices of the peace claim this power rather by connivance than any express warrant of the law, and since the execution of it may prove highly prejudicial to the reputation as well as the liberty of the party, a justice of peace cannot well be too tender in his proceedings of this kind? (*hear, hear*,) Then came the authority of Lord Chief Justice Holt, in the case of Roe, Kendall, and others, (7th Wm. III. Modern Reports, Vol. V. p. 80.), and also in the case of the Queen against Tracy, (3d of Queen Anne, Modern Rep. Vol. VI. p. 179.) It was evident from what that excellent judge said in those cases, that he understood the power of justices to commit before indictment found, to be confined to actual breaches of the peace. The next authority was that of Chief Justice Parker, afterwards Lord Macclesfield, in the case of the Queen against Derby. (10th Anne, Fortescue's Reports, p. 140.) In that case, the learned judge asked, "whether justices had not power to commit in cases of felony?" In asking that question, he could not have supposed them to possess that power in cases of libel, which are not breaches of the peace. Then came the decision of Lord Camden, in the celebrated case of Mr. Wilkes. (2 Wilson's Reports, p. 151.) In that case it was laid down by the court, that a libel was not a breach of the peace, and that it was absurd to require surety of the peace or bail in the case of a libeller. The last authority was that of Mr. Justice Blackstone; and from what he had written on this subject, it was evident that the power of justices to commit before indictment found, was confined to treasons, felonies, and breaches of the peace, and such offences as they have power to punish by statute. (Comm. Vol. IV. p. 290.)—Having thus shewn that, anciently, justices had not power to commit, even in cases of felony, before indictment found; and that the law on that point was afterwards altered, not by any express enactment, not by any decision of the courts, but by constant and universal practice*; the noble lord proceeded to shew, that the power of justices to commit, or hold to bail, for libel, before indictment found, was not supported by such practice. It appeared, by the return which had been made to his motion of the 23d of May, in the last session, that, since the year 1640, there had been many instances of arrests by justices, and also by secretaries of state, to answer *ex-officio* informations, (which were afterwards filed) in the reigns of Queen Anne, George I. and George II.; but the power of the secretary of state had been exercised only three times in the three first years of his present Majesty, and not again until the 43d year, and only thrice afterwards. It appeared also, that the whole of these cases of arrest for libel, both by the justices and by the secretaries, were confined to London and Westminster. (*Hear, hear*.) Could this be called a constant and universal practice? Had it prevailed at all times? Had it extended to all parts of the country? A usage, to grow into a law, ought to be a general usage, *communiter usitata et approbata*: but it was evident that that was not the case here. It was not such a usage as would supersede and repeal the ancient law of the land. (*Hear, hear*.)—If jus-

* It will be seen that the arguments of the noble lord on this branch of the subject, and the authorities which he quotes in support of them, are the same as those stated by Earl Grey, in his speech on the 12th May, 1817. (See these Reports, vol. i. p. 1004.) The authorities, however, are adduced in chronological order, which was not done by the noble earl.

tices had the power in question, why did the legislature pass the act of the 48th of the King? That act gave to the judges of the Court of King's Bench, and to them only, the power of arresting for libel, upon the information of the attorney-general; but, if all justices of the peace possessed the power of holding to bail for libel, upon the information of any person whatsoever, that act was idle and useless, for the judges of the Court of King's Bench were already justices of the peace throughout the whole country; so that, in fact, it gave them less authority than they had without it. Let their lordships recollect, that that act was drawn up by Sir Vicary Gibbs, a most accurate and precise reasoner—a man so learned and acute in his profession, that, if an angel were to declare that he was ignorant of the common law when he framed that statute, he (Lord Erskine) should say, that he must be some fallen angel, and would never ascend to Heaven more. That statute furnished the most complete and satisfactory evidence, that Sir Vicary Gibbs did not believe that justices were entitled to exercise the power of holding to bail for libel, before indictment found. (*Hear.*) He now came to the second question, namely, whether, supposing the justices to have obtained, through practice, that power, their lordships would suffer it to continue. The libel act of 1792—Mr. Fox's act—declared, that the jurisdiction which the judges of the land had exercised of pronouncing what was and what was not a libel, was from the very beginning an usurpation; and would their lordships then, in the face of that excellent statute, suffer the lower magistrates to grant warrants upon their own judgments over libels? If their lordships would suffer this, the libel act might be cast into the fire. (*Hear, hear.*) He was convinced that many evils had followed from encouraging the magistrates to exercise this power, and that the government had not derived from it any additional security or respect. Many persons had been arrested, and after a long confinement discharged without trial. (*Hear, hear.*) Persons who were selling the parodies which a jury had found to be not criminal, were loaded with irons and torn from their families. Scholes, who had made an affidavit stating that he knew the iniquities of Oliver, was arrested on a warrant from the Secretary of State, and discharged long after, without the benefit of a trial. He should never justify blasphemy; but what was the enormity of which these men were really guilty? Not blasphemy, but an intention to ridicule ministers; and yet no notice whatever was taken of this offence: ministers were reviled, the House of Commons called a borough-mongering faction and no legislature, and yet, for all this offence, there was not a single count. He would not trouble their lordships with any farther observations. He was sure that every magistrate would gladly relinquish so invidious a power, even if it were legal; and he therefore confidently moved the second reading of the bill as a declaratory law, which was only intended to remove doubt, and not to establish any new enactment *.

The *Lord Chancellor* said, that their lordships would do well to consider seriously before they agreed to any enactment on this subject. Would that house, which was the dernier resort in all cases of law, proceed to determine what was the law, and to declare it, without first having some question argued in the courts below, in which they might have the opinion of the judges to assist them? When their lordships found that, between the time of Queen Anne and the present period, there had been 128 cases in which the judges of the Court of King's Bench, as magistrates, had held to bail in cases of libel, would they at once pronounce the practice illegal, and proceed to declare against it? It had been said, that Sir Vicary Gibbs, in bringing in a bill to allow the judges to commit after information, had proceeded on the idea that they did not possess this power. His bill was right, as the judges could not, without it, commit upon information; they could only commit upon affidavit as justices of the peace. That justices of the peace could commit for misdemeanours there was no doubt: and the only question was, were libels in that character of misdemeanours which warranted them in committing? The libels, to which his noble and learned friend had referred, were certainly against the government of the country; for, as Lord Hale had said, the Christian religion was part of the law of the land; and any offence against it was an offence against the government. Had he been in the situation of the Attorney-general, he would have acted as he did. Upon the whole, he thought that it would not be right to put a negative, without further examination, on a practice which had been sanctioned by all the judges since the Revolution.

Earl *Grey* wished to make only a few observations. The little interest attached to this measure excited his surprise, as it was one of the most important that could be introduced to the attention of the house, affecting as it did the liberty of the subject, the liberty of the press,

* The bill was as follows: "Whereas doubts have arisen whether it be lawful for any justice or justices of the peace to apprehend, commit, or hold to bail any person or persons upon the charge of being the author or authors, publisher or publishers of any writing, before indictment found, or due presentment of the same as a libel: Be it therefore declared and enacted, that it shall not be lawful for any justice or justices of the peace to apprehend, commit, or hold to bail any person or persons upon the charge of being the author or authors, publisher or publishers of any writing, until after indictment found, or due presentment of the same as a libel: Provided always that nothing herein contained shall extend or be construed to extend to any of his Majesty's Secretaries of State, nor to any judge of the King's Bench, acting under the authority of an act passed in the 48th year of the reign of his present Majesty."

and all those rights most highly valued by Englishmen. The power of magistrates to commit for felony, and for breaches of the peace, could not be denied; but he had formerly contended, and would still contend, that offences tending to a breach of the peace could not come under that character. The 128 instances of committal mentioned by the noble and learned lord on the woolsack had occurred in the metropolis, and there had been no returns from other parts of the country, which convinced him that there were no such instances recorded. Even in the metropolis, there had been no committals since the American war. But he would even go farther, and say, that although the practice had been general, that was no argument that it was legal. General warrants had continued for a long time; and yet, upon examination, they were found to be contrary to law. He would again quote to their lordships, on this point, the judgment of Lord Camden, in the case of Entick against Carrington, not only to shew the opinion of that great judge as to the sort of usage which would be required to establish a practice of this nature, but to rebut the inference, which might be drawn from the acquiescence of the courts in such cases. "I come now to the practice since the Revolution, which had been strongly urged, with the emphatical addition, that an usage, tolerated from the æra of liberty, and continued downwards to this time, through the best ages of the Constitution, must necessarily have a legal commencement. Now that pretence can have no place in the question made by this plea, because no such practice is there alleged; yet I will permit the defendant, for the present, to borrow a fact from the special verdict, for the sake of giving it an answer. If the practice began then, it began much too late to be law now. If it was more ancient, the Revolution is not to answer for it; and I could have wished, that, upon this occasion, the Revolution had not been considered as the only basis of our liberty. The Revolution restored this Constitution to its first principles: it did no more. It did not enlarge the liberty of the subject; but gave it a better security. It neither widened nor contracted the foundation; but repaired, and perhaps added a buttress or two to the fabric: and if any ministers of state have since deviated from the principles at that time recognised, all that I can say is, that, so far from being sanctioned, they are condemned by the Revolution. With respect to the practice itself, if it goes no higher, every lawyer will tell you, it is much too modern to be evidence of the common law; and if it should be added, that these warrants ought to acquire some strength by the silence of the courts, which have heard them read so often upon returns, without censure or animadversion, I am able to borrow my answer from the Court of King's Bench, which lately declared, with great unanimity, in the case of general warrants, that as no objection was taken to them upon the returns, and the matter passed *sub silentio*, the precedent was of no weight. I most heartily concur in that opinion; and that reason is more pertinent here, because the court had no authority in the present case to determine against the seizure of papers, which was not before them: whereas in the other they might, if they had thought fit, have declared the warrant void, and discharged the prisoner, *ex officio*. But still it is insisted, that there has been a general submission, and no action brought to try the right. I answer, there has been a submission of guilt and poverty to power and the terror of punishment. But it would be strange doctrine to assert, that all the people of this land are bound to acknowledge that to be universal law, which a few criminal booksellers have been afraid to dispute." When a magistate committed in other crimes, there was always a *corpus delicti;* but, in cases of libel, the *corpus delicti* was the only thing to be tried. The noble and learned lord had said, that the publications prosecuted in the last year were the worst he had ever seen, being against the Christian religion; but three successive juries had declared the contrary. Happily for the country, and to their own immortal honour, they came to this decision because an attempt was made by government to give a character to the publications which they were not warranted in attributing to them. Had he been on the jury, he would have given the same verdict. The object of the publications was, to serve a political purpose, not to degrade religion; and the publisher, (Mr. Hone) as he contended in his ingenious and able defence, had shewn instances in which ministers themselves had written parodies on religion to answer their own political purposes. (*Hear, hear, hear.*) For all these reasons, he should vote for the second reading of the bill of his noble and learned friend, by which the unconstitutional power now exercised by justices would be removed.

The Earl of *Liverpool* said, that in the case of the libel bill, the opinion of the judges was pronounced before parliament thought fit to pass a declaratory law; and although that opinion was different from that which parliament thought proper to adopt, yet the discussion carried on before lawyers had greatly assisted parliament in coming to a decision. He thought it was not too much to ask, that their lordships should adopt the same course, and avail themselves of the same advantage, in a case of so much importance as the present. The only question was, whether cases of libel should not stand precisely on the same footing as other offences, and be put in a course of inquiry by magistrates, in the same manner as any other misdemeanour. There could be no hardship in the party charged upon oath being called upon to provide security to answer for the offence. (*Hear, hear, from Lords Erskine and Grey.*) Great stress had been laid on the decision of three juries in London; but were there not decisions elsewhere which

declared the same publications libellous? From every view of the proposed measure he must give it his decided opposition. It was said, that other libels had been published with impunity. So far as the general argument went, he was ready to admit the fact. He knew that in Gibbon's Decline and Fall of the Roman Empire, it would not be difficult to find a blasphemous libel. But, was there no difference between an invidious attack on the Christian religion, in a work, generally speaking, accessible only to literary men, and in a pamphlet circulated for two-pence; and the style of which was adapted to the most ordinary understanding? He thought that justices ought to have the jurisdiction of committing for libel, and he should therefore oppose the bill.

Lord *Holland* said, that he had never heard of a verdict of a jury against the parodies which Mr. Hone had published; the only case to which the noble earl could refer, was one in which judgment was allowed to go by default. (The case of James Williams—*see* the note, p. 29.) If Mr. Hone's parodies had been directed against any other body than his Majesty's ministers—if they had been written against reformers, or even against the character of that house—their lordships would not have had the benefit of the Attorney-general's eloquence, of the moving appeal of the noble and learned lord on the woolsack, or of the pious horror which had issued from a member of the right reverend bench opposite, (the bishop of Exeter—see page 759) against their blasphemy and immorality. (*Hear, hear.*) Parodies had been previously published, north and south, east and west, but never before had they been encountered by so much devout and forensic eloquence.—He could not enter into the refined legislative system of the noble earl, as to the distinction to be drawn between the influence of works like Gibbon's, and that of cheaper and more popular publications. He could not see why a law should be made for cheap publications, which did not equally apply to those of a higher price.—In every view he was decidedly in favour of this bill. Why should the lower magistrates possess the power of deciding in cases of libel, when Mr. Fox's act declared, that such power should not belong to the judges of the land, but be committed to the judgment of twelve sworn men? In the case of the Bishop of St. Asaph, it was truly asserted by his noble and learned friend (Lord Erskine), respecting the petition of the Seven Bishops, that "if the King's judges could have decided the petition to be a libel, the Stuarts might yet have been upon the throne;" and he (Lord Holland) would say, that if the jurisdiction in question were suffered to remain in the hands of the justices, there was no security for the liberty of the press, and the freedom of the subject.—He would vote for the bill, as he thought it merely declared the present law: and if the present law were not as it declared, it ought to be altered.

Lord *Erskine*, in reply, observed, that nothing had been established contradictory of Lord Coke and the other authorities he had quoted. He was much surprised to hear his noble and learned friend rely on the local practice in London and Westminster. Even that practice had commenced long since the Revolution, and had not been uniformly exercised. It was not a constant and universal practice—it was confined to the metropolis—it was exercised with many and long interruptions—and, therefore, it was not such a practice as could supersede and repeal the ancient law.

The house then divided on the question of the second reading.

Contents, 13—Not-Contents, 31.

Alien Bill.] The order of the day being read for the consideration of this bill,

The *Lord Chancellor* moved a clause, that aliens who had purchased stock in the Bank of Scotland, since the 28th of April, should be considered as aliens, notwithstanding any former act to the contrary.

This clause, with a slight amendment, proposed by Lord *Lauderdale*, confining it to the duration of the act, was agreed to.

The third reading was then moved, which being opposed, Lord *Sidmouth* moved that the standing order, No. 26. should be suspended.

The Marquis of *Lansdowne* and the Earl of *Rosslyn* opposed it: the latter moved that the house do adjourn.

A division ensued: for the adjournment,

Contents, present	11;	Proxies 12—23
Not-Contents, present	31;	Proxies 27—58

Lord *Sidmouth* then moved, that the question for suspending the standing orders be put:

Contents, present	31;	Proxies, 25—56
Not-Contents, present	13;	Proxies, 12—25

The noble viscount then moved, that the standing orders be suspended.

Contents, present	29;	Proxies, 27—56
Not-Contents, present	13;	Proxies, 12—25

The standing orders were accordingly suspended, and the bill was read a third time, and passed.

Protests against the Alien Bill.] The following protests were entered on the Journals.

1st. Because the bill is cruel, for even when not perverted to any improper purposes, it may deter the victims of civil or religious persecution abroad from seeking refuge under the laws of a free country.

2dly. Because the bill is unjust.

It exposes all resident aliens (such even as may have settled here in consequence of such law existing at the time) to actual punishment without trial, and it condemns even the most unsuspected among them to an evil greater than most punishments—a dependence on the arbitrary will of one man.

3dly, Because the bill is unnecessary, there being no unusual resort of strangers to this kingdom, and no apprehension, real or pretended, that individual foreigners either possess the

means or harbour the design of disturbing our internal tranquillity.

4thly. Because the bill is unconstitutional. It creates a power liable to abuse, and unknown to our laws; and arbitrary authority has always been thought to degrade those who are the objects of it, and to corrupt those who possess it, and thereby to lead to tyrannical maxims, and practices incompatible with the safety of a free people.

5thly. Because the bill is impolitic.

It discourages the employment of foreign capital, and the exercise of foreign ingenuity, in our country, and obviously tends to embroil us with other courts of Europe, by rendering the residence of any obnoxious individuals among us, an act of the state, and no longer a consequence of the hospitable spirit of our municipal laws.

VASSALL HOLLAND, ROSSLYN,
AUGUSTUS FREDERICK, PONSONBY,
LEINSTER, GREY,
KING, ILCHESTER.

For the 1st, 2d, and 5th reasons.
LANSDOWN.

For the 1st and 2d reasons.
GAGE.

Because, by this bill, the Secretary of State is authorized to convey an alien to any foreign port, and thus to deliver such alien into the hands of his mortal enemies—to subject him to perpetual imprisonment—to corporal punishment—to torture—or to death.

AUGUSTUS FREDERICK, ROSSLYN,
GAGE, LEINSTER,
VASSALL HOLLAND, GREY.

HOUSE OF COMMONS.

Tuesday, June 2.

REGENCY ACT AMENDMENT BILL.] This bill was committed and reported, read a third time, and passed.

BANKRUPT LAWS AMENDMENT BILL.] This bill was read a second time, and committed; considered in a committee and reported.

Mr. *J. Smith* then said, that as it was his wish to give ample time for considering this important subject he should move, that the farther proceedings on the bill be put off for three months. Ordered.

INSOLVENT ACT.] The *Attorney-General* gave notice, that, in the next session, he would move to make some alterations in the law relative to Insolvent Debtors. The present act was made to continue until November next, and thence until the end of the then next session of parliament, and no longer. If that act should be renewed, it would be necessary to make considerable alterations in it for the protection of creditors.

Sir *S. Romilly* said, he thought that the act might be improved, but he was decidedly a friend to the principles on which it was founded. He considered that the system of a *cessio bonorum* was just and equitable, and it had been acted upon in Scotland, during many hundred years, with perfect satisfaction to his Majesty's subjects there.

PARLIAMENTARY REFORM.] Sir *Francis Burdett*, after having presented several petitions, praying for annual parliaments and universal suffrage, rose to call the attention of the house to the great question of parliamentary reform. He said, the resolutions which he was then about to propose, were founded on those acknowledged principles of freedom, which, as they were the basis of all rational government, so were they of the laws and constitution of England, the best inheritance of the subject, and the best security for the stability of the throne—those principles which (however imperfectly acted upon) had given to this country whatever of advantage she possessed over the nations of the continent of Europe, where for the most part despotism unhappily prevailed. These acknowledged constitutional principles he had embodied in a series of resolutions, which though he feared they might be considered of the longest, would he hoped, be considered in no less a degree the most important ever submitted to the attention of the house, and of the country: and in the minds of gentlemen, whose imaginations presented to them nothing under the head of reform, but confused notions of wild and visionary projects tending to anarchy and tumult, he hoped it would produce no less conviction than surprise, to find that the whole tenor of what he had to propose, was in strict unison with principles not only professed by our ablest constitutional writers, but recognized even from the throne by every king of England, that had sat upon the throne for the last two hundred years, with the exceptions of Charles I. and James II.: how unfortunate the exceptions for themselves and the country was but too obvious!—His resolutions commenced by advancing the fundamental position, that the only adequate security for good government consisted in, and was proportioned to, the community of interest between the governors and governed. This community of interest was pointedly acknowledged in a long series of speeches from the throne, from the time of James I. to the reign, and during the reign of the present king. Another principle recognized by the same high authority, and for the same length of time, was, that if on any occasion this community of interest ceased to have place, insomuch, that either one or the other must give way, the interest which ought to give way was not that of the many, but that of the few, a proposition in itself incontrovertible, honourable to the throne to acknowledge, and (sanctioned by that high authority) protected and shielded from any possible imputation of temerity, disloyalty, jacobinism, or treason. The preference thus due to the interests of the people, thus solemnly recognized, necessarily implied a grant of all the means requisite to secure so important and

indispensable an end, or in other words, recognized a fair, free, and equal representation of the people in parliament, which was necessary on the one hand, to secure the legitimate and due dependence of the representatives of the people upon their constituents, by means of which alone this important object could by possibility be obtained, and on the other hand, to guard against the long experienced evils of a contrary dependence of the representatives of the people on the crown, or on a corrupt and borough-monger oligarchy.—If the panegyrics so frequently bestowed on the English constitution had any foundation in truth, the king and the people had one and the same interest, and there was no sufficient ground for such violent jealousy of the prerogative of the crown as many entertained. But, if he disclaimed any unreasonable apprehension of the power of the crown, he at the same time insisted upon, claimed, and demanded, on behalf of the people, that full, fair, free, and equal representation of them in the commons house of parliament, which was the just and constitutional check to the power of the crown. So checked, prerogative would cease to be dangerous to public liberty —so restrained within constitutional limits, it would be exercised, as it could only be constitutionally exercised, for the public benefit, on sudden emergencies, and in cases for which no legal enactment had made provision. This was the proper field for the beneficial exercise of the crown's prerogative, and from its due exercise, the people had nothing to fear, provided they were in possession of that share in the government which belonged to them of right, and for the establishment of which it was the object of his resolutions to point out provisions. The more he had scrutinized and reflected on the reinstatement of the people in their constitutional rights, the more just and simple, and easy and practicable it appeared. It had, indeed, become so familiar to his own mind from habitual investigation, that he laboured under that sort of difficulty in treating it, which was felt in the attempt to demonstrate an apparently self-evident proposition. There were honest alarmists who, from sheer timidity or imbecility of mind, had raised a senseless clamour against the principles of reform, on account of their imputed tendency to generate wild and visionary theories, leading to anarchy and confusion, and to the subversion of all order and regular government in practice. But the fears and apprehensions of such persons would be allayed; the principles thus stigmatized would be vindicated, on a reflection that they were the same principles upon which our forefathers acted, upon which the English constitution was founded, and which in proportion to their having been observed or neglected, had uniformly been accompanied by a corresponding degree of prosperity on the one hand, or of calamity on the other, to the country. That elections ought to be free, no man was bold enough in terms to deny. "*Fiant electiones rite et libere*," was a maxim of the common law. Freedom of election was, indeed, the life-blood, the soul of every free state; and no man, he imagined, at all conversant with the history of this or any other country, would dispute, that in proportion as elections were free and frequent, was the security they afforded to the people. Annual parliaments, annually elected, and oftener when it was oftener necessary to convene parliaments, were undeniably proved to have existed, by the concurring testimony of the common law, the statute-book, and our ancient records; and that formerly an extent of suffrage existed so general, that it would be difficult to attempt to fix the limits, was also evident. Whilst he stated this, he was willing to admit, that could it be ever so clearly demonstrated, it would by no means be decisive of the question as to what ought, under the actual circumstances of the country, to be the present limits to which it would be wise, reasonable, and practicable to extend it. This, he agreed, was a question which ought to stand on its own merits; and that the line now to be drawn was to be determined by the actual state of society, the general interest, and public utility. He had himself formerly intimated his intention of proposing a plan of reform, limiting the right of suffrage to such persons as paid direct taxes to the king, the church, and the poor. Had that been agreed to, he had no hesitation in saying, that it would then have satisfied the country. Neither had he any doubt that it would have been effectual to its purpose; that is to say, an efficient control on the executive government, and a complete remedy for all the evils generated by that prolific monster and parent of every grievance, the permanent power of a borough-monger faction, ever ready to usurp and barter the liberties of the people for the patronage of the crown. It would have reunited those interests, which ought never to be separated, of the king and the people, and rescued both from the power of an oligarchy. He was then taunted with not acting up to his own principles, with not going far enough to give general satisfaction, which was so desirable to be obtained, and which was the great end proposed by the measure: but he believed that his former plan would have effected every beneficial purpose, and given ample security to the country. But since that period the question of reform had been much agitated: the ablest men of the age had fully discussed it and sifted it to the bottom. Above all, Mr. Bentham had, with unequalled ability, proved how easy and safe it was to carry the principles of reform into practical effect. The public mind had therefore made rapid advances, and as investigation had diffused knowledge, it had produced conviction of the safety, as well as of the necessity of the most extended system of reform. The principle of the most comprehensive right of voting, which, for shortness, had been called universal suffrage, (though the term was certainly incorrect, because it was clear that

some defalcation from it was, in practice, necessary—and it was not perhaps very important where the line was drawn, provided it were sufficiently comprehensive to include the universal interest), had been adopted not only by the majority of the people, but also by the most learned and enlightened men in the kingdom. To protect, however, those who maintained this principle from the charge of being wild, visionary, and dangerous, he not only relied on the clear and satisfactory reasoning by which it was supported, but had thought it necessary to trace back the ancient practice of the constitution to remote periods; so remote indeed, that some of those he was addressing might possibly think it not necessary, or even relevant to the question. He felt, however, that it was necessary in advocating so great a measure to anticipate and guard against, as far as he was able, every possible, as well as probable objection. For although ancient custom and practice did not in the eyes of philosophers, who weighed every thing in the scale of reason, and formed a judgment after accurate investigation and reflection; although antiquity and custom did not offer to such persons any satisfactory proof of the merit of any question in dispute, yet as the bulk of mankind were not philosophers, they were for the most part much influenced in their opinions by considerations drawn from such sources; and it had always been looked upon as a great accession of strength to a popular cause, and to popular rights, to be able to deduce from remote antiquity, the principles and practices upon which they were founded. He did not affirm that because a practice was ancient it was therefore desirable, but was willing on the contrary, to admit, that it could not be desirable, except inasmuch as it was consistent with the actual state of the country; yet, if the people claimed rights anciently possessed by their ancestors, and exercised without any ill consequences having been proved to have resulted from their enjoyment; and if, on the contrary, great mischief had always ensued from their having been neglected or trampled on; if such had been the uniform consequence of any infringement of the right of suffrage, the claim to that right on the part of the people was strengthened by the result of reason and experience; and however the question, as to the expediency of re-adopting such practice and such measures as formerly prevailed with beneficial effect, might be determined upon a fair discussion and after mature deliberation, no objection could be raised against them as being new, visionary, and wild.—The more remote the research into our history, the more plainly were indicated the evidences of our free constitution. That elections ought to be free was part of the common law: that they were also frequent appeared from the ancient law, which ordained, that *two* parliaments were to be held every year, or oftener, if need were; and this was '*de more*,' or common law. William the First, vulgarly called the Conqueror, to whose reign high prerogative lawyers had been in the habit of referring in support of overstrained power in the crown, obtained the crown not by military conquest of the nation, but by compact and agreement. The coronation oath which he took bound him to govern by the old Saxon laws, by which laws parliaments were to be held twice a-year: and although he did not regard his coronation oath, that would be no argument against its validity, and still less against the validity of those rights which he violated, notwithstanding his oath to maintain them. And the history of the country sufficiently shewed, that the violations of the fundamentally free principles of the constitution ever produced trouble and civil war; and it was only by recurring to them that order and satisfaction could be restored: and this also proved the necessity, for the preservation of freedom, of recurring from time to time to first principles, according to the advice of the most eminent political writers.—Subsequent to the time of William I., there could be no doubt that annual or more frequent parliaments were the practice, and that that practice continued through a long period of time; from which practice no inconvenience was ever stated to have arisen. That these frequent parliaments were returned also by fresh elections, besides the testimony of the regular series of writs still extant, was also evidenced by the nature of the thing itself: for what was the object for which parliaments were convened? what but for the purpose of making the king acquainted with the views, feelings, wishes, and interests of the people in every part of his dominions*. Every power was intrusted to the crown for the benefit of the subject: without a parliament, a freely and frequently elected parliament, their interests could not be secured, nor could the king be made acquainted with the wishes and the grievances of the people. Had parliament been a long continued or permanent body, its objects and its uses would entirely have ceased: and as seats in parliament were not in those times objects of profit or emolument, but, on the contrary, both burthensome and dangerous, as they exposed those who held them to the abused prerogative of the crown, for the purpose of intimidating the members, whom there were then no funds to corrupt—as it was of no advantage to the member to be long continued in that situation, nor to those who sent him, that he should so continue, the reason of the thing, and the interest of all parties, concurred to shorten the duration of parliament†.—By far the most

* In discussing this question, it is quite immaterial whether the *Wittenagemote* of the *Saxons* were held annually, or whether *William the Conqueror* kept his oath with the people. There was no House of Commons before the 49th year of Henry III. (see *note*, p. 879.) and therefore, it is useless to carry our inquiries beyond that period.

† It is certain that, for many ages after the first institution of the House of Commons, parliaments

important part of this subject, however, related to the extent and distribution of the suffrage by which the members were elected. Who were those who had the right to appoint representatives? How far did that right or elective franchise extend? The true ground upon which the claim of the people ought to stand, (which he agreed was that of reason and utility, whatever might have been the practice of our ancestors) there could be no better mode of ascertaining than by considering the foundation of the common law, which, taking its rise from common consent, reason, and common sense, was founded upon maxims which neither time, nor place, nor circumstances, could ever materially alter. One of those maxims stated by Chancellor Fortescue, in his book on the laws of England, was, that no man could be taxed without his own consent. This principle was embodied in various statutes in the brilliant reigns of the First and Third Edwards, than which none in our history were more glorious or more prosperous and happy. That every person ought to have a share in making the laws by which he was to be bound, was in itself so reasonable and so necessary, that Sir William Blackstone justified upon that principle alone, the right of the government to inflict death upon offenders. "The lawfulness of punishing criminals," says he, "is founded upon this principle, that the law by which they suffer was made by their own consent." Upon the same principle he justified the scandalous neglect of the due promulgation of laws; of which neglect, however, ancient times were not so guilty as the present. "There is no occasion," says Blackstone, "to promulgate the laws, because every man is in judgment of law a party to making an act of parliament, being present thereat by his representative." This, though a miserable fiction—unfortunately, however, men were not hung in fiction—bore testimony to the principles for which he (Sir F.) was contending: it acknowledged the people's right, and, at the same time, exemplified the necessity of the exercise of that right, as the only means of happiness and safety.—The right of the people was also acknowledged in the ancient coronation oath; the king was asked whether he would govern by the laws which the people chose. The words were "*leges quas vulgus elegerit*"—Words of larger import no language could afford; and, with a view to the practical effect, the act of Henry IV., passed on the grievous complaint of the people, of the infringement of their constitutional rights by undue interference in their elections, after stating that sheriffs should conduct themselves impartially, proceeded to point out who were required to choose knights of the shire. The words were, "that all they that were present in the county court, as well suitors duly summoned, as others," should attend to the election of their knights for the parliament. Under these words, as universal as well could be imagined, all who were present, which might fairly be interpreted to mean all the inhabitants of the county, appeared to have had votes. Mr. Justice Blackstone, indeed, construed the word "others" to mean other suitors, that is, other freeholders, or freeholders who were not duly summoned. This, however, appeared to him (Sir F.) to be a construction not to be admitted, because all the freeholders were summoned by the sheriff's proclamation: all, therefore, were

were held once a year, and even oftener. There are many instances in which annual meetings were not called, but they prove nothing against the general rule, which the statutes of 4 Edw. III. c. 14; 36 Edw. III. c. 10; 1 Ric. II. and 2 Ric. II., were made to enforce. One principal reason of holding annual parliaments was, that the judges did not, in those days, decide difficult questions, but sent them into parliament. Lord Ellesmere says, "in ancient times where the matter was against reason, and the party had no remedy at law, it was the use to sue for remedy in parliament, and the parliaments were holden in course, twice every year; but now, suits are in chancery, and the parliaments are not so often holden." (See Lord Ellesmere on the office of Lord Chancellor, *edit.* 1651.) In the 5 Edw. II. c. 29, an ordinance was passed, which says, "Forasmuch as many persons are delayed in the King's court of their demands, because that the party allegeth that the demandants ought not to be answered without the King, and also many people be aggrieved by the King's ministers against right, in respect of which grievances no one can recover without a common parliament: We do ordain, that the King shall hold a parliament once in the year, or twice, if need be, and that in a convenient place: And that in the same parliaments, the pleas which are in the aforesaid form delayed, and the pleas whereon the justices are of different opinions, shall be recorded and determined. And, in the like manner, the bills shall be finished, which are delivered in parliament, in such sort as law and reason demand." When the court of Chancery began to entertain suits, frequent meetings of parliament were not thought so necessary; but still, according to the statutes, they ought to have been holden at least once every year, for the public business of the kingdom.

Whether the King were bound by those statutes to call a *new* parliament every year, is another question. Blackstone and others think that he was not; but many of our county histories prove, that *new representatives* sat in each of those parliaments, (see Hasted's *Hist. of Kent;* Blomefield's *Hist. of Norwich;* also Maitland's *Hist. of London;*) and the Journals shew, either that a *new* speaker was always chosen, or the former speaker re-elected.

The great question is, however, whether annual parliaments are suited to the present state of the country. When those parliaments existed, Ireland and Scotland had their respective legislatures; but now, there is only *one* parliament to legislate for the United Kingdom. In 1817, Mr. Speaker Abbott stated, that the business of the house had increased in a three-fold degree since the Union with Ireland, and five-fold since the year 1771. (See these Reports, Vol. I. p. 691.) Annual parliaments may not be expedient, but annual sessions *must* be holden, from the necessity ministers are under of applying annually for supplies, and for renewing the mutiny act.

equally summoned and equally duly summoned. To whom then could the word "others" be applied? If not to all the inhabitants of the county, he did not pretend to know; and to him it appeared, that under this act every inhabitant of the county had a right to vote, and this act he conceived to be declaratory of a common law right*. The first restrictive statute, the first infringement upon this right was the act of Henry VI., restraining the right of voting to freeholders of forty shillings a-year, probably equal, if the difference of the value of money was considered, to forty pounds a-year of the present day. The pretences for this great infringement and violation of the rights of the people were upon the face of them evidently false: without alleging any fact of mischief having ever taken place, the act stated, that a great and outrageous concourse of people had attended to give their voice at elections, and that persons of no property pretended to have a voice equal to the most worthy knights and esquires, and that tumults, manslaughters, riots, and batteries, might very likely arise and be; and, on this flimsy and false pretence, it disfranchised all who had not freeholds to the amount of forty shillings a-year. The statute did not state that any manslaughters or riots had actually arisen; but it asserted, what could not be contradicted, that such things might probably arise and be. Nor did he see, unless the construction he put upon the law were correct, how any such outrageous concourse of persons, and persons of no property, as was complained of, could have taken place. If this was a reason for disfranchising any part of the people, it would be a reason for putting an end to all elections. If the fear of riots, before any had ever arisen, was a cause for disfranchising so large a portion of the people of England, what would be said to the present state of elections, to that system, which was all riot, confusion, and disturbance. Elections were now for the most part scenes of drunkenness, perjury, and knavery. Proceedings which had no existence when the extended right of suffrage was exercised, were now witnessed at every election with the almost sole exception of one place where elections were conducted on a very extended scale of suffrage, and which he had the honor to represent. Here indeed the people had managed their own elections without riot, disturbance, perjury, drunkenness, or any of the mal-practices before-mentioned, and which shallow-minded persons were apt to consider as necessarily attendant upon popular elections. The citizens of Westminster, when left to themselves, had elected their representatives as peaceably and as quietly as a parish vestry elected a parish officer; and this was an experiment that went to prove the safety with which the people might be trusted with the exercise of their own rights. That the citizens of Westminster had been able under such disadvantageous circumstances as had existed, under the influence of a rotten borough system, and a septennial act—that under such circumstances they should have had the will and the ability to conduct themselves in so exemplary a manner, was not less honourable to themselves than it was gratifying to the friends of rational reform, and no less useful as an example to the country.—The two simple points upon which, as upon pivots, every thing respecting liberty turned, were security of person and security of property. Security of both was the common law and inalienable right of the people of England. That no man's person should be touched without due process of law;—that no man should undergo punishment without legal trial, or have the fruit of his honest industry taken from him without his own consent, were such rational, equitable, and moderate claims, that no man of common sense or common honesty would be found to deny their justice. In proportion as they had been regarded, the country had always been contented and prosperous. Unfortunately, however, there had been some kings who had resisted them, and misfortune invariably followed. Amongst such kings was Charles I., who, having violated all just principles of government, broken down the barriers of property and personal safety, and wrested the laws by means of venal lawyers to purposes of oppression, filled the cup of national calamity to the brim, and was himself at length compelled to drink it to the very dregs. Charles II., not deterred by the example of his father, nor by the calamities of his country, nor by gratitude for his restoration, pursued the same unconstitutional career, and prepared thereby the downfal of his house. After the expulsion of James II., we came to a new constitutional æra, that of the making of a new Magna Charta—a new declaratory act—the bill of the rights and liberties of the people of England. At that period the security to which the people were acknowledged to be entitled, ought to have been established—but for want of that which could alone give effect to the declaration of popular rights, that bill, together with all the other sham securities and unavailing declaratory acts with which the people have been so repeatedly deluded, failed upon trial. The necessity of a fair, full, and free representation of the people in parliament, was set forth in king William's declaration, upon which the bill of rights ought in honesty to have been framed: but this with many other important provisions was neglected to be enacted, or purposely omitted. So numerous, indeed, were the sins of omission upon that occasion, that Mr. Fawkes had humourously observed, that the people, at the revolution, got a good bill of fare but no dinner. Though the pretence was held out at the revolution, that the steps then taken were not only retrospective but prospective, not only to get rid of evil men, evil counsellors, evil kings, and corrupt judges, but to prevent such counsellors,

* See Mr. Brougham's speech, post, page 2016.

kings, and judges, from ever again attempting, or assisting, to subvert the freedom of the country—though the bill declared against all unusual and cruel punishments, against packing juries, and packing parliaments, against standing armies in time of peace, against corrupt interference in elections, and that elections ought to be free, yet, no provisions were made to carry these declarations into effect, and to some of them a few words were added, which deprived the people of all the benefit that might have been derived from them. These magical words were "without consent or grant of parliament," or "unless it be with consent of parliament." Behold here the talisman, by the effect of which, the glorious edifice of English liberty, which had been raised up by our ancestors with so much labour, guarded with so much courage, and cemented with so much blood—by the application of these few simple words, as with the touch of a magician's wand, the fabric vanished into air:

> "into thin air,
> And, like the baseless fabric of a vision,
> Left not a wreck behind."

What was the difference to us, whether we had suspended laws, money illegally raised, and standing armies, and other detestable measures of the most detestable despotic power—what was it to the people of England, whether infamous or tyrannical acts were perpetrated by corrupt lawyers, on pretence of the prerogative of the crown, or by corruption in the hands of the crown, operating upon the venality of parliament. The effect was the same, whether the tyranny were exercised one way or the other, except that it was more mortifying to fall victims to the villany of false guardians, and self-appointed trustees, than it was to be overpowered by force, and submit to inevitable necessity. It was, as if a man were to be robbed by watchmen hired to protect him, to have that which was intended for his security, turned into the means of destroying him: this was an aggravation, not an alleviation, it was an insult not to be patiently endured. Had there been no such body as a corrupt House of Commons, there had still been some constitutional landmarks beyond any other power to remove: and the evil of the present corrupt oligarchy was so great, that he had rather there had been no House of Commons at all, than a House of Commons serving no other purpose than to destroy the liberties it was instituted to protect—a House of Commons to trick, cheat, and delude, but answering no useful purpose of check and control—a House of Commons, that under the mask and sanction of being the representative body of the people, betrayed their freedom, and plundered their wealth. To prevent the continuance of such evils, there was one and only one way, which was by a recurrence to the first principles of the constitution—to make the great body of the people a constituent part of the government—to give them their due weight in the state, and afford them the fair exercise of the inalienable rights to which they were justly intitled. He asserted that the rights of the people were inalienable; the government, so far as it was in other hands, was a trust for the people, and sacred, only, inasmuch as it answered the purpose of preserving the general freedom and security—it was a trust which had been forfeited, and might again be forfeited, by abuse, whereas the rights of the people could neither be forfeited nor destroyed.—In advocating the principles embodied in his resolutions, he would appeal with confidence, not only to ancient but to modern authority. In the year 1780, when the Westminster committee, of which Mr. Fox was chairman, was appointed to inquire into the state of the representation, a sub-committee, at which Mr. Sheridan presided, was instructed to investigate the question of reform, and to make thereon a report. That report, he had reason to think, was the first foundation of the petition presented to the house in the year 1793, by the friends of the people. That petition unanswered and unanswerable, was still lying on the table, and he was inclined to think that it was the real parent of that numerous progeny which had since quite overlaid the house. The report made by Mr. Sheridan having analyzed the composition of the house, gave, amongst others, this striking result, namely, that a majority of the members was returned by about 6000 miserable and dependent voters. These were voters of the precise description of those, the admission of whom to the right of suffrage was the main argument, real or pretended, against the system of radical reform. Under the present system, and at this time, not universal suffrage, but the dregs of universal suffrage, unallayed by any richer matter, returned more than half the members of the house. The suffrages which were pretended to be of so malignant a quality, that they would vitiate the whole mass of wealth and population, even when absorbed by it, and when they would be as a drop in the ocean—the suffrages which were pretended to be so malignant as to poison and contaminate the whole, were nevertheless contended to be, when unrectified by any more wholesome mixture, and exercising alone the whole power, perfectly harmless, and indeed highly beneficial. Such was the result of the argument against comprehensive suffrage, and in favour of the present system. Such the logic by which the one was proved dangerous, the other beneficial. Mr. Sheridan's report concluded with stating the representation to be still more inadequate with respect to property than population; and Mr. Fox, as chairman of the Westminster committee, to whom the sub-committee reported, signed resolutions to the following effect, viz. "That annual parliaments were the undoubted right of the people, and that the act which prolonged their duration was subversive of the constitution, and a violation on the part of the representatives of the sacred trust reposed in them by their constituents;" and

"that the present state of the representation was inadequate to the object, and a departure from the first principles of the constitution." It might be said that Mr. Fox's opinion was different, and that he only signed his name as chairman of the committee. But this could not be acceded to, for though an official chairman of a public body must sign whatever is brought before him, merely to authenticate it: and though a volunteer chairman might sign his name to matters of regulation, in conformity with the principles he adopted, yet no man could be justified in signing his name to principles he believed false, and opinions he thought erroneous. Besides, it was the opinion of Mr. Fox, in 1797, that the people had a right to be well governed —a right to form a constituent part of government, and that the best plan of representation was that which brought forward the greatest number of independent voters. Mr. Fox was therefore for the most comprehensive system of suffrage which could be combined with freedom of suffrage*. Annual parliaments and the most extensive mode of suffrage had been advocated by the late Duke of Richmond, in his famous letter to Colonel Sharman, with a strength of argument quite unanswerable†. The same principles had been investigated and maintained with additional force and acuteness, and philosophical accuracy, accompanied with complete demonstration of the safety with which they might be reduced to practice, by Bentham. If any anti-reformer could answer Mr. Bentham's arguments, he would do more efficacious service to reformers and anti-reformers, than could ever be effected by dealing out false imputations and unsubstantiated slander, these being, with a due portion of misrepresentation and exaggeration, the only intellectual weapons hitherto employed by the enemies against the friends of reform‡. Mr. Pitt had declared the present system to be both the offspring and the parent of corruption, under which no minister could act according to the interest of the country, nor any honest man continue minister—but, *tempora mutantur*—Mr. Pitt himself became minister, and exemplified the truth of his own doctrine. Mr. Burke also had expressed his abhorrence of the corruption of this house—with a masterly hand depicted its character, and lamented its unnatural want of sympathy with the people: he had declared that it would, among public misfortunes, be more natural and tolerable that the House of Commons should be infected with every epidemical phrenzy of the people, as this would indicate some consanguinity, some sympathy of nature

* With great submission the Editor begs to remark that Mr. Fox was decidedly hostile to universal suffrage. In his speech on Mr. Grey's motion for a reform in parliament, May 26, 1797, he expressed himself as follows:—"I have ALWAYS deprecated *universal suffrage*, not so much on account of the confusion to which it would lead, but because I think that we should in reality lose the very object which we desire to obtain; because I think it would in its nature embarrass and prevent the deliberative voice of the country from being heard. I do not think that you augment and multiply the deliberative body of the people by counting all the heads, but that in truth you confer on individuals, by this means, the power of drawing forth numbers, who, without deliberation, would implicitly act upon their will. My opinion is, that the best plan of representation is that which will bring into activity the greatest number of independent voters, and that that is defective which would bring forth those whose situation and condition takes from them power of deliberation. *I can have no conception of that being a good plan of election which should enable individuals to bring regiments to the poll.* I hope gentlemen will not smile if I endeavour to illustrate my position by referring to the example of the other sex. *In all the theories and projects of the most absurd speculation, it has never been suggested that it would be advisable to extend the elective suffrage to the female sex*; and yet, justly respecting, as we must do, the mental powers, the acquirements, the discrimination, and the talents of the women of England, in the present improved state of society—knowing the opportunities which they have for acquiring knowledge—that they have interests as dear and as important as our own, it must be the genuine feeling of every gentleman who hears me, that all the superior classes of the female sex of England, must be more capable of exercising the elective suffrage with deliberation and propriety, than the uninformed individuals of the lowest class of men to whom the advocates of universal suffrage would extend it; and yet, why has it never been imagined that the right of election should be extended to women? Why, but because by the law of nations, and perhaps also by the law of nature, that sex is dependent on ours; and because, therefore, their voices would be governed by the relation in which they stand in society. Therefore, it is, Sir, that with the exceptions of companies, in which the right of voting merely affects property, it has never been in the contemplation of the most absurd theorists to extend the elective franchise to the other sex. *The desideratum to be obtained, is independent voters, and that, I say, would be a defective system that should bring to the poll regiments of soldiers, of servants, and of persons whose low condition necessarily curbed the independence of their mind.* That then I take to be the most perfect system which shall include the greatest quantity of independent electors, and exclude the greatest number of those who are necessarily by their condition dependent. I think that the plan of my hon. friend (to extend the right of voting to householders) draws this line as discreetly as it can be drawn, and it by no means approaches to universal suffrage."

† In his speech on Mr. Grey's motion, May 26, 1797, Mr. Sheridan said, that "he remembered at some meetings signing his name with the Duke of Richmond in favour of universal suffrage and annual parliaments. The expediency of such a plan was matter for discussion and deliberation; if any other plan were better, there was no reason why it should not be preferred: *he thought this plan* (to extend the right of voting to householders) *a better one*, he thought also that the mass of the people would be satisfied with it."

‡ See the note, post, page 1999.

with their constituents, than that they should be in all cases untouched with the feelings and opinions of the people. "The virtue, spirit, and essence of a House of Commons," said he, "consists in its being the express image of the feelings of the nation. It was not instituted to be a control upon the people, as of late it had been taught by a doctrine of the most pernicious tendency, but as a control of the people." Sir William Jones, whom Dr. Johnson called "the most enlightened of the sons of men," had declared, that if the present representation could be compared to a tree rotten at the heart, he wished to see removed every particle of its rottenness, that a microscopic eye could discern: he derided many of the fashionable doctrines, that of virtual representation he held to be actual folly, as if they were to talk of negative representation, and contend that it involved any positive idea. He said that the right to be represented was an inherent right, and that it was mere banter to call men free who did not possess it*.—It would be easy to go on citing opinions, till it was shewn that almost all the great men whom this country had produced, from the time of the revolution to the present moment, had brought concurrent authority, as well as unanswerable reason, in aid of the great cause of Parliamentary Reform. But he would now address a few words to those gentlemen who might think that he did not act with sufficient caution, or prudence, on the present occasion. To these sincere and honest friends of reform, who agreed with him as to the necessity of reform, though they had not made up their minds to the propriety of the extent to which he now proposed to carry it—to them he would say, that having tried all possible modes of obtaining co-operation short of compromising public principle, to such a degree as to lose all hope of public benefit, from persevering in the same course; having witnessed the result of the motion made a few nights ago, for repealing the Septennial Act—an act so violent and unconstitutional, as to provoke and to justify Dr. Johnson in saying, "That the creation of twelve peers in one day, in Queen Anne's time, in order to maintain a majority in the House of Lords, though violent enough, was still legal, and not to be compared to the contempt of national rights with which the House of Commons some time afterwards, at the instigation of Whiggism, elected themselves for seven years, having been elected for three by their constituents." Having witnessed the fate of the motion to repeal that violation of the law and constitution of the country†, and to put us back only in that one respect to the state we were in at the time of the revolution; having witnessed the fate of the proposals which had been made by himself and others for a more limited reform, he was convinced, and he thought that at length the step by step reformers would be convinced of the utter impracticability and hopelessness of that mode of proceeding, and he therefore no longer thought it prudent to pursue so inefficacious a course, or to withhold the plan, of the propriety of which his own reason was convinced; and which, he had no doubt, examination and experience would confirm. The object was, that elections should be free and frequent, and that suffrage should be equal and comprehensive. The common law maxim, that elections ought to be free, was affirmed by the statute of Westminster 1st, which says, that no great man, or other, shall by force, cunning, or contrivance (such being, according to my Lord Coke, the import of the word *malice*) disturb the freedom of election. The same thing was declared at the commencement of every parliament, by a resolution of this house; which, at the same time that it declares that it is a high breach of its privileges for any peer of the realm to interfere in the election of a member of the House of Commons, allows a petition to remain unnoticed for years on its table, which asserts and offers to prove, that a large proportion of its members are absolutely the nominees of peers, or returned through the influence of peers. It was high time that these laws and these maxims should cease to stand upon our statute book, and upon our own order book, "like the forfeits in a barber's shop, more in mock than mark;" and that the public should feel, from their observance, some beneficial effects. But the freedom of elections could only be secured by extending and equalizing the right of suffrage, and shortening the duration of parliaments. On a fair distribution and extension of the elective franchise, and on a division of the United Kingdom into electoral districts, he calculated that each district would contain about 4000 voters, a number far too great for any man to bribe or terrify; and accompanied with annual elections, not presenting a sufficient interest to induce any man to attempt it. Some thought that additional security would be afforded by the ballot; and, as it appeared to him that the ballot could do no harm, and might occasionally be a protection, by leaving the voter at liberty to divulge or conceal his vote, he had introduced it into his resolutions, for the purpose of its being

* Sir W. Jones was a great friend to parliamentary reform, but he was by no means an advocate for *universal suffrage*. In his speech to the assembled inhabitants of the counties of Middlesex and Surrey, the cities of London and Westminster, and the borough of Southwark, 28th of May, 1782, he said, "The spirit of our constitution requires a representation of the people nearly equal and nearly universal. I say *nearly* universal; for I admit, that our constitution, both in form and spirit, requires *some* property in electors. I cannot persuade myself that the right of voting originally belonged to such as, having nothing at all, and being unable or unwilling to gain any thing by art or labour, were supported by alms." (See his Works by Lord Teignmouth, 8vo. ed. vol. vii. p. 500.)

† See page 1818.

fairly discussed. For his own part he confessed that he thought it unnecessary; for where there was no good for which to strive, no strife could grow up there from faction, and it was clear that annual elections would offer no inducement to persons to become candidates for so short-lived a power, sufficient to make them willing to incur any mighty expense. The honour of the station would scarcely be more than a recompense for the trouble. The numbers would be too great to corrupt, and the benefit to be derived would be too small; so that if any one could be supposed to have the will, he would not have the power; and if he could be supposed to have the power, he would not have the will; and there being neither will nor power, nor motive of any kind, it might seem superfluous to guard against actions which, under the supposed circumstances, there would be no temptation to commit.—As to the extent of suffrage, it was evident, that in practice, some line must be drawn; and he had no hesitation in saying, that many were the points at which the limits might be fixed with equal advantage and security to the public; provided always that the extension was sufficient to comprehend the universal interest, and secure freedom of election. But if it could be shewn that the most comprehensive suffrage would produce no inconvenience in practice, it ought not in justice to be withheld. Mr. Bentham had, by incontrovertible argument, demonstrated, that no danger whatever would arise from the most extensive suffrage that could be established*. What sort of power was it that was conferred by the right of voting, if power it was to be called, on the part of the people? that every man should have a fraction, which fraction was a four-thousandth part of a voice in the appointment of a fraction which itself was a six hundred and fifty-eighth part of a voice in the house of commons; so that every man, be his fortune what it might, should have the power of saying who he thought was the best character amongst his neighbours, to whom he would most willingly entrust the guardianship of his rights and liberty; now how

* Mr. Bentham is the advocate of *universal suffrage*, and, in order to prove its good effects, he refers to the United States of America, where, he says, the suffrage *is* universal. Now it is notorious, that, in many of the States, slavery exists by law; in Virginia none but freeholders are entitled to vote; and in the four New England States, the elector must possess 100*l.* in real, or personal, property. So far, then, from being incontrovertible, Mr. Bentham's argument of experience, in favour of universal suffrage, is *protestatio contra factum.*

The Editor apprehends that it will be much more difficult to answer the arguments of Mr. Horne Tooke against universal suffrage. In a letter to Lord Ashburton, written on the 10th of May, 1782, three days subsequent to Mr. Pitt's first motion in the House of Commons for a reform in parliament, Mr. Tooke, after noticing the debate on that motion, and making some pointed remarks thereon, proceeds to investigate the opinion of his friend Major Cartwright, whom he describes as friendly to universal representation, and as a gentleman who asserts, that "No man can be free who has not a voice in framing those laws by which he is to be governed. He who is not represented has not this voice; therefore, every man has an equal right to representation, or to a share in the government. His final conclusion is, that every man has a right to an equal share in representation." Upon which opinion Mr. Tooke makes the following remarks:—"Now, my Lord, I conceive the error to lie chiefly in the conclusion; for there is very great difference between having an equal right to a share, and a right to an equal share. An estate may be devised by will amongst many persons, in different proportions; to one 5*l.*, to another 500*l.*, &c.; each person will have an equal right to his share, but not a right to an equal share.

"This principle is farther attempted to be enforced by an assertion, that 'the all of one man is as dear to him, as the all of another man is to that other.' But, my Lord, this maxim will not hold by any means; for a small all is not, for very good reasons, so dear as a great all. A small all may be lost and easily regained; it may very often, and with great wisdom, be risked for the chance of a greater; it may be so small, as to be little or not at all worth defending or caring for. *Ibit eo qui zonam perdidit.* But a large all can never be recovered; it has been amassing and accumulating for many generations; or it has been the product of a long life of industry and talents; or the consequence of some circumstance which will never return. But I am sure I need not dwell upon this, without placing the extremes of fortune in array against each other; every man whose all has varied at different periods of his life can speak for himself, and say, whether the dearness in which he held these different alls was equal. The lowest order of men consume their alls daily, as fast as they acquire it.

"My Lord, justice and policy require that benefit and burden, that the share of power and the share of contribution to that power, should be as nearly proportioned as possible. If aristocracy will have all the power, they are tyrants and unjust to the people, because aristocracy alone does not bear the whole burden. If the smallest individual of the people contends to be equal in power with the greatest individual, he, too, in his turn, is unjust in his demands; for his burden and contribution are not equal.

"Hitherto, my Lord, I have only argued against the equality; I shall now venture to speak against the universality of representation, or of a share in the government; for the terms amount to the same.

"Freedom and security ought surely to be equal and universal; but, my Lord, I am not at all backward to contend, that some of the members of a society may be free and secure, without having a share in the government. The happiness and freedom, and security of the whole, may even be advanced by the exclusion of some, not from freedom and security, but from a share in the government.

"My Lord, extreme misery, extreme dependence, extreme ignorance, extreme selfishness, (I mean that mistaken selfishness which excludes *all public sense*), all these are just and proper causes of exclusion from a share in the government, as well as extreme criminality, which is admitted to exclude; for thither they all tend, and there they frequently finish."

was any mischief from this cause to be apprehended? First, a man of mischievous intention must be able to persuade the majority of four thousand persons, of equally mischievous intentions of course, to concur in the appointment of the mischievous person: and when so appointed, this mischievous person must have the concurrence of a majority of 657 other mischievous persons also, elected by an equal number of other mischievous constituents; and when all these persons had agreed in the mischief to be committed, they must obtain the concurrence of the House of Lords, and subsequently of the king, before the supposed mischievous act could be carried into effect. To suppose it possible, would be to suppose the possibility of the deliberate perpetration of an act of suicide, by a whole nation; it must be, in fact, a conspiracy of the nation against the nation—a result that could not be anticipated with a reference to any of the known principles of human action; it was to suppose human beings, without any possible motive, uniting to destroy their own happiness.—Some had objected to extending the right of suffrage, on the ground that persons without education, without moral or political rectitude, rank or station in life, would be elected. This was an opinion contradicted by the history of all ages, times, and countries; and he had no hesitation in saying that the very reverse would be, as it always had been, the result, unless history was all a fable, political writers all mistaken, and Machiavelli a beardless boy just come from reading Livy. He tells us in commenting upon that author, after maturely considering and deeply meditating upon the subject, and facts presented to his view, that the voice of the people, in matters of election at least, was not unaptly styled the voice of God—that there was no comparison between the wisdom of the choice of the people, and that of any king or small body of men. Indeed, says he, it is impossible to get the people to advance a worthless or unprincipled character, than which nothing is more easy or common with princes: and such was the modesty and sense of the Romans, that though they had violent struggles with the patricians to obtain an equal right of admission to all the great offices of the state—although they had been insolently, and arrogantly, and unjustly treated by the patricians, yet, having obtained that fair equality for which they contended, and notwithstanding their just causes of enmity on account of the insolence and oppression of the patricians, they still annually elected the great officers of the state from amongst the patrician families. So undeviatingly correct was their instinctive judgment with respect to elections, that, in the course of 400 years, the Romans, who elected annually all the great officers of the state, did not in all that period make above three or four elections of which they had any reason to repent.—The people of this country had also in former times elected, not only members of parliament, but their leaders in war, and officers in peace, with the exception only of the immediate officers of the executive government in the appointment of the king. It was then but asking a little for the people of their ancient freedom, to have a voice in the choice of their representatives in parliament. This would be but a small portion of their ancient birthright restored,

> Nam, qui dabat olim
> Imperium, fasces, legiones, omnia, nunc se
> Continet:

He would not continue the quotation, which would be to libel the people of England, who are not like the degenerate Romans, anxious only for bread and public shows, but are hungry for the bread of liberty, for the recovery of the rights of their forefathers*. They asked no bread but that which was earned by the sweat of their own brows, and when they had earned it, they asked nothing but that it should not be wrenched from them and their children by the hand of fiscal rapacity, to feed the profligate and unprincipled, the sons and daughters of corruption. The people of this country were honest, laborious, and high-minded; they asked not alms nor amusements, but demanded freedom—demanded to have check and control over the public purse, which purse was theirs, and security to them and their children for the enjoyment of the fruits, the hard-earned fruits of their at present unrequited industry. Security of person and property was the extent of their claim, and was it not monstrous that a government which exercised a power of taking men by force from their homes and families to be employed for its defence, which by compulsory ballot filled the ranks of its militia, and by violence and coercion manned its fleets, exposing them to all that is most formidable in fire and water combined, destructive and appalling to our common nature, which lavishly shed the blood of the people for its defence, should not only exclude the people from all efficient share in the government, not only from the making of laws, but even from any share in the appointment of those persons who were to determine when and how their blood, bones, and sinews should be disposed of. This was all that was sought for under the most extended right of suffrage, that a man should have the opportunity afforded him of saying with whom he would wish to entrust his liberty, his property, and his life. This surely was not asking too much—surely there was nothing unreasonable in this, nothing to excite apprehensions, cause alarm, or be productive of anarchy and confusion. In every governmennt, in every part of the world,

* In a former note, page 879, the Editor has endeavoured to prove, that universal suffrage never existed in this country; and if his arguments and authorities be correct, the people cannot demand universal suffrage as "the right of their forefathers."

the universal tenor of history bore undeniable testimony to this great truth, that in proportion as the people had had any share in the government, in that proportion had all countries been peaceable, prosperous, and happy. On the contrary, wherever monarchy, aristocracy, and, still more, oligarchy prevailed, in an equal degree had those countries been miserable, discontented, and poor. As the people of England were anciently and ought of right now to be free—as freedom and frequency of election were parts of our constitution, and prevailed without inconvenience in ancient practice—and as security for property, liberty, and life, depended solely in this country on a constitutionally constituted House of Commons, partaking the interests, sympathizing in the feelings, and faithfully representing the wishes of the people, he trusted that the resolutions which embodied those principles would not be rejected without being refuted, either as mistaken in principle or mischievous in practice.—The hon. baronet then moved the following resolutions.

1. That no adequate security for good government can have place, but by means of, and in proportion to, a community of interest between governors and governed; and that the truth of this principle has been unequivocally recognized in speeches delivered from the throne by all the kings of this realm (except only King Charles I., and King James II.) from the accession of King James I., down to the present reign, both inclusive; and that in particular, 1st, In a speech delivered by King James I., on the 9th of Nov. 1605, his majesty after speaking of the "weal" of the king of this country, and the weal of the country itself, was pleased to add, "*whose weals cannot be separated:*" and, 2d, In a speech delivered on the 14th February, 1670, his majesty King Charles II., after speaking of a supply which was then demanded by him, was pleased to say, "consider this seriously and speedily; *it is yours and the kingdom's interest* as well as *mine:*" and, 3d, In a speech delivered on the 18th June, 1678, his said majesty King Charles II. after declaring his intention to open his heart freely to his parliament, on some points declared by him to be such as "nearest concern," says he, "both you and me," was pleased to add, "and I hope you will consider them so, because I am sure *our interests ought not to be divided;* and for me they never shall:" and, 4th, In a speech delivered on the 21st March, 1681, his said majesty King Charles II. was pleased to say, "it is *as much my interest,* and it shall be as much my care *as yours to preserve the liberty of the subject:*" and, 5th, In a speech delivered on the 4th Nov. 1692, his majesty King William III., speaking to his parliament, and through his parliament to his people, was pleased to say, "I am sure *I can have no interest but what is yours,*" adding, "for I have no aim but to make you a happy people:" and, 6th, In an answer given to an address of this house on the 22d Nov. 1695, his said majesty King William III. was pleased to say, "*our interests are inseparable,* and there is nothing I wish so much as the happiness of this country where God has placed me:" and, 7th, In a speech delivered on the 21st Oct. 1702, her majesty Queen Anne was pleased to say, "*my interests and yours are inseparable,* and my endeavours shall never be wanting to make you all safe and happy:" and, 8th, In a speech delivered on the 29th Oct. 1704, her said majesty speaking of a certain measure of government as being then begun upon, was pleased to say, "I look upon this good beginning to be a sure pledge of your affections for my service, and for *our common interest:*" and, 9th, In a speech delivered on the 9th April, 1713, her said majesty was pleased to say, "*those who would make a merit by separating our interests will never attain their ill ends:*" and, 10th, In a speech delivered on the 13th January, 1732, his majesty King George II. was pleased to say, "our safety is mutual, our interests are inseparable:" and, 11th, On the 16th April, 1734, his said majesty King George II., speaking of "*sovereign and subject,*" was pleased to say, "*their interest is mutual and inseparable:*" and, 12th, On the 17th October, 1754, his said majesty King George II. was pleased to say, "*the interest of me and my people is always the same,*" and therefore he adds, "*in this common interest let us all unite:*" and, 13th, In a speech delivered on the 10th June, 1772, his present Majesty, after speaking of *all ranks of his faithful subjects,* was pleased to say, "let it be your constant care to assure them that *I consider their interests as inseparably connected with my own:*" and, 14th, In a speech delivered on the 10th June, 1791, his present Majesty after the gracious assurance expressed in these words, viz. "my constant endeavours will be directed to the pursuit of such measures as may appear to me best calculated to promote *the interests and happiness of my people,*" was pleased to add, "which *are inseparable from my own.*"

2. That on any occasion upon which this community of interest fails to be entire, the interest of the few, or of the one, ought to give way to the interest of the many; and that the truth of this principle has been recognized in speeches from the throne by the kings of this realm, of every family from the accession of King James I. down to the present reign, both inclusive; and that in particular, 1st, In a speech delivered on the 19th March, 1603, his majesty King James I., was pleased to acknowledge and declare, "when I have done all that I can for you, I do nothing but that which I am bound to do, and am accountable to God for the contrary; for I do acknowledge that the special and greatest point of difference that is between a rightful king and an usurping tyrant, is in this: that whereas the proud and ambitious *tyrant* doth think his kingdom and *people* are only ordained for satisfaction of *his desires* and unrea-

sonable appetites; the righteous king doth, by the contrary, acknowledge himself to be *ordained for* the procuring of the wealth and prosperity of his people:" and again, "if we will take the whole people as one body and mass, then as the head is ordained for the body, and not the body for the head, so must *a righteous king* know himself to be *ordained for his people*, and *not his people for him*:" and 2d, In a speech delivered on the 3d December, 1697, his majesty King William III., was pleased to say, "That which I most delight in is, that I have all the proofs of my people's affection that a prince can desire; and I take this occasion to give them the most solemn assurance, that as I never had, so *I never will nor can have any interest separate from theirs*:" and 3d, On the 21st Nov. 1717, his majesty King George I., speaking of certain endeavours used by him on an occasion then mentioned, was pleased to say, "It is your interest that my endeavours should take effect; it is your interest, and therefore I think it mine;" and, 4th, On the 13th January, 1730, his majesty King George II. was pleased to say, "I desire that the affections of my people may be the strength of my government, as *their interest has always been the rule of my actions and the object of my wishes*:" and, 5th, On the 3d April, 1744, his said majesty King George II. was pleased to say, "I have no interest at heart but yours;" and therefore to add, "and in that *common interest* let us all unite:" and, 6th, On the 25th June, 1751, his said majesty King George II. was pleased to say, "*I have nothing to desire of you but to consult your own true happiness and interest*:" and, 7th, On the 15th Nov. 1763, his present majesty was pleased to say, "as *the interests and prosperity of my people are the sole objects of my care*, I have only to desire now that you will pursue such measures as are conducive to those objects with despatch and unanimity:" and, 8th, On the 13th Nov. 1770, his present majesty was pleased to say, "*I have no interest, I can have none, distinct from my people*:" and, 9th, On the 8th May, 1771, his majesty was pleased to say, "I have no other object, I can have no other interest than to reign in the hearts of a free and happy people;" and thereupon to add, "the support of our excellent constitution is *our common duty and interest*:" and, 10th, On the 24th March, 1784, his majesty, speaking of the powers entrusted to him by law, was pleased to say, "I can have no other object but to employ them for *the only end* for which they were given, *the good of my people*."

3. That under the government of this country, no such community of interest can have place, but in so far as the persons in whose hands the administration of public affairs is vested, are subject to the superintendence and control or check of the representatives of the people; such representatives speaking and acting in conformity to the sense of the people.

4. That, according to established usage as evidenced by speeches from the throne, and other public acts, the members of this house being in their collective capacity styled representatives of the people, and the powers exercised by them, being on no other ground recognized as constitutional; it is, only in so far as they are really and substantially representatives of the people, that the powers so exercised by them are constitutionally exercised.

5. That it is only in so far as the members of this house are in fact chosen, and from time to time removeable by the free suffrages of the people, that there can be any adequate assurance, that the acts done by them, are in conformity to the sense and wishes of the people; and, therefore, that they can in truth, and without abuse of words, be styled, or declared to be representatives of the people.

6. That no member of this house can, otherwise than by a notorious fiction, be styled a representative of any part of the people, other than of the part composed of such individuals, as have or might have voted on his election. And that, by the general appellation of representatives of the people, is, and ought to be understood, representatives of the whole body of the people.

7. That the sense of the whole body of the people cannot be adequately conformed to, by their representatives, except in so far as the suffrage of each person in the choice of his representative has a force and effect, as equal as may be, to that of the suffrage of every other person. And that such equality of force and effect cannot have place, except in so far as in the case of each representative, the number of persons possessing the right of voting on his election, is (as far as local circumstances will permit) the same as in the case of every other.

8. That on the occasion of electing a representative of the people, no man's suffrage can with truth be said to be free, except in so far as in the delivery of it, he stands unexposed to the hope of eventual good, or the fear of eventual evil to himself and his connexions, from the power or influence of every other individual on account of his suffrage.

9. That the advantage and necessity of comprehensive, equal and free suffrage, has been recognized in divers speeches from the throne; and that in particular, 1st, In a speech delivered on the 8th April, 1614, his majesty King James I., after saying, "But most I desire to meet with you when I might ask you nothing but that we might confer together freely," was pleased to add, "and I may hear *out of every corner of my kingdom*, the complaint of my subjects; and I will deliver you my advice and assistance, and we will consult only *de republica*; so shall the world see I love to join with my subjects, and this will breed love, as acquaintance doth amongst honest men, and the contrary amongst knaves:" and, 2d, On the 26th March, 1620, his said majesty King James I., after speaking

of certain abuses in the shape of monopoly, of which he says he knew not till discovered by parliament, was pleased to add, " nor could so well be discovered otherwise in regard of *the representative body of the people* which comes from *all* parts of the country :" and, 3d, On 12th February, 1623, his said majesty King James I. was pleased to say, " I hope to God I shall clearly see that you are the true representative body of my subjects ; therefore be you *true glasses and mirrors of their faces,* and be sure *you yield the true reflections and representations* you ought to do ; and this doing, I hope you shall not only find the blessing of God, but shall also, by these actions, procure the thanks and love of my whole people, for being such *true* and faithful glasses :" and, 4th, In a speech delivered on the 14th April, 1640, by the Lord Keeper, by the command and in the presence of his majesty King Charles I., his said majesty was pleased to say, " By you as a select choice and abstract, the *whole* kingdom is presented to his majesty's royal view ; all of you, not only the prelates, nobles, and grandees ; but in your persons that are of the house of commons, every one, even the *meanest* of his majesty's subjects are graciously allowed to participate and share in the honour of those counsels that concern the great and weighty affairs of the king and kingdom : you come *all armed* with the votes and suffrages of the *whole* nation :" and, 5th, In a speech delivered on the 19th March, 1761, his present majesty was pleased to say, " I do with entire confidence rely on the good disposition of my faithful *subjects,* in the choice of *their representatives :* and I make no doubt but that they will thereby demonstrate the sincerity of their assurances, which have been so cordially and *universally* given me in the loyal, affectionate, and unanimous addresses of my people."

10. That the sense of the people can never be truly represented and conformed to by their representatives, otherwise than in so far as those representatives are dependent upon the wishes of their constituents for their continuance in their situation as representatives ; such wishes of the constituents being expressed by their suffrages freely delivered as above.

11. That though to give this dependence the greatest perfection of which, without regard to other objects, it might be susceptible, would require that at all times it should be in the power of every electoral body to remove its representative, in the same manner that it is in the power of every individual, who has granted to another a power of attorney, to revoke the same ; yet forasmuch as in such a state of things, the people, instead of deputing representatives to manage their public concerns, would be in their own persons engaged in the superintendence or management thereof, to the prejudice of the business of private life ; hence it becomes necessary that this same power of removal should not have place otherwise than at certain stated, and more or less distant periods.

12. That forasmuch as the dependence of the representatives upon their constituents will be the greater, the shorter the term is, during which they are exempt from removal ; and as no inconvenience can be apprehended from one election at the least taking place in every year ; and as it appears by divers statutes, and long continued practice in obedience thereto, that the principle of at least annual elections is conformable to the ancient laws and practice of this realm ; it is therefore expedient that the people should be enabled to remove their representatives, and, if necessary, repair the misfortune of having made an improper choice, at least once in every year.

13. That the sense of the people, considered as the standard to which the sense of their rulers ought to conform, is, not the sense entertained by the people in any past period of time, and which may have undergone subsequent change, but on the contrary, is the sense of the people taken in its freshest state ; and that this truth has been repeatedly recognized in speeches delivered from the throne, by his late majesty King George II., and by his present majesty ; and particularly, 1st, In a speech delivered on the 21st April, 1741, his said late majesty, after saying, " I will accordingly give the necessary orders for a new parliament," was pleased to add, " there is not any thing that I set so high a value upon as the love and affection of my people, in which I have so intire a confidence, that it is with great satisfaction I see this opportunity put into their hands of giving me *fresh* proofs of it, in the choice of their representatives : and, 2d, On the 12th of November, 1747, his late majesty was pleased to say, " One of my principal views in calling this parliament was, that I might receive the most *clear and certain* information of the *sense of my people :*" and, 3d, On the 6th November, 1761, his present majesty was pleased to say, " I am glad to have an opportunity of receiving the *truest* information of the *sense of my people* by a *new* choice of their representatives :" and, 4th, On the 8th November, 1768, his majesty was pleased to say, " The opportunity which the *late* general election gives me of knowing from their representatives in parliament, the more *immediate sense of my people,* makes me desirous, &c." and, 5th, On the 1st November, 1780, his majesty was pleased to say, " It is with more than ordinary satisfaction that I meet you in parliament at a time when the *late* elections may afford me an opportunity of receiving the most *certain* information of the *disposition* and the *wishes* of my people, to which I am always inclined to pay the utmost attention and regard :" and, 6th, On the 24th March, 1784, after mentioning the then situation of the country, his majesty was pleased to say, " I feel it a duty I owe to the constitution and to the coun-

try, in such a situation to recur as *speedily* as possible to *the sense of my people* by calling a *new* parliament."

14. That by the words sense, disposition, and wishes of the people, employed in the said speeches, nothing less than the sense, disposition, and wishes of the whole body of the people can with propriety be understood; for as much as if it be the interest and duty of his majesty to collect and attend to the sense, disposition, and wishes of any one part of his people, it cannot be so in any less degree in regard to any other part.

15. That except by petitions, and even by those means, no otherwise than occasionally and partially, and therefore inadequately, the sense, disposition, and wishes of the people can be conveyed to his majesty in no other manner than by the choice made by them of persons to sit and serve in this house in the character of representatives; and, that except in the said inadequate manner by petitions, those who have no part in the choice of representatives, cannot at any time make known to his majesty, the part which their sense, disposition, and wishes, has in the sense, disposition, and wishes of the whole body of the people.

16. That forasmuch as no power lodged in the hands of constituents can create or maintain the due dependence of their representatives, unless the good or evil which may be produced by the exercise of such power, be at all times in the expectation of the representatives greater than any that can be made to accrue to them by any other person or persons whose interest or supposed interest it may be to engage them in a violation of their trust; it is therefore necessary, that by all practicable means every representative of the people be rendered as completely exempt as possible from every such external influence.

17. That the offices, commissions, and emoluments, the power, rank, dignities, and other advantages, which are at the disposal of the crown, constitute so many instruments of temptation, by which the members of this house are exposed to be seduced from their duty, and induced to sacrifice the general interest of the people, to the particular interest, or supposed interest of the crown, its servants, and their adherents.

18. That as this house is now constituted, a large proportion of the members thereof obtain their seats by the appointment or favour of particular individuals without being elected, or at least without being freely elected by any part of the people; and that such members are continually exposed to be seduced from their duty, and induced to sacrifice the general interest of the people, to the particular interests of their respective patrons.

19. That forasmuch as the influence of the crown cannot be exercised and made productive of its natural effect, without counteracting and overpowering the influence of the people in the breasts of the members of this house, so as to engage them to make continual sacrifice of the interest of the people to the separate interests of the servants of the crown and their adherents; such influence may with truth and propriety be termed a sinister influence.

20. That parliamentary patronage not only prevents or interrupts comprehensive, free, and equal suffrage, whereby alone the sense of the people can be made known, but operates on the one hand as a perpetual inducement to the servants of the crown to favour the individuals who are possessed thereof, at the expense and to the prejudice of the people; and on the other hand as a perpetual temptation to those individuals to maintain and increase the influence of the crown, from which they may expect to derive benefit for themselves and their connexions.

21. That by a resolution passed on the 6th April, 1780, it was declared by this house, that the influence of the crown had increased, was increasing, and ought to be diminished.

22. That since that time the influence of the crown has been greatly increased, on the one hand by the increase of the public debt in respect of the taxes raised for paying the interest thereof, and the profitable patronage and power exercised in relation to the several offices and commissions necessary for the collection of those taxes; and on the other hand by the increase of the standing army, in respect of the patronage and power exercised in relation to the offices and commissions thereunto belonging, and the means of employing that same power to stifle the voice and destroy the liberties of the people.

23. That forasmuch as no adequate diminution of the influence of the crown can now be effected, the only resource which remains is to correct this influence by a counterforce consisting of the influence of the people.

24. That this house taking into consideration the gracious intentions so often expressed by his majesty, particularly calls to mind the speech delivered on the 5th Dec. 1782, in which his majesty, speaking to both houses of parliament, and after declaring it to be the fixed object of his heart to make the general good, and true spirit of the constitution, the invariable rule of his conduct, was pleased to say, "To insure the full advantage of a government conducted on such principles, depends on your temper, your wisdom, your disinterestedness, collectively and individually,—my people expect those qualifications of you, and I call for them;"—and again, the speech delivered on the 19th May, 1784, in which his majesty was pleased to say, "You will find me always desirous to concur with you in such measures as may be of lasting benefit to my people,—I have no wish but to consult their prosperity;"—and again the speech delivered on the 25th January, 1785, in which his majesty was pleased to say, "You may at all times depend on my hearty concur-

rence in every measure which can tend to alleviate our national burthens, to secure the true principles of the constitution, and to promote the general welfare of my people."

25. That this house taking also into consideration the gracious disposition of his royal highness the Prince Regent, assures itself with the fullest confidence, that his royal highness, acting in the name and on the behalf of his majesty, will be pleased to vouchsafe his sanction to all such measures as may be necessary for placing the influence of his majesty's people in this house on a firm and unalterable footing.

26. That therefore this house, proceeding on the principles above declared, is resolved to make one great sacrifice of all separate and particular interests, and to proceed to establish a comprehensive and consistent plan of reform; in virtue whereof, the whole people of the United Kingdom, may be fairly and truly represented in this house; and, in order to that end, this house does hereby declare :—

I. That it is expedient and necessary to admit to a participation in the elective suffrage, all such persons as being of the male sex, of mature age, and of sound mind, shall, during a determinate time antecedent to the day of election, have been resident either as householders or inmates, within the district or place in which they are called upon to vote.

II. That the territory of Great Britain and Ireland taken together, ought to be divided into 658 election districts, as nearly equal to each other in population as consistently with local convenience they may be; and, that each such election district ought to return one representative, and no more.

III. That for the prevention of unnecessary delay, vexation, and expense, as well as of fraud, violence, disorder, and void elections, the election in each district, ought to be begun and ended on the same day, and that day ought to be the same for all the districts; and that for this purpose, not only the proof of title, but also every operation requiring more time than is necessary for the delivery of the vote, ought to be accomplished on some day or days, antecedent to the day of election, and that the title to a vote should be the same for every elector, and so simple as not to be subject to dispute.

IV. That for the more effectually securing the attainment of the above objects, the election districts ought to be subdivided into sub-districts, for the reception of votes, in such number and situations as local convenience may require.

V. That for securing the freedom of election the mode of voting ought to be by ballot *.

VI. That for more effectually securing the unity of will and opinion, as between the people and their representatives, a fresh election of the members of this house ought to take place, once in every year at least; saving to the crown its prerogative of dissolving parliaments at any time, and thereupon, after the necessary interval, summoning a fresh parliament.

Lord *Cochrane* seconded the motion. In what he had to say, he did not presume to think that he could add to the arguments, which his hon. friend had so forcibly adduced, but he wished to discharge that duty which belonged to him as one of the representatives of the people. When he recollected the way in which this important question had been treated by the house, particularly on the recent motion for a repeal of the Septennial Act, he had very little hope of success on the present occasion. This was, perhaps, the last time he should have the honour of addressing them on any subject. (Here the noble lord was so overpowered by his feelings, that he could not proceed for some seconds.) It was now nearly eleven years since he had had the honour of a seat in that house, and since then there had been very few acts of theirs in which he could agree with the opinions of the majority. To say that those acts were contrary to justice would not be parliamentary. But he would appeal to the feelings of the landholders present—he would appeal to those members who were engaged in commerce, and ask them, whether the acts of the legislative body had not been such, that no man in the country knew what to call his own. Before the late war they could affirm that they had a property in the country: now, they were dependent upon financial schemes and measures which they could neither comprehend nor resist. The resolutions now proposed, if carried, would yet save the country, and restore the happiness of the people. One of the greatest men who had ever sat in that house, Lord Chatham, the father of Mr. Pitt, had said, that if that house were not reformed from within, it would be reformed with a vengeance from without. It had not been reformed from within, and he now gave it as his decided opinion that it never would be reformed from within. He appealed to all the members then present, who were only 100, whether any petition from the people complaining of oppression and injustice, and praying for reform, had ever been taken into serious consideration. It was his firm persuasion, that unless some measures were adopted to soften the angry feelings which prevailed in the country; unless some means were taken to restore security and tranquillity to the people, gentlemen opposite, who would that night be quite triumphant in resisting the motion

* Cicero says, that, "by the *lex tabellaria*, introduced at a late period of the republic, and equivalent to what we call election by ballot, a skulking shelter was provided for corrupt transactions, over which the sense of shame could have no check; and he asserts, that, in no instance was this measure ever proposed by an honest man." Gibbon, (vol. iv. p. 340.) says, "that a new method, of secret ballot, abolished the influence of fear and shame, of honour and interest; and *the abuse of freedom accelerated the progress of anarchy and despotism.*"

of his hon. colleague, would hereafter rue their temerity. The house of commons would one day deeply regret their perseverance in measures which would shake the whole frame of society to its foundation. He had sat in that house for eleven years, and he owed that favour to the electors of Westminster. He was truly grateful to them for their support throughout that period. He was grateful to them for having rescued him (Here the noble lord wept, and the house seemed to sympathise in his feelings) from a wicked and desperate conspiracy, which was calculated to effect his irrecoverable ruin. All his services to his country, and his perfect innocence, would not have availed him, but for the liberal and uniform support of his constituents. He forgave those who had plotted his ruin, and he hoped that, ere they should fall into their graves, they would repent of their base and foul machinations. These observations were foreign to the question, but he trusted that they would forgive him. (*Hear, hear.*) He hoped that his Majesty's ministers would take into their serious consideration the necessity of reform. He had no longer any feelings of hostility against them, and he trusted that they would take his warning, and save the country, by abandoning the present system before it was too late.

Mr. *Brougham* said, that it had been very far from his intention to be the first to reply to the speech of his hon. friend; but, differing as he did from him on this occasion, and being most averse to that universal suffrage which it was the object of his resolutions to establish, he was anxious to state a few of the reasons on which that aversion was founded. He was at the same time anxious to say, that he felt no manner of disrespect towards those persons in that house —where they were very few in numbers—or towards those out of doors—where they were very numerous—who entertained the same opinions with his hon. friend. Far be it from him to treat with ridicule opinions which were conscientiously held by a great body of people in this country. He considered them to be misled, partly from not having duly weighed the subject, and partly by the writings and speeches of those who themselves had not duly examined it. But to neither the one nor the other did he ascribe any bad motive, and he claimed from them the same charity for himself. He claimed this charity confidently from his hon. friend, as his own opinion upon this question was of a very recent date. (No, no, from Sir F. Burdett.) He found that he was mistaken; but a noble lord who sat near him had thought that he had heard his hon. friend protest against universal suffrage, and, certainly, his own recollection rather favoured that opinion. But, however that might be, he needed only to appeal to the character of the worthy baronet to be assured of a liberal construction of his conduct. He rose then, first, to protest against the conduct of those who treated with contempt every kind of reform, merely because it was reform. On that point of the subject it was only necessary to appeal to the conduct of parliament itself during the last twenty years. To those who argued that all reform whatever would lead to the destruction of the constitution, he would reply, that they themselves had been the greatest of all reformers: they had annihilated the parliament of Ireland by the union of the two kingdoms—a measure for which he was cordially thankful, although he could not approve of the means by which it had been effected. He, therefore, protested against considering all reform as a dangerous innovation, in the sense of a revolution, which put in jeopardy the best interests of the country. He would now make a few remarks on the speech of his hon. friend. If he had come into the house with his mind prejudiced against universal suffrage, the arguments which he had heard in support of it had certainly not removed his prepossessions He had listened to those arguments with attention, and they had struck him as altogether inconclusive. He had confined himself in his elaborately-reasoned resolutions to one kind of authority—an authority not founded on the statute-book, not derived from Magna Charta, which did not rest on the *dicta* of judges, or on the resolutions of either house of parliament, or even on those learned treatises which his hon. friend had so often referred to, such as Mr. Prynne's and others—but a species of authority which, in his estimation, ranked lower than the least, the speeches from the throne, from the reign of James I., that model of a constitutional monarch, down to the very happy, or, at least, the very long reign of his present Majesty. He had shewn, that all those princes had said, that no adequate security for good government could be obtained, but by means of, and in proportion to, the community of interest between the governors and governed. This was a principle which no man ever doubted. But, because it was said in a speech from the throne that his Majesty was happy to meet the representatives of the people in a new parliament, his hon. friend argued, that this was a proof that the king was a friend of frequent elections. If what was expressed in those speeches recommended short parliaments, how happened it that the same expressions were repeated at the end of every seven years, without any effort to shorten parliaments? The language of the speeches had, to speak in the terms of logicians, been understood by his hon. friend, *secundum modum recipientis*, according to the sense of the hearer, and not according to the sense of the speaker. Since his hon. friend had quoted the speeches of all our monarchs, from James I. to his present Majesty, excepting Charles I. and James II. he was astonished that the celebrated speech of his present Majesty, on his accession to the throne, had been omitted. In that speech, Lord Chatham put into the mouth of the present king, after the expression that he was born a Briton, " and it shall be my

proudest distinction to be the first citizen of a free people." This would not have been of any service to his hon. friend's argument, but he was surprised that he had not mentioned it. It was notorious that speeches from the throne were the speeches of ministers. (*Hear.*) They had been acknowledged to be so, were always treated as such by parliament, and were always replied to as such. The addresses, which echoed back the tale, were never understood to pledge any member of that house to any particular vote upon the many questions that arose in the course of the session. Mr. Windham had shewn his opinion of such compositions, when he said, "I verily believe that that gentleman," alluding to a gentleman who had been much employed in preparing royal speeches, "could speak a King's speech off-hand." His hon. friend had endeavoured to shew that annual parliaments and universal suffrage were the ancient law of parliament. But even if he had proved this, still the return to them now might be one of the most visionary measures which could enter into the brains of a projector. Suppose he should move, that they should return to the savage state, which was still more ancient. Suppose he should move a return to domestic slavery, to villainage, to that state in which two thirds, if not one half, of the people, were the slaves, the chattels of their several owners. This would have no novelty in it, although it would be contrary to sense and justice. But it would be as much sanctioned by ancient practice as what some visionaries now contended for. His hon. friend had always been fond of quoting Magna Charta, but he was rather unfortunate in the chapter from which he had made his quotation on this occasion. The first word was much to his purpose, but his triumph could be but very short-lived, for the second word was decidedly against his theory. *Nullus liber homo*—it was not *nullus homo*, that would have been to his purpose; but the second word, *liber*, proved, that the rights there obtained were limited to a class of men who held the rest of the people in domestic slavery. If they went back to those pure times of the constitution, when the monarchy was in all its splendour, respected abroad as it was united at home, having recently emerged, by-the-by, from a seven-fold division—if they went back to those days when there were no rotten boroughs, no corrupt elections, no circumscribed suffrages, no long parliaments, but sometimes more than two of them in one year—in that golden age of the constitution (unless it was impaired in its progress from the Heptarchy to the period of Magna Charta) it appeared, that liberty was only allowed to those who were rich enough to have property in men. (*Hear, hear.*) He mentioned this only to shew, that it was no reason for agreeing to an absurd, visionary, and even detestable measure, that it was not an innovation: for a very ingenious man, a real patriot, Fletcher of Saltoun, had proposed in parliament, at a time when he was running the full career of liberty—for his hon. friend could not be more zealous in that cause than Mr. Fletcher was—yet he had proposed, when the mendicity of the people was most deplorable (the question respected the poor-laws,) to return to the Greek and Roman practice of domestic slavery. He supported his proposition by the same arguments which his hon. friend had urged in support of his doctrine of universal suffrage, namely, that it was an old practice of the country. He did not mean that the hon. baronet was likely to make any proposition quite so extravagant, but it shewed how chimerical his argument was. —But he was at issue with his hon. friend, not merely as to argument, but as to the fact. For his own part, he was an advocate for shortening the duration of parliaments; but he was not for a return to annual new parliaments, even if they ever existed; and, after a careful and attentive investigation of the subject, he was satisfied, that although the practice was to elect annually, it was not the law, and that there was nothing to prevent the same parliament from sitting more than one year, if the king had been so disposed.—But, in arguing for a return to universal suffrage, his hon. friend was rather more pressed for authorities. Vague, flimsy, and steril, as were the royal speeches with which his hon. friend had garnished his resolutions with respect to frequent parliaments, they were not less to his purpose than the ancient laws he had quoted in support of universal suffrage. He had said, that the words of the statute of Henry IV. "all they, who are present at the county court, as well suitors duly summoned, as others," could only be interpreted to mean all persons whatever. This was to charge our ancestors with being as verbose and circumlocutory as our present draughtsmen, who, to avoid every possible ambiguity, must use a great redundancy of terms. According to this reasoning, our ancestors had used seven superfluous words. If they had meant that, "all" persons whatever should vote, why did they add "as well suitors duly summoned, as others" when the single and simple word "all" would have been sufficient. By the words "as others" they meant "other suitors," that is, other freeholders who were not duly summoned. This was the opinion of Blackstone, whose authority in this respect, though unfortunately modern, had at least equal weight with the authority of the royal speeches quoted by his hon. friend. And Blackstone was right; for the courts had laid it down as a maxim, that when in any law there was a particular description followed by a general term, the interpretation should be, not according to the general term, but according to the previous particular description.—His hon. friend then went to the original language of the coronation oath and of the parliamentary writs; and because he there found the words *plebs, vulgus, communitas*, in Latin, and *commonauté* in

Norman, he thought he had abundant proof in favour of his argument. "These terms," said the hon. baronet, "surely comprehended all persons, and therefore universal suffrage was the ancient law." But had he taken the word, "commons," and argued that, because this was the house of commons, it ought to be returned by universal suffrage, it would be as much to his purpose, although he could not avail himself of such an argument without begging the question, which he had certainly begged from the beginning to the end of his speech. It would, indeed, have been otherwise, if he had consulted his own learning and been guided by his own ingenuity; had he listened to the suggestions of his own mind, rather than to the notions of others. He would not then have argued that all persons whatever, villeins as well as freemen, were entitled to vote.—Another authority had been attempted to be brought to bear upon the question, one which he should value more than all royal authorities; it was the great and venerable authority of Mr. Fox, whose loss he lamented on all occasions, but on none more than on the present, when the foundations of the constitution were the subject of discussion. If that illustrious person were present, no little man—he and all of them were little men compared with Mr. Fox, therefore he could mean no disrespect—no little man could obtrude his own crude notions on such a subject. His hon. friend could not have ventured to have made such a speech in the hearing of Mr. Fox, and if he had, it would not have existed one minute after that great man had said a few sentences upon it. He grieved that his authority had been brought forward as having once sanctioned what every one knew he had not acted upon*. He was said to have agreed to, or at least to have regarded as not injurious, what he had signed as a chairman. In the name of all chairmen he protested against this doctrine. Every chairman, as matter of courtesy as well as duty, authenticated the resolutions of a meeting over which he presided, and by so doing only said, "I attest this to have been the sense of the meeting." According to the hon. baronet's doctrine, it might as well be said, that Mr. Speaker approved of all the votes and resolutions to which he had to sign his name. And yet, it could not be supposed that, because he sat in the chair, he gave his assent to every measure which passed that house, or that he never listened with weariness and pain to speeches which he was obliged to hear.—This reminded him to hasten to a conclusion; but really so many errors and mistakes were to be found in the speech of his hon. friend, that, to use the old proverb, "he could not see the trees for the wood." His hon. friend had said, that the conduct of the citizens of Westminster in electing their representatives, as peaceably and quietly as a parish vestry elected a parish officer, was an experiment that went to prove the safety with which the people might be trusted with the exercise of their own rights. He (Mr. Brougham) tendered his tribute of applause to the citizens of Westminster, for re-electing the noble lord (Cochrane) after his expulsion from that house. He confined his praise, however, entirely to the motive which he believed influenced them in that proceeding, and which was their resentment at the infamous sentence, including the punishment of the pillory, which the court of King's Bench had passed upon him, and but for which sentence the noble lord would probably not have been re-elected. The hon. baronet had appeared to assume as a fact, that in Westminster the principle of universal suffrage was established, and that no other place enjoyed the same advantage. Now he must deny both the one statement and the other. He denied that there was any thing like universal suffrage in Westminster, or that Westminster enjoyed any advantages which were not equally enjoyed by many other large constituent bodies. The elective franchise was confined in Westminster to inhabitant-householders, an extension of suffrage certainly producing 10,000 voters, a number which some might think erred as much in excess as that in Old Sarum did by its poverty, but to which he had no objection, and in which he saw no danger of turbulence, or those other evils generally apprehended from such causes. But, though he did not apprehend those dangers of tumult and confusion which many anticipated from universal suffrage, yet he thought that the arguments adduced from the case of Westminster were rather defective, for it might well happen that householders should be tranquil in the place which was the seat of government, without its being certain that all persons elsewhere, householders or not, would be equally so.—He now came to the substance of the proposition made by the hon. baronet, and he should only observe on an inconsistency or two, as he did not wish to fatigue the house by going into the detail. The hon. baronet proposed that the suffrage should be extended to all, because no person could be consistently excluded from a share in framing those laws which he was called upon to obey. He admitted that, in rigorous consistency, this was true; but according to his views of reform, it was absolutely necessary to draw a line somewhere*. If the right

* See the *note*, page 1995.

* Blackstone says that, "if it were probable that every man would give his vote freely and without influence of any kind, then, *upon the true theory and genuine principles of liberty*, every member of the community, however poor, should have a vote in electing those delegates, to whose charge is committed the disposal of his property, his liberty, and his life. But since that can hardly be expected in persons of indigent fortunes, or such as are under the immediate dominion of others, *all popular states have been obliged to establish certain qualifications*; whereby some, who are suspected to have no will of their own, are excluded from voting, in order to set other indi-

of voting were extended to the payers of direct taxes, or to householders only, or to the voters proposed by Mr. Grey in 1797, a line would be drawn and a distinction made; but the hon. baronet seemed to think that no line should be drawn, as it would have an appearance of inconsistency. But why, then, did the hon. baronet exclude all persons under the age of 21 years? If all persons—tradesmen, journeymen and labourers—ought to vote, why not all infants also? Many great things had been done by individuals before they attained the age of 21. Many excellent speeches had been delivered in that house by minors. A noble friend of his (Lord Milton) made an admirable speech on the Slave Trade before he had reached that age. Sir Isaac Newton had before that period of his life performed wonders in mathematics; and Mr. Fox himself had in that house signalized his powers —powers not falling into sudden decay, as too often happened after a premature disclosure, but sustaining by their ripeness all the brilliant promise of their first expansion—before he arrived at the age of 21. He might produce from the military and naval services the most shining examples of valour and devotion afforded at an early stage of the professional career; but the cases which served to establish the truth of his observation were so various, that he felt himself entitled to complain of the cruel injustice with which the hon. baronet had treated the infants of the nation. If they did not contribute their property, they contributed their abilities and their blood to the service of the state; and, as he could not conceive that they ought to be deprived of the most sacred of all rights, under such circumstances, he must recommend these interesting and interested persons to the hon. baronet's candid consideration. *(A laugh.)* By limiting the right of suffrage to persons above the age of 21, an irreparable injustice would be done to all the infants of the nation *.—It appeared, however, that his hon. friend would exclude another large class of persons, amiable in their dispositions, of quick faculties, of lively perceptions, and who—though sometimes apt to pervert the benefits of an education but lately extended to them, and like many theorists prone to judge rashly on matters of which they knew little—could not be declared unfit for the elective franchise in the state of which they were in every respect the ornament, and in one sense the prop—he meant females. But, in favour of the political rights of the other sex, and against the hon. baronet, he had to quote the authority of Mr. Bentham. When he mentioned that name, it was with the most sincere respect for his long, useful, laborious, and disinterested life—a life withdrawn from those pursuits of power and gain, in which he must have succeeded, and spent in the most important researches with which the human intellect could be busied. Without, however, suspecting him of defective judgment or information, he might be allowed to say, that his mind was extremely speculative, and that his knowledge was rather of books than of men. He might repeat, as his own sentiment, the observation of the hon. member for Arundel, in the last session—an hon. member (Sir S. Romilly) who respected Mr. Bentham as much as himself—that he was sorry he had published his work on parliamentary reform. (See Vol. I. p. 1217.) But, Mr. Bentham, whether right or wrong, was at least a more sturdy and consistent reformer than the hon. baronet, for he was at once for letting in all women to the elective franchise; he tossed away every scale, he overstepped every limit, and fairly proclaimed, " let in all men, let in all women." *(A laugh.)* He did not even sanction the exception which the hon. baronet seemed inclined to admit with respect to persons of an unsound mind.—On the contrary, he was the patron of the ballot, and his doctrine was, that all who could ballot might enjoy the elective franchise. The moment a person of either sex had strength enough to drop a pellet into a box, he was qualified to partake of universal snffrage. He agreed, indeed, that idiots and lunatics might not be of much use on such occasions, but he had such an invincible objection to lines of every description, that he could not admit of one, although drawn at the gates of Bedlam. " Let them all vote, therefore," said he, " for they will do no harm." *(A laugh.)* It was not necessary for him to controvert doctrines of this nature, but they were certainly consistent with each other, and he did not think himself uncharitable in saying, that some of the principles promulgated in that house to-night were nearly as visionary, without being consistent. (*Hear, hear.*)—He had omitted to mention, in reference to the authority of Mr. Fox on this subject, a saying of the late Mr. Burke, who, when he saw the name of Mr. Fox signed as chairman to the resolutions of the Westminster meeting already alluded to, observed to him, in jest, (so well known was it that Mr.

viduals, whose wills may be supposed independent, more thoroughly upon a level with each other." (Comm. vol. I. p. 171.) The same doctrine has been uniformly maintained by Mr. Fox, Mr. Burke, Sir W. Jones, aud other illustrions characters.

* According to the doctrine that every individual should have a share in making those laws which he is bound to obey, children of the age of 14 years ought to have a vote at elections; for, at that age, they may be capitally punished for any capital offence. Nay, at a much earlier age, an infant, if he can discern between good and evil, may be convicted of an offence and undergo judgment and execution of death. Mr. Justice Foster gives us a recent instance of a boy of 10 years old, who, having been guilty of murder, was held a proper subject for capital punishment, by the opinion of all the judges. (Foster, 72.) At 14, however, an infant is at years of discretion, and may make his testament of his personal estate. Why, then, should not all the children of that age in the kingdom enjoy the elective franchise?

Fox did not favour those sentiments), "I see, at last, you have got to universal suffrage, and annual parliaments, but you will soon be beat by the *oftener-if-need-be-ans*," alluding to the words "once a year, or oftener if need be," in the statute of Edward III. so much cited by the radical gentlemen. It was melancholy to know the truth which this pleasantry implied, that the only result of yielding to the desire of conciliating popular favour, by proposing measures which discretion did not approve, was, that many would be ready to outbid for that applause by still more extravagant concessions, and the highest bidder would be not the most honest and the most enlightened, but the most servile and submissive, the most mad or dishonest. (*Hear, hear.*) He agreed with the great man to whom he had just adverted, that it was necessary to make a stand against such wild and chimerical notions; it was the duty of parliament to expose and reprobate them—to try them by its own better judgment—and to exercise with regard to them its own honest and enlightened conscience.—If his own opinions had at all changed on this important subject, it was at least to be ascribed to no personal interest, for the differences which prevailed between him and the dispensers of power, were too wide and too radical to leave any possibility that his approach to it could be at all facilitated by this partial surrender of an opinion which he once entertained. He was still an advocate for parliamentary reform to far too great an extent, to make what he had given up of any consequence. He now, though he did not strongly object to annual parliaments, was of opinion that triennial ones would be preferable, and he was disposed to think that an extension of the right of suffrage to all payers of direct taxes was too large. This opinion was formed conscientiously, and not without laborious investigation. —He should now conclude by referring to some of the hon. baronet's remarks on the scheme of government framed by our ancestors at the Revolution. There the hon. baronet, in the austerity of his criticism, had called in aid the observation of a late member for Yorkshire, who, in speaking of the Bill of Rights, had described it as a bill of fare without a dinner. The hon. baronet regarded it as full of promise, but as attended with no performance. To him (Mr. B.) it appeared that the overthrow of an arbitrary government and a bigotted church was in itself a great good, and made an excellent first part in the banquet of liberty. The patriots of that day, too, recorded their reasons for banishing James II. with the view of deterring future kings from the repetition of similar enormities. They never, any more than their illustrious predecessors, who had hazarded their all for the sake of liberty, aimed at improving the constitution by indulging the senseless wishes of a multitude, which, if they were to attain to-morrow, they would no longer consider of any value. This he felt it due to those illustrious characters to observe, because he thought they had shewn both their wisdom and their patriotism in pointing out to posterity the road to farther improvement, instead of seeking, like rash and ignorant enthusiasts, to realize at once a perfect scheme of liberty*. (*Hear, hear, hear.*)

Mr. *Parnell* professed himself a step-by-step

* It should be remembered, that the Revolution was brought about by a coalition of Whigs and Tories, for the Whigs alone could not have succeeded; and therefore, when we consider the contest of parties at that time, and that prejudices and passions of all kinds existed, it may be safely pronounced, that it was impossible to do more for the people than was done.

Mr. Justice Blackstone says, (Comm. 1. p. 212.) that "the proceedings at the Revolution were *not altogether so perfect as might have been wished*;" but this, he adds, was "*owing to the peculiar circumstances of things and persons*." This is the proper light in which to view the matter; for though it must be admitted, that the *Declaration* and *Bill of Rights* ought to have been more comprehensive and remedial, and should have contained further provisions in behalf of the liberties of the people; yet, as Mr. Maddock justly observes, (Life of Lord Somers, vol. i. p. 247.) we must pay a due regard to the situation of affairs at that time. Mr. Rose (Observations on Fox's Historical Work, p. 19.) supposes, that "there was full leisure for deliberation;" but he is greatly mistaken. The Prince of Orange, on his first meeting of the Convention Parliament, told them, "that next to the danger of unseasonable divisions amongst themselves, *nothing could be so fatal as too great delay in their consultations*:" (Vide Commons Journal for 22d Jan. 1688-9.) and this he repeated on the next day. Serjeant Maynard (as able a lawyer as Westminster Hall ever saw, and so characterised by Lord Hardwicke in Bagshaw and Spencer, 1 Ves. 149.) in his speech on the memorable 28th of January, 1688-9, in the Convention Parliament, said, "Let us not delay to set the government in motion under whatever fair pretence, lest we give occasion to moles, who work under ground, to destroy the foundations you laid yesterday. This is my fear, dictated by the knowledge and experience of past times, and this, as a true Englishman, who love my country better than my life. The things mentioned are obvious, and, in your present situation, easy to be attained. But it is essential and of immediate necessity there should be a king. The law has so bound the king (whether you declare it anew or not), that he can do no wrong, unless wicked counsellors advise to break it; but in this there can be no mistake for ignorance. *You are without power, without justice, without mercy, other things require time and admit of it.*" Mr. Pollexfen, too, was urgent to the same effect, observing, that to delay supplying the government, would restore the king (James II.); and, therefore, it is clear, that in the Convention Parliament there was not time to discuss proposed improvements. But then, as Mr. Maddock observes, it may be asked, "When the throne was filled, and the Bill of Rights was about to pass, why was not that bill made, not merely declaratory of ancient rights, but also introductive of new rights; since no legal difficulty could then occur, inasmuch as the throne was full? The truth was the Whigs found it, at that period, impossible. In all the improvements in the consti-

reformer, and thought some good might be attained by prudent measures, which could not be expected from one which excited so much opposition, as that now before the house.

Mr. *Canning* observed, that although he differed in some points from the hon. and learned gentleman, he felt much gratified at finding so powerful an ally in general principles of the first importance in this question. He wished to know when it was that parliament was differently constructed, or acted more effectually for the benefit of the whole community. What order of men was there now which was not virtually represented, and whose interests were not defended when brought in question, with as much skill and ability in that house, as could be collected by any form of election? If the hon. baronet meant that the will of the people had not a sufficiently direct operation on the measures of government, he answered, that government was not a matter of will, and that it was made for the purpose of restraining will, in whatever member of the state it might inhere. He was grateful to the hon. baronet for having fairly stated his views; he apprehended no danger from the disclosure of any specific plan; that danger could only arise from vague declamations, and idle references to periods of history which afforded no points of comparison with the state of things in more modern times. It was said that the people were not fully represented; and if this only meant that the whole force and authority of the nation was not vested in and exercised by that house, he admitted the fact, and trusted he could justify it. The constitution was a monarchy, controlled by two houses of parliament; but if every 4000 men in the country had a delegate or minister acting under their immediate control in the House of Commons, what room would there be for any other power in the state? Against the national will thus exercised all resistance by the Crown or the Lords would be vain. These were not the deductions of mere theory, but were proved to demonstration by that portion of our own eventful history, the year 1648, when the Commons voted the House of Lords useless, and afterwards dethroned the king, and led him to the scaffold. He had said that thanks were due to the hon. baronet for bringing forward the doctrines of the reformers in a tangible shape; for now that they had been produced, a judgment could be formed upon them, and they would no longer rest on vague conjecture. Some peril might certainly arise from the dissemination of these doctrines, but the world would have an opportunity of reading them and judging of their merits. The constitution as established might receive a slight shock, but its effects would be only temporary, for men of sound heads and warm hearts would not be long in deciding whether the existing constitution or that proposed ought to be preferred. For his own part, he was willing to rest satisfied under the shelter of the constitution as established at the Revolution, which had been found hitherto sufficient to secure internal tranquillity and external glory. The hon. baronet had acted quite openly and fairly by the house, and, in courtesy, he would not move that a direct negative be put upon the resolutions, but that the house should proceed to the other orders of the day.

Mr. *Lamb* supported the amendment. He contended, that universal suffrage never existed in this country; there was no more evidence of all males ever having voted, than of all females. In the counties, the right of voting was confined to freeholders, and, in the boroughs, it belonged to the particular description of persons designated in the charters. As to annual parliaments, he was of opinion, that parliaments, annually holden, never were in practice in the constitution of this country. He admitted that, by virtue of the statute 4 Edward III. c. 14, they ought to have been so; but that statute was soon disregarded. But, with respect to parliaments annually chosen, he contended, that they were never dreamt of in those days; nor did those who lived in the reign of Charles I., who framed the Triennial Act, nor our ancestors at the Revolution, believe that the people were entitled to annual elections*.—He lamented that so large a portion of the community had suffered themselves to be misled on this subject,

tution that were afterwards introduced, what struggles did it occasion, and what a load of prejudices was it necessary to clear away?—Every Revolution must be in a degree imperfect; and if we do but consider how much discussion the most reasonable proposals for new laws occasion, even at the present day, in parliament, we shall cease to wonder that more was not effected at the Revolution. Amidst the contest of parties, and where prejudices and passions of all kinds were on tip-toe, it may safely be pronounced, that it was utterly impossible to do more for the people than was then done; to have attempted more would have hazarded the accomplishment of the Revolution."—"When in a subsequent year, 1700, the Act of Settlement was brought forward, another opportunity was afforded for amending the constitution, and accordingly Mr. Harley, (afterwards Earl of Oxford) moved, that some conditions of government might be settled as preliminaries before they should proceed to the nomination of the person, that their security might be complete, yet how little was done at this auspicious moment! Was the supposed omission in the Bill of Rights supplied? By no means."

* It is remarkable, however, that the Duke of Monmouth, when he rose in 1685 against King James, professed his intention, amongst other things, "to have a *parliament annually chosen and held*, and not prorogued, dissolved, or discontinued within the year, before petitions be first answered and grievances redressed;" (See Declaration of James Duke of Monmouth, &c.) a strong proof this of the popular opinion in these matters at that period. The duke, it is true, does not say that the people were, *by law*, entitled to those parliaments; but certainly the stream of authorities sets directly in their favour,

particularly by an individual, who, upon his own shewing, was utterly ignorant of the history and practice of the constitution. The veteran reformer (Major Cartwright), in consequence of being accused of "elaborate blunders," had published a letter to prove that Prynne was an advocate for annual parliaments; and, to establish that fact, he had cited the title of Prynne's book on Parliamentary Writs, *Brevia Parliamentaria Rediviva*, as signifying—'*Short Parliaments Revived.*'* (*Loud laughter.*)—He had no doubt that the hon. baronet believed that his scheme of universal suffrage was practicable, and that it would be for the advantage of the country; but, for his own part, he considered it to be no less absurd in theory, than it would be dangerous and fatal in practice.

Mr. *W. Smith* said, he was a decided enemy to the plan of reform proposed, but he vindicated the intentions of the radical reformers, whom he believed to be conscientious and honest men. He observed, that the reasoning of the right hon. gentleman (Mr. Canning) would have precluded all reform, moral, religious, or political, and referred to the petition presented by Mr. Grey in 1792, as indisputably proving the necessity of a reform. He was glad that this subject had been again brought forward, because every new discussion was one more step to the attainment of reform; not, indeed, the reform proposed by the hon. baronet, but rational and discreet reform.

Sir *Francis Burdett*, in reply, complimented the right honourable gentleman (Mr. Canning) upon the openness and candour with which he had met the question. The right hon. gentleman had indeed been peculiarly unfortunate in referring, for historical illustration, to the early proceedings of the long parliament of Charles I., and seemed to have forgotten, that the arbitrary measures then adopted, were owing to the abandonment of the system which was now recommended. If parliaments had then been annual, the Long Parliament would never have existed, nor perhaps would any of the unhappy consequences have resulted, which the right hon. gentleman, equally with himself, deplored. However, the course taken by the right hon. gentleman was fair and open; he said that no evil existed, and of course no remedy was necessary: and the matter was at issue upon that ground, between the right hon. gentleman and the majority of the nation.—But however fair was the proceeding of the right hon. gentleman, the open and avowed enemy of reform, nothing could be more disingenuous and unfair, than the course pursued by the learned gentleman (Mr. Brougham), the professed friend of reform, whose eloquence might indeed be amusing, but was certainly very far from being convincing. His speech was a sort of *salmagundi* of sarcasm, panegyric, and verbosity, of exaggeration and misrepresentation, in which the words were more abundant than the ideas, the irony more conspicuous than the argument. It was a great mistake in the learned gentleman, to suppose that he (Sir F.) had ever been otherwise than a defender of the principle of the most extended suffrage. It was true, that he had proposed and defended a more limited suffrage than he now offered to the consideration of the house. Convinced as he was, that a principle unyielding and unbending, that would hear no reason, or take into account the feelings of others, became thereby impracticable, however correct in argument, he had always been willing, as he still was, to stop short of the utmost extent to which the principle might be carried, but he was no new convert to the truth of the principle itself. The learned gentleman had also taken great pains to misrepresent the inferences, which were drawn from the kings' speeches, which formed part of the resolutions then under consideration. He had been either so dull in apprehension, or so expert in misstatement, as to infer that the kings' speeches were employed as legal authorities; whereas nothing could be more plain, than that they were introduced as confessions of a supposed adverse party, not likely to make too great concessions to the principles maintained. The learned gentleman in disputing the sincerity of speeches from the throne, had represented the kings of England either as knaves or fools. If he made them out to be insincere, he would reflect discredit on the kings themselves, but not on the principles which they and their ministers thought it their interest to avow; and the learned gentleman ought to be aware, that it was the truth of the principles, and not the sincerity of the kings, which affected the present argument. The learned gentleman had also commented on the words "*Nullus liber homo*" in Magna Charta, and had contended, that because the word "*liber*" was there, the charter was of no avail in this question; and that to have been valuable in argument, the words ought to have been "*nullus homo.*" In fact to us it was so: since at this time there were no villeins, and the learned gentleman would not venture to say, that any man was not "*liber homo.*" Besides, the learned gentleman appeared to be entirely ignorant what the state of villenage was in this country. The villein was much

and they might have been better suited to the state of the country at that time, than they would be at present.—This nobleman took up arms professedly in support of the religion and liberties of his country, and his cause and pretensions were nearly equal to those of the Prince of Orange; but his successless efforts were paid for by his life, and a sanguinary persecution of his adherents.

* This letter is addressed to Lord Holland, who is charged with being ignorant of the authors who treat of the constitution—such as Prynne. His Lordship, in his place in parliament, had before accused the writer of "elaborate blunders."

nearer to the state of "*liber homo*" than the learned gentleman seemed to imagine; he was intitled to the protection of law; he had his article in Magna Charta; and nothing could be more idle than to represent him to have been in the condition of a West Indian slave; the present copyholder was his successor; and between the property of a copyholder and that of a freeholder, there was little more than a technical difference. But, be this as it might, the learned gentleman would not contend, that at present there were any persons in the state of villenage; and therefore, if in ancient times every man, not a villein, was intitled to suffrage, it was not too much to say that every man now was. The learned gentleman in his new zeal for Whiggism had bestowed great praise upon the Revolution. He forgot, that all that was obtained at the Revolution was a declaration, which had proved altogether as inefficient as Magna Charta, and the subsequent act, for better securing the rights and liberties of the subject. The Act of Settlement had provided, that England should be engaged in no war for foreign dominions; that all business, properly cognizable in the Privy Council, should be transacted there, and that all resolutions taken thereupon, should be signed by the persons who consented to the same—that no foreigner should hold an office civil or military—and that no placeman or pensioner should have a seat in this house. In spite of all this, we were now loaded with hundreds of millions of debt, incurred in contending not only for the foreign dominions of the king, but for the dominions of foreign kings—the business which was cognizable, and ought to be transacted in the Privy Council, which the constitution had provided for the security of the subject, was carried on covertly and irresponsibly by a junto, in an unconstitutional new-fangled cabinet, made on the model first framed by the atrocious contrivers of the sanguinary scenes of St. Bartholomew's day in France—Germans had had the command of English districts—and the House of Commons was notoriously crowded with placemen and pensioners. In short, all the wholesome provisions which had been made for the protection of the people, had been violated, set at naught, and buried in the corruption of a House of Commons, neglecting the voice, and not regarding the interests of the people. — The learned gentleman, whilst he professed himself friendly to reform, had, at the same time, attempted to render ridiculous the ablest advocate which reform had ever found—the illustrious and unrivalled Bentham. It was in vain, however, for the learned gentleman to attempt, by stale jokes and misapplied sarcasm, to undervalue the efforts of a mind the most comprehensive, informed, accurate, acute, and philosophical, that had perhaps in any time or in any country been applied to the subject of legislation, and which, fortunately for mankind, had been brought to bear upon reform, the most important of all political subjects. The abilities of Bentham, the learned gentleman could not dispute—his disinterestedness he could not deny—his benevolence he could not but admire—and his unremitted labours he would do well to respect, and not to attempt to disparage. The conviction of such a mind, after mature investigation, overcoming preconceived prejudice, could not be represented as the result of wild and visionary speculation: and the zealous and honest adherents of the cause of reform might be well contented to rest the question on the foundations, broad and deep, upon which Bentham had placed it. The learned gentleman therefore, unless he found himself competent at least to attempt to answer the reasons of Bentham, ought, for his own sake, to be more cautious how he endeavoured to misrepresent those reasons, or to effect, by mis-statement, what he was unable to accomplish by argument. It was in vain to reason with the hon. gentleman who spoke last but one (Mr. Lamb,) as his imagination seemed to conjure up dangers as unsubstantial as those of children frightened at their own ideas of ghosts and hobgoblins; but as to the statement which the hon. gentleman had made, that parliaments had never been annually elected and held, it was altogether erroneous, it being a fact proved by writs, returns, and records, still extant, that parliaments were elected and held annually, or more frequently, from the 22d year of Edward I., to the time of the civil wars between the houses of York and Lancaster, with few exceptions, which might generally be accounted for from temporary circumstances. Notwithstanding occasional prorogations (which indeed were not denied, and did not affect the question) no parliament lasted so long as a year, till the 23d year of Henry VI.; it was not unusual to have two or three new parliaments in one and the same year, and there were instances of a still greater number; and, therefore, if the vote of this night depended on the fact of annual or more frequent parliaments having ever been the practice of the English government, he should rest perfectly satisfied, and be confident of obtaining the vote by that criterion. The hon. gentleman, whilst he arrogated to himself superior knowledge of history, had only shewn how little he was acquainted with it, and, whilst he betrayed his little acquaintance with a subject so material to the question, had attempted to undervalue the labours of his (Sir F.'s) worthy friend, Major Cartwright, because, forsooth, he had misconstrued three words of law Latin—a language which the worthy major, having been bred to the sea-service, never pretended to have learned; and which (whether he knew it or not) was quite immaterial to the question. In fact, however, this apparent disparagement was a compliment paid to the major by the hon. gentleman, who shewed his eagerness to cavil at a trifle, the major's arguments not being easily controverted, though

his scholarship might be disputed. He was happy to find that the right hon. gentleman (Mr. Canning) was gratified by the question having been brought forward so distinctly as it was in the Resolutions now proposed. He trusted that it would prove equally gratifying to the people. At all events he had, to the utmost of his power, performed his duty to the country. That some change in the system of representation was necessary, was, he believed, pretty generally admitted; and he had no doubt that the impression would become still more extensive, and that the time would arrive, when all candid men, of all parties, would call for reform, although he could not hope to make a convert of the right hon. gentleman, who was too well satisfied with the state of things under which he flourished. Corruption in his eyes wore no deformity; he addressed her as a lover addressed his mistress, he saw no defects—what others thought blemishes, he considered as beauties: he seemed to say,

> "I read thee over with a lover's eye,
> Thou hast no faults, or I no fault can spy;
> Thou art all beauty, or all blindness I."

As to the danger to be apprehended from the exercise of what was called universal suffrage, he could see no foundation for it, unless it could be supposed that all the people would go mad when they became free; and would abuse their liberties, for the purpose of destroying their own happiness.

The question being put, "That the order of the day be now read," the house divided.

Ayes, 106—Noes, 0.

Sir F. Burdett and Lord Cochrane were appointed Tellers for the Noes.

Lord *Cochrane* presented a petition from Mr. William Cobbett, praying for annual parliaments and universal suffrage. It was of great length, and when the clerk had proceeded some way through it,

Mr. *Fazakerley* moved, that the house be counted, and as only 16 members were present, an adjournment immediately took place.

HOUSE OF LORDS.

Wednesday, June 3.

ROYAL ASSENT.] The royal assent was given by commission to the Lotteries Bill, the Privately Stealing (Ireland) Bill, the Parish Vestries Bill, the Grand Jury Presentments Bill, and the Rewards on Conviction Bill.

The Commissioners were, the Lord Chancellor, the Duke of Montrose and Lord Redesdale.

PRIVATELY STEALING IN SHOPS BILL.] Lord *Holland* moved the second reading of this bill. The subject, he said, had been so much discussed, that it was unnecessary for him to urge any thing in support of the present measure. Many who had originally been adverse to it had altered their opinion.

The *Lord Chancellor* declared, that he had not changed his opinion. Had he been induced to alter it, he would say so; but as that was not the case, he must oppose the bill.

The question that the bill be now read a second time was then put and negatived.

MARRIAGE OF THE DUKE OF CAMBRIDGE.] The Earl of *Liverpool* moved an Address of Congratulation to his royal highness the Prince Regent, on the marriage of his royal highness the Duke of Cambridge; also a Message of Congratulation to the Queen and to the Duke and Duchess of Cambridge.—These motions were severally agreed to.

PURCHASE OF GAME BILL.] On the third reading of this bill,

The Earl of *Limerick* said, he had a clause to propose, to which he could not suppose the slightest objection would be made, and least of all from the noble lords who had supported this measure, on the ground of its rendering the penalties of the law equally applicable to the rich and the poor. The clause which he meant to propose he would copy word for word from the act of the 5th of Queen Anne, and its effect would be, to make the buyer as well as the seller liable to three months' imprisonment for the first offence, and four months for the next.

The Earl of *Carnarvon* objected to the clause, because, if it were adopted, it would prevent the bill from passing in the present session.

The Earl of *Liverpool* thought, that the whole system of the game laws ought to be revised, and that it would be right to legalize both the purchase and the sale of game. The amendment was then negatived, and the bill was read a third time and passed.

PORTUGAL SLAVE TRADE TREATY BILL.] This bill was read a third time and passed.

ROCK SALT DUTIES BILL.] This bill was read a third time, and passed.

STATE OF THE PRISONS.] The Marquis of *Lansdowne*, in pursuance of the notice he had given, rose to call the attention of their lordships to the present state of the prisons of the United Kingdom. In calling the attention of the House to this subject, he should have occasion to refer their lordships to important facts stated in the report of the house of commons, a document containing statements which deserved the peculiar and serious consideration of their lordships. From the information contained in that report, it appeared that, in the course of ten years, such had been the progress of crimes, they had increased to three times their former amount. Whether their lordships were to consider this increase with respect to the number of persons charged with committing crimes, or the number convicted, the progress was most alarming within the period he had stated. The number of the former class had been doubled, and that of the latter had increased at least 180 per cent. In 1805, 1806,

and 1807, the number of persons convicted amounted to 9,865. In 1815, 1816, and 1817, the number of that class was 19,736. This was a most appalling statement, and one which he was confident their lordships would agree with him could not be allowed to remain on record, without parliament or government instituting an inquiry into the means of applying a remedy to so dangerous an evil. The statement was of a nature which other governments might have thought right to conceal, but it was, happily, the policy of this country to submit to the world every thing connected with its situation. In consequence of this policy, evils soon became the subject of serious consideration, and remedies were applied before they became incurable. In the meantime, it was not to any remote speculation on the cause of this evil, that he meant to direct the attention of the house. Whether it were to the late war, and the poverty and distress which followed it—to the increase of population, as some asserted—to the paper-currency, as was maintained by others—or to all those causes combined, were questions which he should not then discuss. Whatever might be the remote cause of the progressive increase of crimes, the evil was one which could not be indifferent to their lordships, and to which it must be their desire to apply, as speedily as possible, a practical remedy. As to the more immediate causes, it appeared from the statement to which he had referred, that a very obvious one was to be found in the present state of the prisons, in which persons charged with all kinds and degrees of offences were indiscriminately huddled together. In some country prisons persons charged with robbery and every description of felony, with manslaughter, offences against the game laws, against the laws for protecting the woollen and cotton manufactures, profane swearing, breach of contract, assault, &c. were confined in such a manner, that they must necessarily communicate together. The great variety of offences to which he had referred, was in consequence of the state of society in a wealthy and highly civilized country, and that variety of offences had been provided against by a gradation of punishments. But the effect of this state of things was, that according to the present state of gaols a great multitude of persons, whose degrees of criminality were very different, must be confined in the same place, with all the facilities of a communication which could not fail to be attended with pernicious results. It appeared, from the information now before their lordships, that a population amounting to no less than 14,000 persons was annually consigned to these mansions, so unfit for the purpose to which they were destined. Out of that number, it was probable that not less than 13,000 were permitted to return to society, either by being acquitted, or after having undergone the sentence of imprisonment. In what a state of degradation must they under the present system return to the duties, or, he was afraid, rather to the vices of civilized men. Their lordships ought to remember the maxim "*Parum est afficere improbos pœna, nisi et contineas probos disciplina.*" Some attempts had already been made with considerable success to obviate the evil which he had pointed out. Mr. Howard was the first who introduced a plan for the classification of prisoners according to their offences. A prison was built on his plan in Bedfordshire, and other counties soon followed the example, with more or less success. Still, however, the public prisons were in a most deplorable state. In calling the attention of their lordships to the situation of these places of confinement, it would be sufficient to refer them to the statements in some excellent works on the subject lately published, and, in particular, to the works of Mr. Neild and Mr. Buxton. In the former they would find an account of the prison of Bristol, which merited their consideration. But it was not merely to the state of the gaols in distant towns, or the provinces, that their lordships would see reason to direct their inquiries; they would learn that practices, which were the very reverse of what was calculated to promote reform, were continued in the gaols in and about the metropolis. He wished their lordships to read Mr. Buxton's description of the state of the Borough prison; a prison, whose jurisdiction, as he observed, extended over five parishes. "On entrance, you come to the male-felons' ward and yard, in which are both the tried and the untried—those in chains, and those without them—boys and men—persons for petty offences, and for the most atrocious felonies—for simple assault—for being disorderly—for small thefts—for issuing bad notes—for forgery, and for robbery. They were employed in some kind of gaming, and, they said, they had nothing else to do." After this commencement, it could not surprise their lordships to find the author concluding his account of the Borough Compter with this observation:—"The gaoler told me, that in an experience of nine years he had never known an instance of reformation; he thought the prisoners grew worse; and he was sure, if you took the first boy you met with in the streets and placed him in his prison, by the end of the month he would be as bad as the rest." This description, he was afraid, would answer but with too much truth to many other prisons of the metropolis. To the principal prison it was impossible, from the manner in which it was constantly crowded, to apply any general system of regulations. There it was necessary to place several felons in the same cell, and persons guilty of very different descriptions of offences were mixed together. The consequences were such as might be expected, notwithstanding all the efforts of that meritorious individual (Mrs. Fry) who had come like the genius of good into this scene of misery and vice, and had, by her wonderful influence and exertions, produced in a short time a most extraordinary reform among the most

abandoned class of prisoners. After this great example of humanity and benevolence, he would leave it to their lordships to judge how much good persons similarly disposed might effect in other prisons, were the mechanism, if he might use the expression, of those places of confinement better adapted to the purposes of reformation. The institution of the Penitentiary-house was likely to be attended with great advantages, though he did not approve of all the regulations. That establishment was a great step taken in the important work of reformation. He was aware there were persons who considered all attempts of this kind as useless; who thought that all that could be done was, to provide for the safe custody of prisoners, and that attempts to reform them were hopeless. Let those who entertained this notion go and see what had been effected by Mrs. Fry, and other benevolent persons, in Newgate. The scenes which passed there would induce them to alter their opinion. There were moments when the hardest hearts could be softened, and disposed to reform. A most profound observer of human nature had made one of his characters say, "I am so steeped in guilt, the smallest wind can shake me:" and these were the moments which could be advantageously seized. The evil effects of the state of this prison were made manifest by the fact, that 40 per cent. of the persons discharged from it returned to it; whereas, the returns to gaols conducted on other principles, and with better accommodation for classifying the prisoners, did not exceed 5 per cent. If, by management and regulation, this difference between 5 and 40 per cent. could in any degree be diminished, such an object would be most desirable. In another session he hoped their lordships would meet the question manfully. If in one system they saw only a nursery for crimes, where the juvenile offender was exposed to temptations, which, because they required ingenuity and boldness, were not the less attractive to youthful minds—while, in another, they saw the example of offenders, corrected and returned with improved characters to society, could they hesitate to choose between them? With a view to promote the application of an effectual remedy to this great malady, he would propose an address to the crown. It had been his wish to obtain the facts most desirable to be known, in a tabular form, but it was not usual to state such an object in an address. He was, however, convinced that the noble secretary of state in whose department it would fall to give orders for making the returns, would not fail to direct the information to be drawn up in the most convenient form for their lordships. He concluded with moving an address to the Prince Regent, to request that his royal highness would be pleased to order to be laid before their lordships, early in the next session, an account of the state of all gaols, houses of correction, and penitentiary houses in the United Kingdom, with an account of the number of prisoners confined therein, during the year 1818, their ages, the number and mode of their classification, their allowance of food and clothing; also an account of all the regulations which had been deviated from, with the reason and occasion of such deviation.

Lord *Sidmouth* agreed with the noble marquis that he could not propose a subject of greater importance for the consideration of the House, and it had been his intention, in the interval between the close and meeting of Parliament, to make inquiries to the same effect, if the noble marquis had not brought forward the present motion. He was sorry that the noble marquis's statement respecting the increase of crime was but too true. What were the causes of this increase it was not easy to point out with accuracy; but there had lately been some peculiar circumstances which might in some manner account for it. The return from a state of war to a state of peace had occasioned the discharge of a number of individuals, who were for a time destitute of employment, and, on such occasions, there had always been an increase of crime. At the end of the year which succeeded the close of the war before the last, the increase of crimes had been nearly double; but, four years afterwards, the amount was not greater than it had been during the four preceding years. At the close of the last war, there had been a greater discharge of seamen and soldiers than had ever been known at any former period; and, at the same time, he must remark, that the terror of punishment had been very considerably diminished. He must contend that the dread of punishment, by imprisonment especially, was almost done away by the very philanthropy that was endeavouring to render prisons rather places of accommodation than punishment. It was notorious also, that the dread of transportation had almost entirely subsided, and, perhaps, had been succeeded by a desire to emigrate to New South Wales. Indeed, the situation of the convicts there was very different from what it used to be. Formerly, they were placed on their arrival in a state of almost absolute slavery, but now the case was very much altered. As to the state of the prisons themselves, it could not be denied that many of them, while there was such a neglect of labour as at present, were only schools for depravity and crime. Under these circumstances, there were other features, in the returns that had been made, which must make a strong impression on their lordships. While the number of crimes and commitments had very considerably increased, the number of capital punishments had diminished: within the first seven of the last 30 years nearly one-half of the numbers condemned usually suffered death; while in the 7 years from 1798, of 83 who were condemned, only 14 suffered death; and, in the latest period of the returns, it appeared, that not more than 1-8th of those who were condemned were left for execution. The chance of escape must add to the temptation

to commit crime. He mentioned the circumstance, because it had been said, that the execution of the laws in this country was a system of sanguinary vengeance; at least this language had been held in a publication which, on many other accounts, he held in high estimation. When we saw, however, that these were the effects of the fear of punishment being diminished, it became necessary either to render punishments so certain and effectual as to produce a wholesome fear of their infliction, or to prevent the increase of crime by improving the system of managing our prisons; by classifying, educating, and employing the prisoners, so as to prevent the necessity of executing the laws in their utmost rigour. He thanked the noble marquis for bringing this subject under the notice of the house. He had no doubt that when the returns were made, their lordships would esteem it their duty to recommend the appointment of a committee, who should consider those returns, examine the subject in detail, and make a report to the house. On that report being laid on their table, he had no doubt that the system would be improved, and he cordially concurred in the motion that had been made.

The motion was then agreed to *nem. diss.* and their lordships adjourned till Friday.

HOUSE OF COMMONS.

Wednesday, June 3.

ALIEN BILL.] This bill was brought from the House of Lords with amendments, which were ordered to be printed, and to be considered on Friday.

PUBLIC BREWERIES.] Mr. *Lockhart* brought up the report of the committee on Public Breweries, which was ordered to lie on the table, and to be printed.

SLAVES IN ST. CHRISTOPHER'S.] Sir *S. Romilly* rose to move for "a copy of the depositions taken before the coroner's inquest which sat upon the body of a slave belonging to Hutchinson's estate, in the island of St. Christopher, of the name of Congo Jack." The facts of the case, he said, were simply these. Congo Jack deserted from an estate, of which the rev. William Henry Rawlins was manager, and of which his brother, Mr. Henry Rawlins, resident at Nevis, was proprietor. The slave deserted on the Tuesday, and, being retaken on Wednesday, was immediately flogged, with a long cart-whip, by order of the manager. After being so flogged, he was chained to another slave, who had been also flogged. Upon the next day both were ordered out to work in their chains; but Congo Jack was unable to work, and he was then severely flogged by two drivers, until he actually died. On the same night he was buried. The affair, however, got abroad, and some time afterwards the body was taken up and submitted to a coroner's inquest. Several marks of violence were visible; two of the teeth were found to have been broken. Witnesses were adduced to prove the two floggings and sudden death, but the verdict of the jury was, "died by the visitation of God." One of the drivers was afterwards tried for the murder, and Creole Jack, who was chained to the deceased when he died, was adduced to swear that the manager was not present when the last punishment had been inflicted. Yet this slave afterwards contradicted himself, and being also contradicted by others, who proved the orders for flogging to have been issued by the manager, the prisoner was acquitted. Rawlins himself was then brought to trial for murder, and notwithstanding the clearest evidence, the jury found him guilty of manslaughter only. He prayed the benefit of the statute, and was sentenced to three months imprisonment in the common gaol, and to pay a fine of 200*l.* current money. Now, if the evidence were true, Rawlins must have been guilty of murder; if it were false, he ought to have been acquitted. Earl Bathurst had written to Governor Probyn on the subject, who had sent home the evidence on the two trials for murder, but had not transmitted the evidence before the coroner, and, therefore, the house ought to pursue the inquiry in the manner which justice demanded. This was not a loose and exaggerated charge against the treatment of slaves, or the administration of justice in the West Indies, but a case which deserved to be thoroughly investigated.

Mr. *Marryat* said, he was free to admit that there was enough in this case to entitle it to inquiry, and he could certainly have no objection to the motion.

Mr. *A. Grant* stated, that the circumstances of this case had excited the most marked disapprobation on the spot; and that if the charge of murder could have been brought home to Rawlins, he would have received no mercy. Even his relatives had, since the affair, ceased to speak to him, and representations had been sent to the bishop of London, for the purpose of having him deprived of his gown. As to the cart-whip, it might be used in the smaller islands, but he had never heard of it in Jamaica.

Mr. *W. Smith* said, that the "cart-whip" was a common expression in all accounts of severity received from the West Indies. He could produce one of those instruments, which had been actually used, and which, if exhibited, could not fail to move the feelings of that house in the highest degree. If every act of atrocity and injustice, of which authentic information was received through private channels, were to be exposed, many who held their heads very high in the colonies, would be driven to hide them, like Rawlins and Huggins, from the infamy and execration which would attach to their names.

Mr. *Wilberforce* observed, that a case, of a most atrocious description, would, on a future occasion, probably engage the attention of the

house, where a female slave, in a state of pregnancy, suffered punishment until she expired. One moral consequence would be derived from these investigations; it would teach those who were delegated to administer justice in those distant colonies, that the British House of Commons would not be discouraged from inquiring into any cases, although some might be exaggerated, or wholly erroneous; it would teach them that inquiry, however it might terminate, was the only sure and effectual means of protecting all persons in the administration of justice. Negroes were now under the protection of law, and consequently were entitled, as much as any subject of this realm, to the notice and attention of that house. *(Hear, hear.)*

The motion was then put and carried.

EDUCATION OF THE POOR.] Mr. *Brougham* appeared at the bar, with the Report of the Select Committee on the Education of the Poor. It was brought up, ordered to lie on the table, and to be printed.

Mr. *Brougham* then rose and said, that since he had given notice of a motion to call the attention of the house to the abuses in the administration of charitable donations, certain material changes had taken place elsewhere, which had restored the bill which that house had passed to something like its original vigour and efficacy. In the first proceedings on this measure in another place, it had been reduced to a mere nullity, its essence had been changed, and it had become a mere powerless instrument, in the hands of unknown persons, prohibiting all inquiry. He then considered it as a mere mockery, instead of promoting those objects which its authors, and the house which adopted it, had in view. He was exceedingly happy to find that, in its final state, the most exceptionable amendments had been omitted, and that it had, in some degree, been restored to its pristine vigour. It was yet very far from being that wholesome measure which had been sent up to the other house; but still, when he considered the late period of the session, and more particularly when he recollected the powers which the house of commons yet possessed, he, for one, was disposed to recommend it to the adoption of the house. In the place to which he had alluded, the objects of the bill had been limited to an inquiry into the abuses of education. On what ground that amendment had been made, he was wholly at a loss to ascertain. The object of the bill (and it seemed a very natural measure) was to enable the commissioners to prosecute inquiries into abuses of all charities whatever; but those persons, enjoying a superior degree of rank, and possessing, no doubt, pre-eminent abilities; persons, who saw from a higher eminence, and, of course, were delighted with a more comprehensive view of human affairs, said, that the commissioners should only inquire into the abuses of education, although the witnesses were enabled to give evidence as to other charities, and to bring other abuses before the notice of parliament. *(Hear, hear, hear.)* The documents were the same, the abuses were equally criminal; nay, in many cases the very same deed which furnished evidence of the one, contained also evidence of the other; but those superior intelligences, to which he had alluded, thought proper to decide otherwise, and at this period of the session, from their judgment there was no appeal. The first object of the bill—a bill which all classes of society had hailed with the utmost gratitude and satisfaction (*hear*)—was to enable certain commissioners to inquire into the state of the education of the poor generally. "Oh, no!" said their lordships, "no such thing; confine your inquiry into one class only; don't presume to go any farther." (*Hear.*) This was the opinion and decision of those most able legislators; and when he saw that the consequence was nothing more than this—that a second commission, and (for it must come to that) a third commission must be appointed, (for, of course, as those great personages would not choose to embrace all the objects at once, a third commission must be issued), he could not sufficiently express his surprise, though he felt the necessity of submitting to the result. This extraordinary conduct, this narrow, and illiberal, and imperfect view of the measure, reminded him of the fable of a man, who being seized in fee of two cats, one of a larger size than the other, and wanting to make a communication between them on his premises, ordered that a large hole should be made in one place, and a small hole in another; and, certainly, the two cats passed through the two holes very conveniently, although they might have passed through one hole with much less trouble and expense to the owner. *(Loud laughter.)* Some persons, however, proceeding in this manner, had not only altered and abridged the powers conferred by this bill, but had entirely defeated them. The commissioners might now call the trustees of charities for education before them, but they had no power to compel the attendance of any one person, or to demand the production of any one document. *(Cries of hear! on both sides of the house.)* He was much surprised at this, when he recollected that some of the same authorities had passed Lord St. Vincent's bill, for inquiring into certain abuses, with the most ample powers of commitment. Those powers were given to them over all mankind; and he also recollected, that, in the Irish commission respecting education, there was a power of imposing fines to the amount of 20*l.* He should have imagined, that at least similar power would have been granted under the present bill. But as it stood then, neither the power of imprisoning, or of inflicting a fine, was allowed the commissioners. The extent of their authority was to go to different parts of the country, and call for volunteer evidence. (*Hear.*) He thought from what had been experienced, and even by the committee of that house, that he could throw a little light on the nature of

this volunteer evidence; and on the manner in which the invitation of these commissioners would in most cases be met. That experience would prove how little likely an inquiry so restricted was to be effectual. The committee always found, that wherever their attention was directed, was it to a college, a school, or an hospital, the parties called before them uniformly commenced with expressing the greatest deference for the character of that house—their anxious desire to aid the endeavours of the committee; and, indeed, their sincere thankfulness to parliament for having directed its attention to such inquiries. These were uniformly the sentiments with which these persons set out, no doubt with an equal claim to sincerity, as was possessed by the West India proprietors in the progress of another great question, but certainly not more important than the present one, the abolition of the slave trade, when they expressed their heartfelt desire for investigation. But, like other objects of anxious desire, no sooner was this qualification possessed, than satiety was felt, and its appetite began to pall; and, accordingly, when the second or third question was put to them, all the affection for the beloved object was forgotten—the anxiety to afford information altogether disappeared. It was so in the case of the Winchester School. "Produce," said the committee, "your balance sheet of last year, and a copy of your statutes." —"No;" was the answer, "we beg leave to put in a declaration that we have taken an oath not to divulge our statutes."—So that just as the parties were almost in possession of the very object which they professed to hold so dear, they declared themselves precluded by an oath from divulging their secrets. (*Hear, hear.*) The committee expressed a desire to be acquainted with the terms in which the oath was worded, and it appeared that it was to the effect that none of their statutes should be divulged, except for useful purposes, of which utility the fellows themselves were to be the judges. It appeared also that those statutes were produceable in a court of law, and the result was, that the committee obtained a view of them. Similar would be the obstructions with which these restricted commissioners would have to contend in their endeavours to elicit information from their volunteer evidence. To what, then, had the house to look, as a security for having their object carried into operation? They had it in themselves, even where the difficulty hitched; and seeing as they did, that the original measure was so mangled—that all the powers of the commissioners had been altered, that as the bill now stood, every thing was left to the good will of those who had an interest at variance with the spirit of the inquiry—he had the fullest confidence that the powers which the house possessed would be exercised. (*Hear, hear.*) To that security he looked as his only hope. The commissioners had only to proceed, and call upon witnesses to attend. They should report occasionally to that house, and make returns of the names of all persons refusing to give the information required, or to produce the documents demanded, without alleging any just cause for such refusal. And as that house would, on its next meeting, re-appoint its committee, it would be enabled to supply the deficiency which the alteration in the present bill occasioned, by empowering that committee to call those persons before them. (*Hear, hear.*) By these means, notwithstanding all the attempts and the subtilty of others, the house would be enabled to restore sufficient virtue and energy to this measure, and to make it something like what it was in its pristine state. (*Loud cheering.*)—He now came to another head of the subject. It was not alone to fundamental alterations that the changes which had been made in the bill were limited; they affected even the division which the house of commons had made of the commissioners. The bill had originally appointed eight commissioners, making four boards, each as a check—a rival to the other. This principle was retained at present, but the mode of its operation was altered. The superior nature of the minds, who laughing to scorn the rashness of the original projectors, had perfected, by their grave deliberations, the present model of legislation, thought that the figure 3 was a better divisor of 8 than 2, and afforded a larger quotient of boards (*hear, hear, hear.*) Now, as the crude scheme of the house of commons was framed, there were 4 boards of 2 each, calculated to proceed in their labours with expedition and emulation. As the bill stood originally amended, as was the phrase, there were 2 boards of 3 each, with 2 useless members over. So much for the arithmetic of those elevated legislators, who scouted the original bill in its rash and imperfect state.—But that was not all:—very far from it. In the original bill the two universities and four great public schools were excepted. When the bill was first discussed, one member rose and moved to except Rugby; another proposed to except Shrewsbury; another Norwich; and, in fact, every member rose to propose an exemption for the school that was situated in the district which he represented. This would have rendered the measure perfectly nugatory, and it being so felt by the house, they rejected all those propositions. In order, however, to give them a salutary reprimand, the upper house had inserted, by way of exemption, not only Harrow and Rugby, but "all charities that have special visitors." (*Hear, hear, on both sides.*) Now, he would candidly ask the house, whether any abuses could be found in the whole circle of charities equal to those that existed where special visitors had been appointed? (*Hear, hear, hear.*) The visitor, in many cases, lived at a great distance: he was often an interested party: he was, perhaps, the patron of the school (*hear, hear, hear,*) he was the heir at law, or the kinsman of the founder: he thought it more convenient to pocket the funds than to

apply them to charitable purposes; and, consequently, he did not visit his own sins very heavily on his own head. (*Hear.*) It had been found above stairs, that the greatest abuses had been committed in those charities of which there were special visitors. Many of them had made no inquiries for more than twenty years; and, until the abuse was found to be most rank and ripe, they never once thought of putting the visitatorial power into execution. Here then, again, was an example of the vigour, the wisdom, and the enlarged and disinterested view that was taken of this subject in another place. (*Hear, hear.*) But let not the house be disappointed in this way. Let them rely on the appointment of another committee next year. (*Hear, hear.*) Let that committee report all refusals to appear, or to answer to questions: let them report all demurrers and exceptions *in limine*, and then the house would turn their attention anew to the subject: they would break through the obstacle which was now opposed to them, and enter upon the visitatorial functions themselves. (*Loud cheering.*) One objection which had been made to the present bill was, that it gave no hint of any other measure by which it was to be followed. He had heard various objections made to many bills. One objection that he himself had to the present bill, as it came from the other house, was, that it had no penalty clause; another, that it had too many exempting clauses; but who had ever before heard it objected to a bill that it contained no hinting clause—no clause stating what was to come after it (*hear!*)? Who had ever before heard it objected to a bill that it was one measure and not twenty? The objection was, that the bill was a whole and rounded measure (a description that he was sure would not apply to some of the bills that originated in the place in which that objection was made), that it was confined to actual enactment, and did not contemplate any prospective proceeding; that it had no view to any thing that was to come at the end; that it did not contain an appendix to the reader, telling him what work was to come next. Was it not enough that the bill had suffered in itself, that it had been laughed at and torn to tatters, but it was first to be tortured, and then destroyed, if it did not contain what was to come next in the course of legislation in the ensuing session? The novelty of this objection was such, that he really did not know how to deal with it, and should, therefore, make no farther remark upon it. Of this he was satisfied, that notwithstanding all that had been done to diminish the efficiency of the measure, the knowledge that such an inquiry was going on, and that a half yearly report of its progress was to be made to the house of commons, would do great good in checking abuses, and in holding out a warning to those who were implicated in them, even though the doors of parliament should be shut against any farther proceeding. Many of the objections that had been raised against the bill, were grounded on the confidence which some persons reposed in courts of equity, as affording the means of correcting abuses. He confessed that he himself had not much reliance on courts of equity in that respect, especially with reference to expedition and cheapness. He would allow them all credit for learning without stint, and for copiousness of argument. But in point of speed and cheapness, and of attention to the comfort of the suitor, these were properties which he was not so willing to allow them. If he had had any doubt of the effects of applying to those courts in cases of this description, the evidence that had been produced to the committee two days ago would have furnished satisfactory proof of them; for a more touching scene than was then exhibited, perhaps, had never been before witnessed.—(Here the hon. and learned member detailed the evidence given by the churchwardens of the parish of Yeovil, in Somersetshire. See the *note*, p. 1715.) Sir G. Paul, a man of the most estimable character, who had devoted a long and useful life to the advancement of all that was calculated to benefit the poor, had, on the discovery of an abuse in a charity of 50*l.* or 60*l.* per annum, betaken himself to the same cheap and expeditious remedy. The house had already heard the general result of such steps, he would now shew them a little of the mechanism by which a man's health and happiness and fortune were ruined. In the month of December, the cause was put in the paper to be heard, but was ordered to stand over—a phrase very well understood in the court of Chancery. (*A laugh.*) Again it was put in the paper, and again it was ordered to stand over for three days. On the 21st, it was called on, but the court made up its mind that it would not make up its mind. On the 9th of April, when a decree was to be pronounced, the court with its usual promptitude determined that it would not determine. The cause was then postponed till the 13th of May, when the court expressed its opinion that a certain lease was void, but reserved its judgment on other points. To elucidate those points the court took home the papers, and no more was heard of the cause for many months. This was a kind of respite from proceeding which relieved the parties from farther expense for the time. The counsel both for the plaintiff and for the defendant then applied for judgment; but it was postponed till the 20th of January, on which day it was not pronounced. Two days afterwards the same occurrence took place. It was then decided that it should not be decided until another day, on which other day it was again decided that it should not be decided until another day, on which other day the court postponed its judgment till the 29th, mistaking the month, perhaps, for February, in which there was no 29th. (*Hear, hear.*) On the 25th of February, the case was mentioned to the court. This word "mentioned" was a light and airy word in that

house, but in the Court of Chancery it was attended with fees to counsel; fees to agents, fees to short-hand writers—in short, a "mention" was not the most unexpensive and agreeable proceeding that could befal a suitor. Some days after, the court acknowledged that it had mislaid the papers which so many months before it had taken home to peruse, and desired that a brief (attended with considerable expense) might be left with the court. On the 17th of March, the cause was again called on, and at length it was—not decided, for decided it was not up to the present moment—but it was referred to the Master. (*Hear, hear.*) The history of this suit proved that the expense of proceeding in a court of equity was much greater than could be incurred under a commission—that, in fact, it often absorbed the entire funds of a charity. The cause was sent out of one expensive court into another expensive court—out of the Court of Chancery into the Master's office. Not to the present moment had a day been appointed for judgment. It would have to run the gauntlet of all the proceedings in the office; exceptions would then be taken to the report; those exceptions would be most ably, and learnedly, and elaborately argued by counsel, but, he apprehended, not so concisely and cheaply as they would be by the commissioners. It would then be sent back to the Master for revision, &c. &c.

"And find no end, in wand'ring mazes lost."

The conclusion from all this, in his mind, was, that the Court of Chancery might be excellent for many purposes, but that to those who applied to it for redress it was ruinous. It might be an ornament to the state, but it destroyed those who were so unfortunate as to have any thing to do with it. And here he begged to guard himself against being misunderstood. He unequivocally disavowed the intention of throwing the slightest imputation on the integrity, on the talents, or on the incomparable and unprecedented learning of the noble and learned lord at the head of the Court of Chancery. He sincerely believed, that from the day when English law and equity were separated to the present time, there never had been any individual in that situation more anxious to do justice to all parties. He believed he might say with equal confidence, that that noble and learned lord's unrivalled sagacity and subtlety were unanimously acknowledged by the whole profession, and that he was by far the greatest lawyer that had for ages appeared in any of our courts. This was not merely the expression of his own unfeigned reverence and admiration of the great qualities by which that noble and learned lord was distinguished—he knew that he spoke the sentiments of the whole profession from one end of Westminster Hall to the other. He must add, that a more kindly disposed judge to all the professional men who practised in his court never, perhaps, existed. But notwithstanding all these good qualities on the part of the noble lord, it was his duty to say, that there was something in the Court of Chancery that set at defiance all calculations of cost and time; and rendered the celebrated irony of Swift, when he made Gulliver inform his master Hynynhmn, that his father had been wholly ruined by the misfortune of having gained a chancery suit, with full costs, not only not an exaggeration, but a strictly correct description of the fact. Having dwelt at such length on this part of the subject, he should compress what he had to say in as few words as possible. He was convinced that the time was at hand when the unanimous sense of the country would be declared on this subject, and when the most anxious wish would be generally expressed for a full, unsparing, and honest investigation of those notorious and shocking abuses. It belonged to that house, and to that house alone, to confer such a benefit on the community. If they sat supinely, and sent out commissioners without taking effective steps to render the labours of those commissioners effective, their proceedings would be a mockery, and not a real advantage. The commissioners might traverse the country, they might hold their sittings, they might shew a good will in the cause, they might invite persons to attend, they might frame questions to be put to those persons, they might expect answers, but they would solicit them in vain unless they were backed by the house, unless it were universally known, and that night recognized, that the house was resolved to do its duty. (*Hear, hear, hear.*) Unless it did this, it would occasion the utmost irritation, inflammation and exasperation in every parish from one end of the country to the other. The eyes of all were opened; they were steadily fixed on the object, and, in proportion to its magnitude and importance was the intensity of the interest excited. There was no part of the country so remote; there was no district so trifling in wealth or number of inhabitants, there was no sphere so circumscribed as not to comprehend within it some bequest for charitable purposes. Every where a local, as well as a general feeling, was most strongly entertained. Both from the poor, who were immediately interested, and from the rich, who, if the poor were deprived of their right, would be compelled to maintain them, the cry was gone forth, and they all looked to that house for the means of redressing the evil. It was the duty, and he trusted it would be the pleasure of that house to answer the call, and to institute the required investigation. There was but one way of doing so—it was by resolving to re-appoint the committee in the next session of parliament—to constitute it of the same individuals—to confer on it the same powers as at present. Let that measure be adopted, and he cared not for the mutilations which the bill had suffered elsewhere. The committee would supply all the deficiencies which those mutilations might be found to occasion.—"I cannot sit

down," concluded Mr. Brougham, "without once more adverting to a most interesting topic, to which I called the notice of the house when last I had the honour of addressing them. Every day has disclosed to the committee new marks of the piety and benevolence of our ancestors. What I wish you to do is, only to turn with grateful attention to those memorials of the good actions and excellent feelings of the wise and great, and to endeavour to prevent them from being defaced. While we are raising monuments to commemorate our victories, and are anxious to record the names of our brave defenders by sea and land, let us not forget that we have another most sacred duty to perform—namely, to protect from the operation of time, and from the injuries of interested malversation, those monuments of piety and beneficence which constitute the genuine glory of our ancestors. Those monuments celebrate triumphs of far more importance to humanity—triumphs which caused no sorrow, and shed no blood, in their achievement—the triumphs of virtue over ignorance, the worst enemy of the human species, and vice, her detestable progeny. By doing this, we shall render a greater service to the public, we shall contribute more to raise the name and fame of this country than by all other acts, in perpetuation of triumphs, which a grateful nation could perform. Whatever may be attempted to impede the attainment of this desirable object, I trust that, in the next session, we shall so vigilantly protect the commissioners in the execution of their duty, as to prove to all persons, that any efforts to frustrate the views of this house, and to defeat the hopes of the country, are vain. I trust, that all who have hitherto obstructed, or who may yet endeavour to thwart our views, whether from an interested fear, lest their own malversations should be detected, or from a base fellow-feeling for the malversations of others, or from a silly and groundless timidity—that all who, on whatever grounds, hold out a protecting hand to corruption, from the hereditary or mitred patron of abuse, down to the meanest speculator in it, may learn that the time is gone by when the poor could be robbed with impunity." *(Loud cheering.)* The hon. and learned gentleman then moved—"That an humble address be presented to his royal highness the Prince Regent, praying that he would be graciously pleased to issue a commission to inquire into the state of education of the poor throughout England and Wales, and to report from time to time to his royal highness, and to this house thereupon."

Lord *Castlereagh* said, that he went along with the hon. and learned gentleman in thinking that the subject was one of those to which, now that the blessings of peace had been happily restored, parliament ought to turn its attention. He was disposed also to admit, that the inquiry was calculated not only to remedy the abuses in question, but to excite additional interest for those charities, respecting which it was instituted, and to call back the attention of the persons connected with them to their proper objects. But if the hon. and learned gentleman looked at the nature of the bill, he could not be surprised, that a measure sent to the other house, so little resembling in scope and character the inquiry out of which it was supposed to have grown, should have there met with difficulties which appeared insurmountable. The committee had been appointed to inquire, not into the charitable institutions of the country, but into the education of the lower orders; and although their reports related to objects beyond that which they were appointed to investigate, the hon. and learned gentleman extended the enactments of his bill beyond even that report, and introduced a provision to authorize the appointment of a commission to continue the inquiry. He could not conceive any hope more illusory than that held out by the hon. and learned gentleman, that the commission would be enabled to execute its task in a short time, or without occasioning those evils, the existence of which in the Court of Chancery the hon. and learned gentleman had described with so much exaggeration. Could that house stand the criterion which the hon. and learned gentleman had applied to the Court of Chancery? Were the Order book taken, and the various delays which the pressure of business might occasion in any particular motion to be noticed, it might, by such a partial view of the subject, be frequently alleged, that the House of Commons postponed for months very wise and important measures. To agree to the address proposed would be to deprive the other house of parliament of the fair exercise of its functions. The hon. and learned gentleman contemplated the probability of a renewal, next session, of the committee. In that event, were the present motion carried, there would be two commissions—the one legislative, the other royal, and a committee of the House of Commons, all inquiring into the same subject. The best course, in his opinion, would be, to let the commissioners proceed with those powers, which, though not so great as the hon. and learned gentleman wished, and intended to make them, were yet very great. At an early period of the next session, the house would receive some report from that commission, which would enable them to judge of its efficiency. A farther range to their operations might then be proposed if it were deemed advisable. Nothing, in his opinion, could be a more imprudent course for the house to pursue, than that which had been recommended by the hon. and learned gentleman, who had called on them to do that by address to the crown, to which the other branch of the legislature had refused to give its sanction as a legislative measure. He considered this attempt calculated to produce such a collision between the two houses, as must detract from the respectability of the proceedings of parliament. Really, when he looked into the extent of the hon. and learned gentleman's

bill, as it was sent up to the other house, he was not surprised that the Lords should not be prepared at once to assent to the whole of it. There were eleven thousand parishes in England and Wales, and there could not be less than between forty and fifty thousand Charitable Institutions included in the bill as it originally stood. He thought that in the bill, as it was modified, there was sufficient to occupy the commissioners till another session.—On these grounds he submitted to the house, that a case was not made out, either from necessity or prudence, to justify them in doing that by themselves, by address to the crown, which could not be obtained this session in the shape of a legislative measure. The speech of the hon. and learned gentleman to-night, had disclosed sentiments with regard to the Court of Chancery, which were calculated to degrade it in the eyes of the country; but he trusted that the hon. and learned gentleman opposite (Sir S. Romilly), whose abilities were so well known and appreciated in that court, would resent the attack, and that he would inform the house, whether abuses of charitable trusts could not be effectually redressed by a court of equity.—The noble lord concluded with moving the previous question.

Sir *Samuel Romilly* said, that having been so directly called on by the noble lord to state his opinion as to the chance there was of obtaining any remedy in cases of abuse of charitable trusts through the Court of Chancery, he felt he should be acting improperly towards the house, if he did not answer that call. He most sincerely thought that, in such a case, the remedy which the Court of Chancery was capable of affording was not an adequate remedy, and that it was impossible, through that court, to obtain redress for the abuses of charitable institutions. (*Hear, hear, hear.*) There were expedients of delay peculiar to that court, which, if resorted to, as they naturally would be in such a case, would throw such obstacles in the way of obtaining redress as few would be disposed to encounter. And when he considered that an information in the Court of Chancery would be filed by some stranger, who had not, like a suitor in Chancery, an interest in the result of the decision, it could not be expected that such a person would be disposed to put himself to the great expense which this would occasion, for the public benefit. The delay might occasion him to lie out of a great expense for a number of years. If a person hearing of any abuse, should think of having an information filed, he must make up his mind to disburse a considerable sum, with the chance of recovering, if he gained the suit after a great number of years, strictly taxed costs. (*Hear, hear.*) It would be difficult to find a man so public-spirited as to advance a large sum of money to carry on a cause in which he had no personal interest, imputing gross misconduct to a neighbour, with a chance of recovering part of his expenses after so great a lapse of time. Two years ago a bill had been introduced by an hon. gentleman, to which he proposed an amendment, which afterwards became a separate bill, providing that all stamp duties should be dispensed with, in cases of this description, which would consequently have been a great saving of expense; but it had been decided by the Court of Chancery, that this provision did not extend to actions against persons who had got lands of charities into their possession. With respect to the proceedings in the Court of Chancery, there was no man who practised in that court who must not be convinced, that very great expedients of delay might be resorted to in it, which ought not to exist in any court. His hon. and learned friend had conceived those expedients of delay to belong necessarily to a court of equity; but it was his opinion, that a great part of the abuses in the Court of Chancery might be remedied, (*hear, hear, hear,*) and might be remedied without any legislative interference. (*Hear, hear, hear.*) He considered himself at present as giving evidence with respect to the Court of Chancery; and he had no hesitation in saying, that if gentlemen went to vote with an idea that a remedy for abuses of charities might be found in that court, they would be voting under an erroneous impression.

Mr. *Bathurst* believed, that the mixing of other charitable intitutions with those for education, had not occurred to the hon. and learned gentleman himself till a late stage of the measure.

Mr. *Brougham* said, he had stated to the house when he first brought in the bill, that he had so drawn it up that this addition might easily be made if the house thought fit, though the committee could not include other charities in it, as they had not been instructed to do so.

Mr. *Bathurst* proceeded to observe, that the great question was, what were the funds for the education of the poor? Till that were ascertained, they could have no knowledge of what supplementary measures might be necessary for rendering the education of the poor more complete, and the commission would enable them to ascertain that. As to the power of committal, it had been thought that it might have the effect of deterring persons from entering on the discharge of a laborious and honourable duty, if they conceived that they were liable to be committed to Bridewell, if they did not give such an answer to any question put to them respecting a trust, as might happen to please two commissioners. With respect to the inquiry into the general manner in which the poor were educated—whether, for instance, Bell's or Lancaster's were the better mode—that was a wide field of inquiry, and quite of a different nature from what was originally understood to be proposed. Undoubtedly he did not see any objection to such an inquiry; but when the question was, whether they should take it into their own hands or wait till another ses-

sion, when the concurrence of the other branch of the legislature might, perhaps, be obtained, he thought the latter course ought to be pursued.

Colonel *Ellison* hoped that parliament would shew that they were an effective parliament. He could not permit his countrymen to be deceived by specious arguments. The house stood on this question between the dead and the living. Charitable and patriotic persons had bequeathed money for the relief of old age, as well as for the education of youth. Would the house, for frivolous and scarcely intelligible reasons, allow such benevolent and useful charities to be misapplied? Was he addressing a British senate or not? He had sat in that house for twenty years, and he had never heard such a monstrous proposition as that it would be improper to inquire into the abuses of all charities. He had heard allusions made to good men who were trustees, but good men might not, perhaps, have done their duty, or the trustees might not, perhaps, be good men. He certainly should vote against the previous question, and against passing the bill in the disgraceful state in which it had been returned to them.

Mr. *Abercromby* said, the question was, whether, when commissioners were appointed, it would not be a saving both of time and money, if instructions should be given to them when they inquired into the funds for the education of the poor, to inquire at the same time into the general state of the education of the poor. With respect to the proposition, of extending the inquiry to all charities, nobody in the house could doubt that it would be very advantageous to unite this inquiry with the other; indeed, it was scarcely possible to separate them, as charities for education were often closely connected with charities for other purposes. It was said, that to agree to the motion would be to entangle the house in a dispute with the other house; but he could not anticipate any such result from it. He thought such a result was much rather to be expected from the course proposed by the right hon. gentleman (Mr. Bathurst), namely, to go next year and call on them to concur in a measure which they had already rejected.—The lords would be sure to reject such a bill, because there was no part of the bill of his hon. and learned friend to which they had shewn so early and decided a reluctance, as to this part of it. (*Hear, hear.*)

Mr. *Lockhart* said, that, whatever opinion the gentlemen opposite might have of the measure then before them, the house could not but be obliged to the hon. and learned gentleman for the opportunity he had afforded it of re-asserting its opinion on a subject of the greatest importance. The bill which had been sent up by them to the other house, investing the commissioners to be appointed under it with full powers, was now returned with those powers limited to such a degree as could only serve to mislead both the commissioners and the public. As the bill was now altered, no evidence could be expected but what was voluntary on the one side, and, on the other, what was partial, colourable and delusive. With regard to the objection that the bill would operate to dissuade honourable men from accepting trusts, if this were meant to apply to charities hereafter, he conceived it had very little force; for, unless some security were established against future peculation, no individual would again leave his money to such purposes. If the objection applied to past benefactions, he was afraid that the majority of present trustees were not men of strict honour. There was no doubt that the original trustees were; but, in the lapse of half a century, these trusts frequently fell into strange hands, and had always a tendency to lose their natural guardians. The noble lord had suggested the propriety of making their proceedings harmonize with those of the other house: but he must here call their attention to the failure both of Mr. Gilbert's act in 1780, and his own, 20 years afterwards, in producing adequate returns—a failure that could not have happened if the provisions of the act had been honestly complied with. But what was the fact? Out of 40,000 charities, which were supposed to exist in the country, only 600 had sent in memorials for enrolment, pursuant to the directions of the act. (*Hear, hear.*) It was obvious, then, that some compulsory power was necessary to correct this disposition to concealment, or the whole intention of the inquiry would be frustrated.

The *Chancellor of the Exchequer* objected to the motion, as it was an attempt, by way of address to the throne, to take away the power of the other house of parliament to negative a measure. The bill had been sent back to them amended, and the hon. and learned mover, by his address, attempted to destroy those amendments, not by the ordinary mode of negativing them, but by addressing the crown to desire it to act in contravention of them. There were two courses which they might regularly follow—to negative the bill which had been sent back, and to send up another to the lords, or to negative the amendments; but the present proceeding would force the crown to act in contradiction of the wishes of one or other house of parliament. If they agreed to the address, they would not increase the power of the commissioners; they would only extend the field of their inquiry. He thought it would be more advisable to be content with inquiring into the funds devoted to education in the first place, leaving the state of education as a supplementary subject of inquiry hereafter.

Mr. *J. Smith* expressed his disappointment at the speech which he had just heard, as he had felt assured that the right hon. gentleman would be friendly to the motion, both as it regarded the education of the poor, and the correction of the shameful abuses of charities for promoting that object. He thought it most impor-

tant to retain the words "all charities" in the bill, because, from long attendance on the committee, he was satisfied that it was not in the power of government, or of any other authority, at present to put an end to those abuses. (*Hear, hear.*) Several recent voluntary disclosures rendered it impossible for any man to shut his eyes to the imperious necessity of instituting a strict and effectual inquiry into the administration of all charitable funds. With regard to an indisposition on the part of trustees to undertake that office if this bill were to pass, he was quite sure that it was at least not a general feeling. The bill exempted the schools of Quakers, and yet he was authorized to say from that respectable body of men, that they had not only no objection to the examination of their few charitable schools, but that they should rejoice at finding them made the subject of parliamentary inquiry. (*Hear, hear.*) Whoever knew them, knew that they could have no apprehensions of such an investigation, nor could he conceive how any honest man could entertain any apprehensions. He was sure that inquiry would not be much longer deferred, as many highly respectable persons felt themselves reflected upon in their character of trustees, and were earnest in their wishes for the present inquiry.

Sir *F. Burdett* said, he could not help thinking that the objections made to this measure in another place, and by an authority however high, proceeded upon reasons such as an honest mind could scarcely suggest to itself. When he considered that the very learned, or, as some called him, the incomparably learned man who advanced them, was himself at the head of the highest court of equity, and the legal guardian of those who had lost their natural protectors, he should have imagined that his great abilities would have been freely and voluntarily exerted to defend the poor from pillage, and preserve those funds which the piety and beneficence of our ancestors had devoted to the most sacred objects. The noble lord (Castlereagh) had spoken with disapprobation of the tone of the speech of the learned mover. He could discover nothing in that speech which could have drawn down the noble lord's dissatisfaction, unless it were the tone of commiseration with the unprotected—the tone of indignation at scandalous malversation—the tone of indignation at plunder of the worst description—the plunder of the poor and defenceless, and at the violation of property consecrated by the best of feelings to the best of purposes. It appeared that the charities in this country, for the support of the aged and the young, and for the instruction of the ignorant, exceeded in amount what those who had not inquired into the subject could have conceived. It appeared also, that the abuses by which they were diverted from their proper purposes kept pace with the efforts of charity. Was it possible to deny, that it was the peculiar duty of the house to inquire into those abuses, and to take effectual measures for remedying them. He was anxious, for his own part, that the investigation should have been carried through by a committee, as he had more confidence in a committee, especially when assisted by persons as vigilant and active as the learned gentleman. He looked to commissions also with jealousy. When he saw the abuses which existed in different departments—in schools, in prisons, in the navy and army, which had extorted from ministers that inquiry which they never conceived to be a part of their duty to originate, and which they even made a merit of suffering to proceed, he could not put much trust in commissions. They had generally ended in baffled inquiry and increased expense. But he thought that the measure which the hon. and learned gentleman had prosecuted with so much zeal and ability should receive that addition which was necessary to render it effectual. The hon. and learned mover had not stated loose facts, but serious abuses. He had stated the condition of the Court of Chancery, which made it doubtful whether that Court were not itself an abuse. To delay justice was to deny it, to make it expensive was to sell it. Yet the unclaimed property in that court amounted to millions, and those who gained their suits were often ruined by the justice of their cause. The king's oath, at his coronation, was, "*nulli negabimus, nulli differemus, nulli vendemus justiciam vel rectum;*" the answer of the subject was, "*negatur, differtur, venditur,*" not sold in one sense—bribes were not given to the judges, but what mattered it to the individual, whether he were ruined by giving bribes to judges, or by any other unnecessary expense? As there were sister arts, so there were sister abuses, and this abuse was closely connected with the misapplication of charitable funds. Whether this abuse arose from the construction of the court itself, or from the incomparably learned judge (as he was called) who sat there, he could not say—but it was an abuse worthy of serious attention, and one which, he hoped, would be taken up by an hon. and learned gentleman whom he saw below him (Sir Samuel Romilly), who was best qualified to suggest the means of reforming it. The abuses immediately in question appeared to him to be so shameful, and even impious, that he should consider the learned gentleman who had so distinguished himself in bringing them to light as having, if he succeeded in overthrowing them, performed one of the greatest achievements, and conferred as great a benefit as could be bestowed on the community. Much had been said in praise of honourable trustees; but what sort of trustees they were who could object to inquiry, the country would judge after that inquiry had taken place. The house could not take more effectual means to answer the ends of those who were disposed to vilify it, than by sitting quiet while these abuses existed, and refusing to give efficacy to that

measure which could alone correct them. (*Hear.*)

Mr. *Canning* said, that in the few observations which he had to make to the house on the present motion, he should not enter into any examination of the statements or the reasonings of the hon. baronet, or of those who had spoken earlier in the debate on the same side, not because he wished to shew any disrespect to what they had advanced, but because they did not touch on that view of the question to which he was desirous more particularly to advert. They had argued as if the objection existed to the object of the hon. and learned gentleman's motion, while he opposed, not the object of the motion to which he had always expressed himself friendly, but the proposed mode of carrying it into execution. In order to obviate the imputations which might be cast upon his opposition, by remarks like those in the hon. baronet's speech, he would distinctly state, that he was favourable to the measure of the hon. and learned gentleman, as introduced in his bill; that he had attended the discussions which took place upon it; that he never gave his vote against it, and that he only doubted of the propriety of the means or the mode now proposed to accomplish the object of it. He would, at the present time, frankly say, that if the hon. mover had continued to support his bill as originally introduced, he would have given it his most strenuous opposition in all its stages. The bill as sent up to the lords had his entire concurrence, and he had shewn no unwillingness to support it, and to further its object; but the house was now called upon to consider, whether a measure—introduced at first after a laborious inquiry, and after a speech from the learned gentleman which (if he would accept a compliment from him, which would be allowed to proceed from no undue partiality) brought the subject home to the feelings of every man that heard him—were to be made the occasion of setting aside the powers of the other branch of the legislature, because that other branch could not see all its provisions in the same light as the house, or the hon. and learned mover. He would state a few facts in the history of the bill as it passed through this house, in order to shew that the same opportunities of deliberating, and considering it, had not been allowed to the house of peers. The subject had been introduced on the 17th of March, and the bill on the 8th of April. From the 8th of April to the 20th of May, it had continued under deliberation, and all the parts of it had been carefully examined, digested, and polished. There had been no hostile discussion, but every desire was manifested to accommodate it to its object. On the 20th of May the bill was sent up to the lords, and they were called upon to decide in a fortnight, on the provisions of a complicated measure, which had occupied the House of Commons for the length of time which he had mentioned. When sent up, it was accompanied with the poor laws' bill, and other important measures, which required deliberate consideration. The house of lords adopted the principle of the bill, and most of its details. Out of its three objects, they adopted two: and the other they did not reject, but merely postponed. On this state of facts, the house was now called upon to take a step hazardous and uncommon, it must be admitted, though not, he allowed, unconstitutional, but which, if frequently repeated, would have a tendency to deprive the other branch of the legislature of all power of enacting laws, and to vest it exclusively in the commons. He did not deny the right of the house to proceed by address to the crown, when the lords refused to concur in their measures, but he thought this proceeding should only be resorted to in cases of great importance and urgency.—In the present case, there was no reason for travelling out of the ordinary road. The subject was already in a course of inquiry; and that part of the bill to which the house of lords had agreed, was sufficient to occupy the time of the commissioners until parliament should meet again, when they might proceed to legislate upon the clauses which had been omitted. He also objected to the address, intended to be moved, for an inquiry into other charitable institutions. That was one of the clauses omitted by the lords. It was open to the hon. gentleman, when he first proposed his measure, to determine whether he would proceed by bill or by address; but having chosen, and properly chosen, the former, he was not justified in turning round upon the house of lords, and telling them, they had not done their duty, because they refused to agree to some of the enactments intended. He repeated, that he was by no means hostile to the object of the bill, but he felt it his duty to object to that blind and headlong zeal which, without any adequate necessity, would deviate from the practice of parliament, and even go near to overturn the barriers of the constitution.

Mr. *Brougham* replied. The bill, he said, had been so changed in the lords, that he could scarcely recognize his own offspring. He at first wished to move to negative the lords' amendments, in which he could have succeeded; but he distrusted his own judgment, and though the bill was mutilated, still, as it contained something good, he had resolved to adopt it. The bill could not have been introduced sooner. The long space which the right hon. gentleman had mentioned, as being occupied with deliberating upon it, principally consisted of the adjournment during the Easter holidays. He had tried, during those holidays, with the assistance of a learned friend of the Chancery bar, to make it as perfect as possible. They took for their model the bill for appointing the naval commission of inquiry, which had been unnaturally renounced by some of its parents, because it had been too effective in producing the tenth report. That tenth report, and that bill, were as satisfactory

as any of the noble Earl St. Vincent's naval victories, and they had been made the model of the present measure. He denied that he had been actuated by any wish to create a difference between the two houses of parliament. His conduct had been throughout most conciliatory, and he had even taken the pains to communicate with noble lords in another place, in order to learn what were their wishes on the subject. He argued, that what he proposed would not set the two houses at variance, but would be much more conciliatory than if, in the next session, he persisted in renewing a measure which, in this session, the lords had rejected by their amendments. A delay of six months was a serious evil in an inquiry of this kind; and when, in the next session, he should propose a bill, the right hon. gentleman, if he forgot his argument of to-night, which was not impossible, might fairly urge, that he was endeavouring to produce a rupture between the two branches of the legislature. After referring to the Reversion bill, which was rejected by the lords, and upon which the house had afterwards voted an address to the crown, as a precedent in his favour, he concluded by reading an extract from the report of the committee on this subject, as a warrant for the motion with which he had troubled the house.

The house then divided:

For Mr. Brougham's motion, 29
Against it, ... 54

LIST OF THE MAJORITY.

Allan, G.
Arbuthnot, Rt. Hon. C.
Arkwright, R.
Bankes, H.
Bankes, G.
Bathurst, Rt. Hon. B.
Binning, Lord
Bradshaw, R. H.
Calvert, John
Campbell, A.
Canning, Rt. Hon. G.
Canning, G.
Castlereagh, Lord
Clive, H.
Collett, E.
Courtenay, T. P.
Davis, R. H.
Edmonstone, Sir C.
Fane, J.
Findlay, K.
Farquhar, J.
Fitzharris, Viscount
Forbes, C.
Gifford, Sir R.
Gipps, G.
Goulburn, H.
Grant, A. C.
Gurney, H.
Harvey, C.
Hodson, J.
Leigh, J. H.
Long, Rt. Hon. C.
Lowther, Lord
Lowther, Hon. C.
Marryat, J.
Macknaughten, S.
Michel, General
Mitford, W.
Neville, R.
Perring, Sir J.
Protheroe, F.
Robinson, Rt. Hon. F.
Scott, Sir W.
Shaw, B.
Smith, ——
Shepherd, Sir Sam.
Thornton, Gen.
Tomline, W. E.
Trefusis, Hon. W. C.
Vansittart, Rt. Hon. N.
Vyse, W. H. H.
Ward, Robert
Warrender, Sir Geo.
Wilbraham, E. B.
Yarmouth, Earl of

LIST OF THE MINORITY.

Abercromby, Hon. J.
Aubrey, Sir John
Baring, Sir T.
Bolland, John
Brougham, H.
Burdett, Sir F.
Chamberlayne, W.
Duncannon, Visc.
Frankland, T.
Fitzroy, Lord J.
Gaskell, B.
Keck, G. A. L.
Lambton, John G.
Langton, W. G.
Lefevre, C. S.
Macdonald, J.
Macintosh, Sir J.
Martin, J.
Martin, H.
Maitland, J.
Morland, J. B.
Moore, P.
Ord, W.
Ossulston, Lord
Palmer, Colonel
Romilly, Sir S.
Shelley, Sir J.
Smith, J.
Wood, Alderman

TELLERS.

Bennet, Hon. H. G.
Lockhart, John

Mr. *Brougham* then moved, "That an humble address be presented to his royal highness the Prince Regent, that he would be graciously pleased to instruct any commissioners who may be appointed under a bill, intituled, 'an act for appointing commissioners to inquire of the charities in England and Wales, and of the education of the poor, to inquire into the abuses of charities not connected with education.'"

Whereupon the previous question, "that the question be now put," was moved, and negatived.

Mr. *Brougham* then said, that before he moved that the house do concur in the amendments of the lords, he wished to give notice, that, early in the next session, he should move for leave to bring in a bill to appoint, if possible, the same commissioners to inquire into all abuses of charities by which the property of the poor had been dilapidated and plundered by those who met with the sanction of some, the fellow-feeling of others, and the protection of many, as was obvious from the vote of this night. That vote would, no doubt, give great satisfaction to persons high in the state, and to many members of both houses, who were unwilling that these abuses should be investigated. He put it to the candour of the right hon. gentleman (Mr. Bathurst) whether, after what had passed, should the lords' amendment be negatived, he would not support an address to the throne, that the great object might be attained.

Mr. *Canning* spoke to order. There was no question before the house, though the hon. and learned gentleman, in order to introduce his invectives, had led some members to imagine that he would have concluded with a motion. He apprehended that the hon. and learned gentleman had no right to dictate, either to the house or to any hon. member, what course he ought to pursue.

Mr. *R. Ward* said, that the hon. and learned gentleman had slandered and defamed many hon. members, in his expression respecting the votes which they had given.

Mr. *Robinson* and others here rose to order.

Mr. *Brougham* denied that he entertained any wish to dictate to, or to slander, the house; it was quite absurd to suppose that such had been his intention. He would not allow any gentlemen of the Ordnance, or of the Board of Trade,

to debar him from the ordinary courtesy of putting a question. (*Order.*)

Mr. *Lambton* moved, that the house do adjourn. He said, he made this motion to give his hon. and learned friend a right to speak.

Mr. *Robinson* observed, that, as he had been referred to as one of the Board of Trade, he wished to state, that he had interrupted the hon. and learned gentleman, merely to induce him to restrain himself half a minute, while his noble friend moved the concurrence in the lords' amendments, as it did not appear that such a motion was likely to come from the other side of the house. He would not be put down by the hon. and learned gentleman at any time, and certainly not on the present occasion.

Mr. *Brougham* replied, that, when interrupted, he was only about to put a question, an ordinary courtesy allowed to all members. Before he proceeded, he desired to know what an hon. gentleman opposite meant by asserting that he had slandered and defamed him. He was anxious to give his much injured reputation all the healing balm in his power.

Mr. *Ward* insisted that the hon. and learned member had only pursued his usual course of running riot against those by whom he had been opposed and defeated. He was one of those who voted in the majority against the hon. and learned gentleman's proposition, and the hon. and learned gentleman had more than insinuated that the object of that majority was to screen the guilty: such statements were defamatory and slanderous.

Mr. *Brougham* was about to speak, when Mr. Ward asked him, whether he rose to explain. (*Confusion.*)

Mr. *Brougham* protested against the conduct of the hon. gentleman, who seemed so anxious to take upon himself duties that belonged only to the Speaker.

The motion for an adjournment was then withdrawn, and, on the motion of Lord *Castlereagh*, the lords' amendments to the bill were read and agreed to.

Lord *Castlereagh* then moved, that the house should adjourn over to-morrow, it being his Majesty's birth-day, which was agreed to.

HOUSE OF LORDS.

Friday, June 5.

ROYAL ASSENT.] The Royal Assent was given by commission to the Regency Act Amendment Bill; the Rock Salt Duties Bill; the Portugal Slave Trade Treaty Bill, and the Purchase of Game Bill. The commissioners were, the Lord Chancellor, the Earl of Shaftesbury, and Lord Redesdale.

ELECTION OF CORONERS BILL.] This bill was read a third time, and passed.

POOR LAWS AMENDMENT BILL.] This bill was read a third time, and passed.

COTTON FACTORIES BILL.] Lord *Kenyon* said, that, as several of their lordships had signified a wish for farther evidence on this bill, and as at this period of the session it could not be expected that the committee could sit much longer, he should propose to postpone the measure until the next session, with the view of then moving the re-appointment of the committee.

The Earl of *Lauderdale* was very glad to hear that the noble lord, who had formerly refused to hear any evidence, now so far concurred with him as to think farther evidence necessary. With regard to the proceedings of the manufacturers who opposed the bill, he could not help stating, that the utmost degree of industry had been exercised by them to inform their lordships on the subject on which they were about to legislate. The evidence they had brought forward went far beyond his utmost expectations, and proved that, in Manchester, the cotton factories were looked to by parents as a means of employment for their weakly children.

Lord *Kenyon* said, he had not intimated any change of opinion. He had merely, in compliance with the desire of other noble lords, proposed to postpone the proceedings, for the purpose of hearing farther evidence next session. When the inquiry was concluded, then would be the time for giving an opinion on the effect of the information obtained.

The Earl of *Lauderdale* said, that the evidence taken before the committee had been distributed to their lordships; but that the regular course of proceeding was, to report it from the committee.

Lord *Kenyon* then brought up the evidence, and laid it on the table as the report of the committee*.

CHURCHES IN SCOTLAND BILL.] The Earl of *Lauderdale* called the attention of their lordships to this bill. From what had already passed on the subject he hoped the noble Secretary of State would consent to allow the measure to lie over till the next session, when there would be time to inquire into the necessity of applying the public money to the object of the bill.

The Earl of *Liverpool* said, he was aware of the difficulty of giving full consideration to the measure at the present period; and, in order that there might be sufficient time for that purpose, he had no objection to the delay proposed by the noble earl.

SPANISH PATRIOTS.] Lord *Holland* presented a petition from Don Diego Correa, praying for

* Since the dissolution of parliament, the master-spinners in Manchester have passed the following resolution, upon which the spinners at Preston are now acting:—"Exchange-buildings, Oct. 10.—We, the undersigned, agree to limit the working of the moving power of our mills to 72 hours per week, and to direct that an account be kept of the time worked during each week at our respective mills, that it may be produced in court if found necessary."

relief. (It was in substance the same as that presented in the Commons on Monday by Lord Morpeth.) The noble lord, in moving that the petition be laid on the table, adverted to the ancient policy of Great Britain in protecting foreigners, and encouraging them to seek refuge in this country against oppression. This policy he was now sorry to see completely abandoned. In support of his opinion respecting the practice and feelings of former times, he quoted the preamble of the act of parliament for the encouragement of refugees, which had been drawn up by the great Lord Somers. The preamble stated, that whereas many Protestants in France might wish, on account of our free constitution, to settle in this country, it was right to induce them to do so.—The petition was laid on the table.

OFFICES IN REVERSION.] Earl *Grosvenor* rose, and said, he felt a considerable degree of embarrassment in being obliged to trouble their lordships by bringing forward this subject; for, after what had passed in the last session of parliament, he had thought it would have been unnecessary to call their attention to it again. As, however, nothing had been done by his Majesty's ministers to reform the abuses which had been the subject of so much complaint, he considered himself bound to propose some resolutions relative to places in reversion, and all sinecures or useless places of every description. It had been said, that nothing farther was necessary to be done, because certain places, after long consideration, had been abolished; but what had been done in that way was far from being sufficient. There were still several useless places in England, Ireland, Scotland, and the colonies, the abolition of which, and of those places which were entirely or chiefly executed by deputy, might be effected. When their lordships found, upon inquiry, that there was a great number of offices, for the maintaining of which no good reason could be assigned, and that many which had now become perfect sinecures had anciently been efficient offices, they surely could not hesitate in agreeing to a resolution, declaring, that such a state of things ought no longer to exist. The first resolution which he should move, was confined to places in reversion; and, as an illustration of its necessity, he should mention the rangership of Bagshot-park, the reversion of which had been granted to the Duchess of Gloucester. If it were fit that such a system should be permitted to exist, this grant could not be censured: but it was precisely in proportion to the popularity which might be attached to the individuals to whom such grants were made that he objected to them. They paved the way for others of a different nature, and, by little and little, the evil grew to a most mischievous height. His second object was, the abolition of sinecures and useless places. Last session he had been called upon to define what a sinecure was. The task would not have been difficult, but it was rather singular that it should have been required of him, when a bill had passed their lordships' house for the abolition of several places of that description. With regard to what might be called useless places, he certainly did not mean to include under that denomination those which were necessary for supporting the splendour and dignity of the crown, such as the offices of the Lord Chamberlain, the Lord Steward, or even the Lords of the Bedchamber, though, perhaps, there might be too many of them. All offices to which any kind of public utility could be attributed, he would most willingly maintain. But there were several offices connected with the courts of law, which were completely useless. He did not mean to say, however, that even those should be abolished, without taking into consideration the emoluments derived from them by the heads of the courts. A fair compensation ought to be given for those emoluments. The noble earl at the head of the treasury had, in the beginning of the session, pledged himself to introduce a measure for regulating the office of clerk of the parliaments, which was one certainly executed by deputy, but as yet nothing had been done towards that object.—The office of clerk of the pleas in Ireland, had been a subject of litigation for a time; but, though the question had been decided in a court of law, nothing had been done on the subject by ministers. The question respecting the office of Lord Justice General of Scotland remained in the same state. Instead of abolishing it altogether, a bill had been brought into another place, for giving the emoluments to the Lord President of the Court of Session; but the proposition met with so much disapprobation, that the authors of the measure had thought fit to withdraw it. The office of third secretary of state was still maintained, notwithstanding its inutility had been demonstrated; and, in fact, nothing but the voice of parliament, decisively pronounced, would induce ministers to consent to an effectual abolition of sinecures and useless offices. During the whole of the session they had not given a hint of any plan of economy; and, as they opposed all reductions, he anticipated that, in the next session, they would propose the renewal of that odious impost, the income-tax: for, as they adopted no measures of economy, they could only cover the expenditure by making new demands on the pockets of the people. When he, on a former occasion, referred to our army in France as an unnecessary burthen, the noble lord at the head of the treasury asserted, that it did not cost the country a farthing. This was a singular assertion; for he believed it was maintained out of the five millions paid to this country by France, which would of course be applicable to other objects, were it not so disposed of. These five millions constituted our indemnity for the past, which had been one of the objects of the long and ruinous war in which the country had been engaged. As to the other great object—security for the future—he supposed it was to be found in the restoration of the House of Bourbon, and he

hoped it would. That army, however, which was retained in France, for the support of the reigning monarch, was paid out of our indemnity. The noble Secretary of State surely would not say that the money thus laid out would not have been saved, had the army been disbanded. Should the troops be now withdrawn, might not what yet remained unpaid of this indemnity be saved to the country, by reducing the military establishment?—To return to the objects of the resolutions which he intended to propose, he must remind their lordships of the mischievous effects of leaving the power of granting sinecures and useless places in the hands of ministers. It gave a most undue and pernicious influence to the Crown. If this power were allowed to remain, its corrupt influence would infallibly increase; and to that influence, morality, and the spirit of independence, would finally give way.—The noble earl concluded by moving the following resolutions:—

1. "That from henceforth no places ought to be granted in reversion by the Crown, as tending to prolong and perpetuate the existence of sinecures and other useless offices, as being a complete bar to regulation, and thus endangering the adequate discharge of offices to which active duties are annexed.

2. "That the practice of granting places in reversion by the crown ought not only to cease and determine, but that the pernicious practice ought to cease generally.

3. "That the utmost attention to economy in all the branches of public expenditure, which is not inconsistent with the interests of the public service, is at all times a great and important duty.

4. "That all sinecures, and other useless offices, in the gift of the Crown, ought to be abolished at the expiration of the subsisting interests. That the salary of other places, not immediately necessary to the service of the state, ought to be abolished, or regulated, with a view to economy.

5. "That if, in the event of certain useless places being abolished in the courts of law, the emoluments of any judge or judges should be thereby diminished, adequate remuneration should be made to persons holding such dignified and laborious situations.

6. "That, in addition to the measures already taken by parliament for the abolition or regulation of certain sinecures or other useless offices, it is expedient to abolish all those that have revenue without employment, and regulate all offices that have revenue extremely disproportionate to employment, excepting only such as are connected with the personal service of his Majesty or his royal family, in the due support of the dignity and proper splendour of the monarchy, regard being always had to the existing interests in any offices so to be regulated or abolished.

7. "That it is expedient to reduce offices of which the effective duties are entirely or principally discharged by deputy, in certain cases, to the salary and emoluments actually received for executing the business of such offices, regard being had to any increase which may appear necessary on account of additional responsibility, and sufficient security being taken for due performance of the service in all cases of trust connected with the public money.

8. "That, at the present time, it is especially the duty of the house to adopt the foregoing Resolutions, on account of the burthened state of the country, and the universal desire for economical reform and reduction of unconstitutional influence, whether originating in the unperceived lapse of time, the effect of accident, or the machination of design."

The Resolutions being put, were negatived without a division.

HOUSE OF COMMONS.

Friday, June 5.

POLICE OF THE METROPOLIS.] Mr. *Bennet* presented the Report of the Police Committee. After mentioning the evils that were experienced in consequence of the want of a classification of prisoners in the different gaols of the country —the defects of the present system of transportation—and the abuses arising out of the mode of licensing public-houses—the hon. member moved, that the Report should lie on the table and be printed.—Ordered.

ALIEN BILL.] Sir *J. Macintosh* presented a petition from George Oppenheimer and others against the clause introduced by the house of lords into the Alien bill. The petition was ordered to be read. It set forth, that the petitioners were proprietors of stock in the Bank of Scotland, and naturalized subjects of the United Kingdom; that they became purchasers of stock since the 28th day of April last, upon information given to them, that by the act of the Scotch parliament in 1695, establishing the Bank of Scotland, which act has been confirmed by five acts of parliament in the reign of his present Majesty, they should thereby acquire the rights and privileges of British subjects;—that they had been long resident in this country, carrying on business as merchants, and most of them have children born in this country;—that they were willing to conform to all regulations prescribed in the case of foreigners who become naturalized by act of parliament; and having purchased stock in the Bank of Scotland upon full and entire faith in the law as it stood when they became proprietors of such stock, and having a confident belief that no person in this country was ever deprived of his rights by a retrospective law, they prayed, that the bill now before parliament might not extend to disfranchise them of their just rights legally acquired since the 28th day of April last.

Mr. *Tierney* moved, "That the said petition be referred to a committee, to examine and report the matter thereof to the house."

" 6

Lord *Castlereagh* said, he should oppose the motion. The facts of the case were known, and, therefore, it was unnecessary to enter into an investigation. The petitioners had taken a short cut—they had obtained their rights by a fraud on the law. *(Hear, hear.)* He repeated, that they had obtained them by fraud of an act of parliament; for the old law had been virtually repealed by the act of Geo. I. and the 13th and 14th of Geo. III. respecting the naturalization of foreigners. Would the legislature suffer itself to be defeated in its object by an obsolete act of the parliament of Scotland, by which all purchasers of stock took themselves out of the class of aliens, and, of course, freed themselves from the operation of the bill? The retrospective nature of the clause had been complained of. But this was a quality by no means uncommon in acts of parliament. When the bill for regulating the residence of the clergy was passed, it had a retrospective effect: and there were various other precedents of the determination of parliament, when it thought any particular object desirable, not to be arrested by any consideration that a retrospective operation in a bill was unfitting. As to the Scotch act, he was not prepared to say what the government might eventually recommend respecting it: its final fate was not at issue: what the house had to determine was, whether or not it should be suspended during the continuance of the Alien bill.

Sir *S. Romilly* said, he could not conceive it possible that the house, if it had the least regard to principle, would refuse to appoint a committee for the investigation of this subject. Since he had had the honour of a seat in that house, he had never seen a petition of greater importance, considering the nature of it in itself, and considering the extraordinary doctrines which had been just advanced by the noble secretary of state. The noble lord had said, that there was no occasion to refer the petition to a committee, because the house knew all the facts of the case. The house did not know the facts of the case. The noble lord himself did not know the facts of the case. The noble lord had asserted, that if an alien bought and held stock of the Bank of Scotland for 24 hours, he became entitled to all the privileges of a natural born subject. How did the noble lord know that? Had the noble lord the act? If he had it, it was a trick upon the house not to declare so, but he was quite mistaken, if he thought the repeal of only one act necessary. It would be necessary to repeal no less than five acts of parliament. It was a mistake to suppose that the individuals in question were entitled to their claims by the Scotch act merely. They were entitled to them by acts passed by the English parliament. By an act of the Scotch parliament in 1695, the Bank of Scotland was created with a capital of 100,000*l.* The exact terms of that act it was not in his power to state, for it was impossible, such was the haste of the advocates of the present measure, to procure it. In 1774, however, it being thought proper to increase the capital of the Bank of Scotland, an act was passed by the British parliament —the act of the 14th Geo. III. c. 32.—increasing that capital to 200,000*l.*; and, in the 17th section of that act, it was declared, that the act of the Scotch parliament in 1695 should remain in full force as to every particular, except so far as the same was altered by the act then passed, and that the provisions of the act of 1695 should operate with regard to the new stock, as it had operated with regard to the old;—in other words, that all purchasers of the new stock of the Bank of Scotland, as of the old stock, should become naturalized subjects. In the 32d Geo. III. another act was passed, farther increasing the capital of the Bank of Scotland, and in the 34th Geo. III. another; both declaring, that the act of 1695 should remain in full force in the particulars which he had mentioned. And yet, in the teeth of these repeated acts of parliament, the noble lord had asserted, that the individuals in question had obtained their rights by fraud of an act of parliament. A monstrous assertion! Did the noble lord—a minister of the Crown, high in the confidence of the Prince Regent—mean to assert, that it was not perfectly justifiable in those persons to purchase the stock in question, in order to become naturalized? Why, it was the advantage held out in order to induce aliens to become proprietors of Bank of Scotland stock. When the Bank of Scotland was established, which was a year before the establishment by charter of the Bank of England, it was a boon offered to aliens to tempt them to become proprietors. This boon the individuals in question had accepted, and now the noble lord called that acceptance a fraud on an act of parliament! To take it away would be a fraud on the part of parliament. *(Hear, hear, hear.)* Parliament had offered certain conditions to aliens; and when, relying on the faith of parliament, they accepted them, parliament withdrew its part of the consideration, and put the alien purchaser in the situation of being compelled to sell the stock which he had purchased for a particular purpose, at the reduced price to which it must necessarily be lowered. The noble lord had appealed to precedents and to past times. Did the house recollect what was done in the reign of Queen Anne? In the 7th of Anne, it was enacted, that all Protestants were on landing in this country to become naturalized. (*Hear!* from Lord Castlereagh.) He knew the meaning of the noble lord's cheer. The act of the 7th of Anne was thought inconvenient, and so it was repealed. But how was it repealed? Did the statesmen of that day dare to take away the privileges which had been already conferred? No. The bill was prospective in its enactments. Its operation was not to commence until after the passing of the act. Three months were allowed to foreign

Protestants to come and take the benefit of the law, by rendering themselves entitled to the privileges of natural born subjects. But what was the character of the present measure? A thing so extravagant, so contrary to all law, so completely in violation of all justice was never thought of before the time of the noble lord and his colleagues. And what was worse was, that it emanated from that branch of the legislature which was the supreme court of justice in the country—(*Hear, hear,*)—that it proceeded from men who filled the highest judicial offices—who took an oath to administer justice with impartiality. (*Hear, hear.*) Those persons took, indeed, "a short cut," as the noble lord called it. They did not even venture to introduce the proposition in a bill, where it would be repeatedly discussed, but took care that there should be only one question upon it, by making it an addition to a bill already discussed. Much stress was frequently laid on the forms of parliament. Here all forms had been violated. The house of commons sent to the house of lords a bill continuing an existing law; the house of lords returned it with the repeal of an existing law. (*Hear, hear.*) And this they called an addition to the bill! By this proceeding they told the house of commons, "either the bill to which you have agreed, shall not pass into a law at all, or it shall be accompanied by an amendment which we have added to it, and which is wholly alien to its original object." And this was done on the presumption, that the hurry at the close of a session would prevent the house of commons from having any alterations. A monstrous proceeding! (*Hear, hear.*) There was another view of the case which was most important. He did not profess to be very learned in the law of parliament, but unless he utterly mistook that law, he conceived that the house of commons could not, consistently with its privileges, agree to this amendment. For let them observe what was its effect. To subject a large description of persons to the alien duties. This was one part of its injustice. Another was, the forfeiture of estates. Suppose among the 49 persons who had availed themselves of the Scotch act, there were some who had done so for the purpose of purchasing estates. Was the house aware, that the effect of this clause would be to make those persons forfeit the estates so purchased? If aware, would it be so regardless of every principle of law and justice as to consent to the proposition?—Reverting, however, to the law of parliament, the hon. and learned gentleman observed, that he had been looking into authorities to see how that law stood with respect to the circumstance which he had mentioned; and he found, that the House of Commons had rejected amendments made by the House of Lords, that were much more remotely connected with the privileges of the Commons with respect to money regulations than this clause by which alien duties were imposed. The last precedent in Mr. Hatsell's work, was in 1791, when the House of Commons threw out a bill returned to them by the House of Lords, for regulating the distribution of rewards in cases of felony, because the House of Lords had diminished one of the rewards of 40*l*. The House of Commons rejected this as an interference with their privileges. But how inferior an interference was it to the present, in which the House of Lords proposed to tax individuals? In 1787, the House of Lords made an amendment to a bill sent up to them from the House of Commons respecting Horsham gaol, which amendment was to the effect, that Horsham gaol should be repaired in the same manner as other gaols. On this, the bill was thrown out by the House of Commons, because the amendment imposed on individuals the payment of money. It was one of the most important privileges of the House of Commons, and one which ought to be vigilantly guarded, to originate money bills, and he conceived that the present was a case in which that privilege ought to be strongly asserted. The act respecting the stock of the Bank of Scotland, was only one of many acts in which parliament had held out to aliens the advantage of becoming naturalized. Service by aliens in the fleet and army, residence of aliens in the colonies for various periods, were, by acts of parliament, rewarded by conferring on them the privileges of natural born subjects. The noble lord, in justification of the retrospective character of the clause, had referred to the act by which actions against the clergy for non-residence were suspended. He (Sir S. R.) did not conceive that that act was altogether justifiable, although there were circumstances which lessened the objections to it; but, at any rate, it ought to be remembered, that it was not passed without hearing the individual who was to be affected by it. He was sure that it little occurred to many hon. members, who agreed to that act, that it would be adduced as a precedent in a case like the present. Thus it was, that availing themselves of precedent after precedent, the noble lord and his colleagues proceeded, step by step, to invade and destroy the liberties of the people. (*Hear, hear.*)—"Sir," said the hon. and learned gentleman, "I do not know what course the house is about to take on this subject, although I cannot help suspecting what that course will be—a course utterly unwarrantable to the individuals more immediately concerned, and wholly repugnant to the spirit of all parliamentary proceeding. Deeply involved as our privileges are in this question, yet as this parliament will be, in all probability, dissolved in a very short period, I fear its last act will be an act of signal injustice. Such will be a fit close of the greater part of our proceedings. Apprehending that we are within a few hours of the termination of our political existence, let us recollect for what deeds we have to account. Let us recollect, that we are the parliament which, for the first time in the history of this country, twice suspended the *habeas corpus* act

in a period of profound peace. Let us recollect, that we are the confiding parliament which intrusted his Majesty's ministers with the authority emanating from that suspension, in expectation that when it was no longer wanted, they would call parliament together to surrender it into their hands—which those ministers did not do, although they subsequently acknowledged that the necessity of retaining that power had long ceased to exist. Let us recollect, that we are the same parliament which consented to indemnify his Majesty's ministers for those abuses and violations of the law of which they had been guilty, in the exercise of the authority vested in them. Let us recollect, that we are the same parliament which refused to inquire into the grievances stated in the numerous petitions under which our table groaned—that we turned a deaf ear to the complaints of the oppressed—that we even amused ourselves with their sufferings. (*Hear, hear, hear.*) Let us recollect, that we are the same parliament which sanctioned the employment of spies and informers by the British government,—debasing that government, once so celebrated for good faith and honour, into a condition lower in character than that of the ancient French police. Let us recollect, that we are the same parliament which sanctioned the issuing of a circular letter to the magistrates of the country, by a secretary of state, urging them to hold persons to bail for libel, before indictment found. Let us recollect, that we are the same parliament which sanctioned the sending out of the opinions of the king's attorney-general and the king's solicitor-general, as the law of the land. Let us recollect, that we are the same parliament which sanctioned the shutting of the ports of this once hospitable nation to unfortunate foreigners flying from persecution in their own country. This, Sir, is what we have done; and we are about to crown the whole by the present most violent and unjustifiable act. Who our successors may be, I know not; but God grant that this country may never see another parliament as regardless of the liberties and rights of the people, and of the principles of general justice, as this parliament has been. (*Loud and continued cheering.*)

The *Attorney-General* said, he denied the position of the hon. and learned gentleman, that because the capital of the Bank of Scotland had at various times been increased by acts of the British parliament, aliens derived the rights in question from the English acts, and not from the Scotch act. With respect to the law itself, the Scotch act of 1695 was contrary to the general principle of all naturalization bills adopted in this country; for it was without any restriction with reference either to religion, or to country, or to any other circumstance. The naturalization acts for aliens serving for certain periods in our fleets and armies, residing in our infant colonies, &c. required, first, that those aliens should be Protestants; secondly, that they should undergo certain ceremonies. That respecting aliens in the colonies, required a previous residence of seven years, and the taking of the oath of allegiance. Not so the Scotch act. Any foreigner, of whatever religion, from whatever quarter of the world he might come, might, by the purchase of a certain quantity of Bank of Scotland stock, become naturalized. In the seven years' war an act of parliament passed to naturalize aliens who had served three years on board his Majesty's ships, but a special proclamation from the king was necessary for that purpose. Even the statute of Queen Anne required certain qualifications. Let the house look at the preamble of the statute by which that act was repealed, and they would see the acknowledgment of the mistake into which the legislature found they had been betrayed by their liberality. By the 7th of Anne, c. 5. it was enacted, that all foreigners taking certain oaths should be deemed natural born subjects, they consenting to receive the sacrament of the Protestant church. In so short a period as three years after, another act was passed, repealing the act of the 7th of Anne, the preamble of which recited the mischiefs and inconveniences of the latter. It was true that this repealing act was not retrospective, nor was it to operate immediately on the passing of the bill. But why? Because the 7th of Anne was an invitation to certain persons to come to this country, who, in consequence, had immediately come, and taken advantage of the act. (*Hear, hear.*) Did the gentlemen opposite mean to say, that any thing like this was the case in the present instance? The Scotch act was absolutely found out for the purpose of making that use of it which had been made. From the period of passing the first alien bill in 1793, down to the present time, he would ask those gentlemen, whether they ever heard of this Scotch act? Nobody would state that it was ever thought of till now—it was almost obsolete. There was nothing, therefore, in the present case similar to that cited by the hon. and learned gentleman, in the reign of Queen Anne. Why should the petition be referred to a committee? The facts which were stated were not controverted. What would the committee have to inquire into? As to the merit of the clause, that was a different question, on which he had formed his opinion, but with which he would forbear troubling the house at that time, reserving himself for the occasion when that point should be distinctly brought before them.

Mr. *W. Smith* apprehended, that the principal argument against the injustice of the clause rested on its *ex post facto* nature. There was no doubt that the petitioners had acquired the privileges held out to them by the act. That privilege empowered them to import goods into this country at a lower rate than in their prior character of aliens. To deprive them of this right appeared on the face of it to be a gross violation of justice, and an equally gross ces-

sion of the privileges of that house in money matters. Such an act could be justified only by necessity. If it could be proved that the 49 persons in question were the greatest traitors in the world, and that the rights they had gained were calculated to produce inconvenience so serious, that it would be better to violate the privileges of that house, and the dictates of common justice, than to allow them to retain those rights, let it be so; but the committee was the only place in which the inquiry could be carried on.

The *Chancellor of the Exchequer* said, he did not perceive that the introduction of the clause by the House of Lords was any infringement of the privileges of the House of Commons, with reference to money matters. He wished the hon. and learned gentleman would point out what were the alien duties which, in his opinion, gave to the clause that character.

Sir *S. Romilly* said, that the right hon. gentleman had imposed on him a very singular task, and one which he had not the means of performing. The right hon. gentleman himself, from the situation which he filled, should be able to furnish an answer to his own question. Would the right hon. gentleman say, that there were no alien duties in existence? Could any doubt be entertained, that if any of these aliens had purchased land, they would be considered as holding it merely for the crown? (*Hear, hear.*)

The *Chancellor of the Exchequer* said, he would not take upon himself to assert, that there were no alien duties. (*Loud cries of hear.*) What he had said was, that he was not aware of the existence of any. (*Hear, hear.*)

Mr. *F. Douglas* wished to make one observation. It appeared, between his hon. and learned friend and the right hon. gentleman, to be perfectly uncertain whether there were alien duties or not. In this uncertainty, how could the house conclude against the motion for inquiry?

Sir *A. Piggott* said, that this point deserved the most serious attention. Would the right hon. gentleman undertake to affirm that such things as alien duties did not exist? He thought there were some hon. gentlemen near him (Sir A. P.) who were perfectly ready to state that they did. Would his hon. and learned friend opposite (the Attorney-General) deny that there were alien duties in the city of London?* Would he deny, that if an alien purchased land he could not hold it†? When they were acting retrospectively, it became them well to pause, and consider what they were about to enact. When they were changing the situation of any man, and subjecting his property to forfeiture, they ought to know upon what grounds they were proceeding, and what would be the consequence of their measures. Were they then sitting in a House of Commons, which, in former times, had been tenacious of their privileges, even to a degree of pedantry? In addition to the instances quoted by his hon. and learned friend, he would mention a case which occurred in 1807, when an act passed by the House of Lords, merely to relieve an Irish catholic officer from the penalties of the Test Act, which attached to him in this country, although they did not attach to him in Ireland, was rejected by the House of Commons, as an encroachment on their privileges. Were there no other objections than these, it would appear to him astonishing that the house could entertain the clause sent down to them. But what was the bill? He had never before seen a bill purporting to repeal an act of parliament, in which the act it was intended to repeal had not been stated. The alien bill had existed for twenty-five years, during which time no inconvenience had resulted from the point in question. The House of Lords had now thought proper to make this alteration; but, in their impatience of legislation, they were so intolerant of that of which they were ignorant, that they did not know whether it was one act or two acts which they wished to repeal. (*Hear.*) Now let the house see what this clause was. "And be it further enacted, that such persons as may have been naturalized, or who may have claimed to be naturalized, (two very different positions by the way,) since the 28th of April last, &c." Now why the 28th of April? Righteous and proper as this clause might be, but unrighteous and gross as it appeared to him, why not fix on the 27th of April, or the 25th, or any other day? Why the 28th? The House of Lords had not communicated any thing to that house as a reason for adopting this period; there was no act recited, nor the effect of any act recited. What right had he, sitting there in utter ignorance of any ground for the proceeding, to deprive any persons of property, to which they had as good a claim as he had to his own? (*Hear, hear.*) The learned Attorney-General had stated a great many instances of alien acts, but, in all those cases, the legislature had proceeded upon competent grounds. They knew what they were doing. Where would be the

* Aliens used to pay a larger proportion of customs than natural subjects, which was what was generally understood by the alien's duty; to be exempted from which was one principal cause for the frequent applications to parliament for acts of naturalization. But the 24 Geo. III. sess. 2. c. 16. repealed this alien duty, saving to the city of London the duties of *scavage* and packing, which had been granted to them by charter. (Scavage, scevage, or shewage, from the Saxon schenwian, *i. e. ostendere*, is a duty for wares shewn or exposed to sale.)

† An alien born may purchase lands, or other estates: but not for his own use; for the king is thereupon entitled to them. (Co. Litt. 2.) But an alien may acquire a property in goods, money, and other personal estate, or may hire a house for his habitation. (7 Rep. 17.) He may also bring an action concerning personal property, and may make a will, and dispose of his personal estate. (Lutw. 34.)

mighty inconvenience of suffering this matter to stand over for farther discussion? There was no conspiracy in existence, no ground whatever of danger or apprehension; and why was the legislature to be called upon to deprive these persons of their rights? When those five acts of the English parliament had given to those subscribers the same privileges as natural-born subjects, the parliament had done the same thing as if they had enumerated all those privileges in the act. This did not stand on the Scotch act alone; it stood on the act of Union also, by which all these privileges were confirmed to those who subscribed to the Bank of Scotland. They stood secured by all those acts of parliament; and would the house consent to pass this extraordinary clause merely on account of the present period of parliament? If it were only for that clause, he should object most decidedly to this bill, but he objected to it altogether. The house would however remember, that they had the power in their own hands of rejecting this clause: it was, as it seemed to him, an interference with the privileges of that house in money matters, and therefore he must protest against it, and propose to the house to reject this amendment. *(Hear.)*

Mr. *Canning* said, he did not intend to follow the hon. and learned gentleman through the whole of his speech. It appeared to him that, in the latter part of it, he had stated a proposition, which, if true, would entirely settle the question at issue. If the clause which the other house of parliament had introduced into the bill would expose those persons to higher penalties than were intended, then it would affect the privileges of this house. He had recently taken a part in a debate in which he had endeavoured to justify the proceedings of the other house, but he would never lose sight of the privileges of the house of which he had the honour to be a member. He should, therefore, now appeal to the chair: and if the Speaker should declare, that there were privileges of that house with which the other house ought not to interfere, but which had been interfered with on the present occasion, he should concur in opinion that this house ought not to agree to the clause. He wished, therefore, before the debate proceeded any farther, to hear the opinion of the Chair.

Mr. *Speaker* said, "I take the unquestionable rule of this House to have been, not only not to permit any interference of the other House either in imposing duties or taxes, or in enacting penalties or forfeitures, but also not to permit it to meddle in any other way than in correcting verbal or literal mistakes, with the bills on these subjects, sent up to it by this House*. As far as I can collect, there are certain duties attached to aliens in this country, as traders, and a forfeiture, in case aliens should acquire any real property here. On becoming subjects of this country, they are entitled to exemption from those duties, and a remission of the penalty in the way of forfeiture. It appears, then, that the amendments of the other House may, in this way, be considered as interfering with what is the peculiar privilege of this House. But there is one point which excites a doubt in my mind, and that is, that bills of naturalization originate in the House of Lords; and, so far, they may be considered as giving a relief from penalties, and a remission of forfeiture. At the same time, I do not state this as sufficient to counterbalance the arguments on the other side. I have to say, that, but for this difficulty respecting bills of naturalization, the amendment of this bill falls within the general rule, and is, therefore, liable to objection."

Mr. *Wynn* observed, that an act of naturalization enabled a person to acquire real property in this country; but, by the amendment introduced by the Lords, persons who had acquired such property would be deprived of it. It appeared to him, that the clause was of such a nature as fell within the description of cases in which the house would not suffer any interference by the Lords.

Lord *Castlereagh* said, that, on considering the opinion which had been pronounced by the Chair, and the information given by the hon. and learned member who spoke last, he felt there was but one course for him to pursue, namely, not to press the amendment introduced by the Lords into the bill. (*Hear, hear.*)

Mr. *Brougham* said, that nothing could be more gratifying to the house, than to hear the noble lord state his sentiments so candidly on this subject.

Sir *J. Macintosh* suggested to his right hon. friend to withdraw his motion.

Mr. *Tierney* then withdrew the motion, and

Lord *Castlereagh* moved, that the Lords' amendments to the Alien bill be taken into consideration.

Sir *S. Romilly* said, that the Lords had introduced a clause into the bill, which, it appeared to him, the House would feel themselves bound to reject. He believed that, in all cases where the House of Lords had introduced a clause into a money bill, it had been the practice of that house to throw out the bill. He had paid some attention to this point in the course of the morning, and had found several cases to this effect. He quoted three precedents. The first, of a clause added to a corn bill, on the 3d of June, 1772; the second, extending the penalties provided in a game bill, on the same day; and the third, directing that a gaol should be kept in repair by the same means by which other county gaols were repaired, on the 4th of May 1787. These provisions were so directly against the rule, "That the Lords should not impose any rates or taxes upon the people," that upon the

* And even these the House of Commons direct to be entered specially in their journals, that the nature of the amendments may appear; and that no argument, prejudicial to their privileges, may be hereafter drawn from their having agreed to such amendments.

Speaker's stating them to the house, it was unanimously agreed to lay the bills aside. (*Hear, hear.*)

Mr. *Bathurst* said, he saw no occasion to throw out the bill altogether; it would be enough to get rid of the amendment which involved penalties and forfeitures.

Mr. *Brougham* said, that as there seemed to be some difficulty in this matter, as regarded the privileges of the house, and the property of individuals, he could not help suggesting that they should not proceed too hastily. There could be no inconvenience in deferring the subject till to-morrow, and, in the mean time, a committee might be appointed to search for precedents.

Lord *Castlereagh* thought that the amendment furnished no reason for destroying the whole bill. The objectionable part might be removed on a conference with the Lords.

Sir *J. Macintosh* said, that if there were a long series of precedents, sufficient to establish the opinion of his hon. and learned friend, and if no precedents of an opposite nature could be found on the journals, he should bow to that as the law and usage of the house. Without having any express knowledge on the subject, it appeared to him, that if the Lords were not allowed to introduce any amendment into a money bill, *à fortiori* they could not introduce a money clause into a bill which had not imposed any forfeitures. If they could not do it in the former case, they could not do it in the latter, which appeared to him to be a much more dangerous encroachment on the privileges of the Commons.

Mr. *Speaker* said, that some distinction must be made between money bills, and bills that had money clauses. Any alteration whatsoever in money bills, except the correction of verbal or literal mistakes, was fatal. In bills where the Lords had introduced money clauses, some objections might be made to those clauses, but not to the other parts of the bill. The house had always entertained a jealousy with respect to the introduction of any clauses relating to money; and, in cases of the last description, it had been the practice to reject that clause, but not to reject the bill on that account. In 1813, a case had occurred which he conceived to be in point. A militia bill was sent up to the other house; the Lords inserted an entire clause, which was considered as a money clause; the Commons disagreed to it, a conference was held with the Lords, and the Commons stated that the clause was unnecessary; they declined giving any other reason, thinking that reason was sufficient. It appeared to him that this was the usual course. (*Hear, hear.*)

The Lords' amendments were then disagreed to *nem. con.* and, on the motion of Lord *Castlereagh*, a committee was appointed to draw up Reasons.

Shortly afterwards, Mr. *Calcraft* brought up the report of the committee, and Mr. *Bathurst* was appointed to go to the Lords to desire the conference.

POOR LAWS AMENDMENT BILL.] Lord *Castlereagh* rose and said, he regretted that this bill could not be enacted this session, as several amendments had been made by the Lords which would require much consideration. But if he should have the honour of being a member of parliament next year, he would take the earliest opportunity to bring the subject again before the house.

Mr. *Wynn* expressed much regret that the bill should not be passed this session, and wished that it could be carried with more than the usual rapidity.

Lord *Castlereagh* said, he could only pledge himself that it should be resumed very early next session.

Mr. *Huskisson* felt deep regret that the bill had not passed. The amendments, however, might produce considerable discussion, and no instance could be found of a bill of so much importance having been carried through the house with rapidity, otherwise he should have conducted it in the absence of his right hon. friend, great as would be the disadvantage with which he could do so. If the bill had passed into a law, it would have been of great benefit to the country. He regretted that many of its provisions, such as those respecting select vestries, the appointment of overseers, and owners being made liable in some cases, instead of the occupiers of houses, must be postponed even for a few months. Yet, great good would result from the labours of the committee. It was not a radical but a gradual remedy which could be applied to the evils of the poor laws. No fund could be provided which would not create more paupers than it could relieve. The only proper mode of proceeding was, by adopting regulations to check the growth of the system.

COPYRIGHT ACTS.] Mr. *Wynn* brought up the Report of the committee on the Copyright acts, and moved that it be printed.

Mr. *Smyth* rose to say, that the resolutions of the committee had been carried by very small majorities, and that he had entirely dissented from those majorities. The first resolution had been carried by a majority only of one, the last by the casting vote of the chairman.

Sir *J. Macintosh* said, that he had been one of the majority in both instances. His hon. friend behind him had stated, very correctly, that the majorities had been very small. For his hon. friend he entertained the highest respect. On no occasion could any person surpass him in zeal for the claims, real and imaginary, of his constituents. The numbers were, on the first resolution, 6 to 5. Of the 5 who formed the minority, 4 were the representatives of Oxford and Cambridge. For all of them he felt the highest respect, and they filled in that house nearly as respectable a station as it was possible for a representative to hold. But their dissent from those resolutions could not have much

authority, considering the interests of their constituents in the question—interests which, for many reasons, and one of considerable force at this time, which he would not mention, more particularly on this occasion, they would pay great attention to. The authority of the 4 members would have great weight where their judgment could be impartially exercised, but, in the present case, it could not be so. The resolutions were, in a technical and parliamentary sense, the resolutions of the committee. Their weight and authority must depend on the reasons which supported them. Neither their justice nor their merits could be decided by the numbers who had dissented from them. Their fate would be determined in the House of Commons upon their own merits.

Lord *Palmerston* and Mr. *Peel* hastily rose at once to reply, which occasioned a laugh. The latter gentleman gave way, and the former said, he treated the insinuation that he had not acted with candour and fairness with the contempt which every charge upon the candour and impartiality of members deserved The resolutions had certainly been carried by very small majorities.

Mr. *Peel* said, he must express his sentiments, notwithstanding the laugh occasioned by his having risen at the same time with the noble lord. He was sorry that the representatives of large and respectable places should be laughed at for defending what they conceived to be the interests of their constituents. He regretted that there was not time this session for some legislative measure on the subject. Great misconception existed. It had been clearly proved, that the Universities had acted with the utmost liberality, and that those very authors who had complained of the act as a grievance, had derived the greatest benefit from it.

Mr. *Wynn* said, he had not expected any discussion on this subject, and he hoped it would not be persisted in. A very large majority of the committee had been decidedly in favour of the resolutions, but many members had been unavoidably absent. The resolution for restricting the right to five particular bodies had been carried with only one dissenting voice.

Sir *J. Macintosh* in explanation, said, that his observations had been greatly mistaken, if he had been understood to impute improper motives to any one. As to the remark made by a noble lord, that he treated his insinuations with the contempt they deserved, he begged leave to say, that he did not consider any member who applied such language on such an occasion, as qualified to give him lessons as to his conduct in the house, or in a committee. He had only imputed a partiality which he considered creditable, and which the right hon. gentleman (Mr. Peel) had contended for as his right to exercise. He went farther, and said, that he considered partialities, counteracted by opposite partialities, as the cause of that happy collision of opinions which made that house the most excellent representative assembly that had ever conducted the affairs of a nation.

Lord *Palmerston* expressed his regret that he had misconceived the hon. and learned gentleman's meaning.

The report was ordered to be printed.

EAST INDIA DOCK COMPANY.] Mr. *Benjamin Shaw* brought up the report of this committee. It was ordered to be printed.

AMERICAN LOYALISTS.] Mr. *W. Smith* said, he was desirous of putting a question to the right hon. gentleman opposite, with respect to the old and long contested claims of the American loyalists. He was aware of the financial difficulties of the right hon. gentleman, and he had not, therefore, made any motion on the subject. The claimants were so worn out by suspense, that it were better for them to be deprived altogether not only of their claims but of existence. Four or five suicides had been occasioned by brokenness of heart. He had differed from them in their political opinions, yet, he considered that they had a claim on the faith of the country. He wished to be informed whether any thing would be done for them in the next session.

The *Chancellor of the Exchequer* said, he felt the force of the observations of the hon. gentleman, but he could not hold out any hopes as to the claims in question.

HOUSE OF LORDS.

Saturday, June 6.

ALIEN BILL.] A message from the House of Commons intimated the wish of that House to hold a conference with their lordships on the subject of the alien bill. Their lordships having expressed their intention to send an answer by messengers of their own, the deputation from the House of Commons retired.

The Marquis of *Lansdowne*, the Duke of *Montrose*, Earl *Grey*, the Earl of *Liverpool*, Lord *Redesdale*, Lord *Manners*, and Lord *Leinster*, were then appointed to attend the conference; and a message was sent by the usher of the black rod to the House of Commons, announcing their lordships' intention to attend the conference in the painted chamber.

After the conference was concluded, the noble lords returned to the House, and the Marquis of *Lansdowne* reported, that the managers of the Lords had attended the managers of the Commons, and that Lord *Binning*, on the part of the managers of the Commons, had delivered to them the alien bill, and had stated at the same time, that the Commons disagreed to an amendment made by their lordships to that bill. The Commons declined giving any reason for that disagreement, except that they considered the amendment of their Lordships to be inexpedient. Upon this report being read,

The Earl of *Liverpool* moved, that "this House do not insist upon its amendment."

The *Lord-Chancellor* having put the question, Earl *Grey* rose, and expressed his surprise at the manner in which the report which had just been read had been received. The bill in question had been sent down from that House to the House of Commons, with a clause which had been introduced, with an express allegation that it was indispensable to give effect to the bill, and their lordships were called upon, so important was the clause considered, to dispense with their usual forms, in order that it might be passed with the greater celerity. Notwithstanding this proceeding, however, now that the commons had thought proper to reject the clause, they were called upon, without any explanation, to subscribe to a resolution which militated entirely against their former opinions. For his own part, he thought that the bill was much improved by the omission of this clause; for he could not help coming to the conclusion, that it was not only impolitic, but unjust. He thought, in fact, that every thing which went to render the bill inefficient would be productive of public advantage. *(Hear.)* But when he recollected that a majority of that house had agreed to the bill in its amended form, he considered that the preservation of their dignity, as a branch of the legislature, demanded some other course than that which had been taken. The House of Commons had not condescended to give any reason for the rejection of their amendment*, and yet, they were called upon, without explanation, to abandon it altogether—to abandon that, without which it had been strongly urged that the bill would be totally ineffective. The noble earl then proceeded to comment upon the impropriety of coming to this determination in the absence of those who had supported the amendment, and who, to maintain their own consistency, ought, at least, to have an opportunity of explaining the grounds upon which they might be inclined to accede to this new proposition. With these feelings, and with a view that the house should take the subject deliberately into their consideration, he begged to move, as an amendment to the motion of the noble lord, "That the farther consideration of this report be deferred to Monday next, and that the lords be summoned."

The question having been put upon this amendment,

The Earl of *Liverpool* said, that he was not prepared to retract one word of the opinion he had given upon the importance of this clause. Both in point of policy and justice, he considered it necessary to the protection of the natural rights of British subjects. For if it were possible by a trick, such as this clause was meant to guard against, to enable a foreigner to obtain all the rights of a natural-born subject, there would be an end of all their labours for a century past for the maintenance of those rights. There might be different opinions respecting the policy to be adopted in the admission of foreigners to the rights of natural-born subjects. Some might be for excluding them altogether; others for admitting them under regulations more or less rigid; a third opinion might be, that they should be admitted without any limitation. He was not then going to discuss which of those opinions was the most proper for a country to adopt; for, whatever course might be thought preferable with respect to aliens, all would agree that the legislation respecting them ought to be consistent, and that one law ought not to be allowed to counteract all the legislative regulations adopted on the subject of naturalization, so long as it was thought fit that those regulations should be continued. Indeed, when the clause was discussed by their lordships, no one objected to it as a prospective measure; it was only its retrospective operation that had caused a difference of opinion. He could scarcely believe any individual existed who would say, that a law should be suffered to remain in force, by which any foreigner, however hostile and rancorously disposed towards this country, might, at the expense of 80*l*., obtain all the rights of a natural born subject, without taking the oath of allegiance, or submitting to any of the regulations which the legislature thought proper to adopt in passing bills of naturalization. This extraordinary act was not known until April last. He would ask their lordships, whether any of them supposed the existence of a measure by which a foreigner who had purchased stock to the extent of 80*l*. one day, might sell it the next to another, and naturalize him also, and thus make the rapid process of naturalization go on without limitation? He was too well convinced of the loyalty and patriotism of the other house of parliament to suppose that they would not apply a remedy to such a state of things. The reason assigned at the conference, that the commons considered the amendment in the bill inexpedient, warranted the supposition which he had made. This expression of their sentiments supported the opinion, that they would have no objection to accomplish the same object in another way. He had no doubt that the objection of the commons did not apply to the clause substantially, but to its introduction into this particular bill. He therefore thought, that a distinct measure, having the same object, would be approved both by their lordships and by the other house. On that ground he had recommended to their lordships not to insist upon their amendments.

Lord *Holland* said, that were it not for the state of humiliation in which the house was

* When the Commons object to any amendment, as affecting their privileges, they usually inform the Lords, that they consider the amendment inexpedient, and "that they decline offering farther reasons." If, however, the Lords do not take this hint, but insist upon their amendment, then the Commons are obliged to explain their meaning more clearly. (3 Hats. 132.)

placed, he should have been disposed to consider the whole proceedings relative to the clause in question rather as a subject for mirth and pleasantry, than for serious consideration. The whole tendency of the noble earl's argument was to prove that their lordships would have acted most preposterously, had they not adopted this clause, and that the Commons had done wrong in refusing to agree to it; and yet he concluded with proposing, that it should now be rejected. The word "inexpedient," it appeared, had damped his courage, and he affected to believe that the Commons, who, he inferred had acted very absurdly, would, notwithstanding, adopt what their lordships were desired to reject. After boasting that he himself had retracted no opinion, he had the singular modesty to ask their lordships to retract theirs. He said, "You must now alter the opinions you have solemnly given on the subject, because the Commons, who have just given a proof of their disapprobation of your opinions, will be sure to take them up as soon as you yourselves reject them." This was a strange sort of reasoning, and full of deep humiliation; but it was in the criminality more than in the inconsistency of the proceeding, that the humiliation was to be found. A gross violation of the rights of property was contained in the clause which the Commons had rejected. The noble earl had more than once spoken of the trick and device by which, he asserted, certain aliens had attempted, since April last, under the Scotch act of parliament, to procure their naturalization; but they had only availed themselves of an existing law; whereas the noble earl, in contradiction to all the principles of law and justice, proposed to deprive them of their property and rights. But let not their lordships "lay the flattering unction to their soul," that this was merely an act of the Scotch parliament. It was no such thing, though, as an act of the Scotch parliament recognized by the Union, it was the law of the United Kingdom. It originated with the Scotch parliament, but it was re-enacted by the British parliament, in the year 1774. The noble earl had called upon any person to say, whether he knew of the existence of this act before the month of April last? Why should the noble earl ask that question, or why suppose that the act was unknown? Was it because the noble earl himself was ignorant of it, that it should be unknown to every other person? *(Hear.)* But if it were true that nobody knew any thing of the act, that would be a reason, not for adopting the noble earl's motion, but for entering into an inquiry on that point, previously to a full consideration of the whole subject. He knew not by what fatality it happened, but, fortunately, violence and injustice generally defeated their own purpose, and, in this case, ministers had most completely defeated themselves. He wished not to be understood as accusing their lordships of either violence or injustice, but the whole transaction was of such a nature, that it unavoidably excited in his mind the consolatory feeling which he had expressed. It was said, that the clause could not be looked upon as tending to an infraction of the rights of property; that the law being long unknown and dormant, the repeal of it could produce no injury to individuals. This, however, was all gratuitous assumption. It had never been proved that the law was unknown; but, admitting this assertion to be true, that was not a sufficient reason for the clause which their lordships had been induced to adopt. Ignorance of the law did not protect unfortunate men for breaking it, and he did not understand why legislators, who did not know the law which it was their duty to know, should make their ignorance an excuse for depriving other men of their rights. *(Hear, hear.)* The aliens who had purchased shares in the Bank of Scotland, held that property by the same title that their lordships held their estates, namely, the sanction of law. The measure which the noble earl had supported rendered foreigners mere trustees at the will of the crown, and liable to forfeit any land which they might have purchased. When the noble earl was formerly urging their lordships to adopt the clause, he declared he was quite impatient under the existence of a law, the effect of which was, if acted upon, to give the rights of free-born subjects to any foreigners, without being compelled to take an oath of allegiance, or without an obligation to perform any of the duties of a subject. He was before anxious for its repeal, not only prospectively, but retrospectively; and nothing would satisfy him short of the disfranchisement of all the individuals who had obtained legal rights under the Scotch act, since the 28th of April. Now, however, he was more moderate, he was content to mix a little water with his wine. (*A laugh.*) The retrospective part of the clause, which he now spoke of as a little matter by the bye, was to be omitted. In fact, the only consistent part of the noble earl's conduct was, his precipitation and impatience. He had been all impatience to get the clause passed, and he was now in an equal hurry to get it rejected. If, however, their lordships must stand in a white sheet on this occasion (*a laugh*), he thought it becoming that they should go through the work of repentance with due deliberation and solemnity. He would therefore support his noble friend's motion, for the farther consideration of the subject on Monday.

The Marquis of *Lansdowne* said, that, upon a former occasion, he admitted that the facility allowed to foreigners by this act of the Scotch parliament should not be allowed to exist. He was still of the same opinion; but he never thought that, in justice, the repeal of it should be prospective, not retrospective. It would be a great injustice, a complete spoliation of rights, to deprive foreigners of those advantages which they enjoyed under an act recognized by the British parliament, and under which they had

acquired property. Foreigners became possessed of rights under this act, in the same way as all other rights were obtained—by law. It was attempted to justify the repeal of this act, upon the ground that it had fallen into disuse, and was quite unknown. Such was not the case. The existence of the law was well known, and though persons not immediately interested in it might not have been aware of its existence, it was familiar to many, as well to those who had acquired property under it as to others. The best mode, in his opinion, would be, to adjourn the consideration of this question to a farther period. By that means, they would give time for the introduction of a new bill, which might be carried regularly through all its stages in both houses. What had occurred on this occasion was an addition to the many proofs that the privileges of the two houses of parliament tended greatly to public utility, though their exercise might occasionally be attended with some inconvenience.

The Earl of *Harrowby*, (who had entered the house while Lord Holland was speaking) supported the motion of his noble friend (the Earl of Liverpool.) He saw no injustice in the measure which had been adopted by the house. A law allowing such facilities to foreigners as the Scotch act of parliament did, should not be allowed to exist. It was nothing more than a private act, passed more than 120 years ago for a local object. It was now brought under the notice of their lordships for a particular purpose, after having for a long time remained forgotten, and almost completely unknown. He did not blame those who had discovered the acts upon which the objection to the amendment of their lordships was founded: but the conduct of the noble lord opposite was most singular; for, after resisting the clause proposed, he now objected to their lordships rescinding it. The noble lord had commented on the word "inexpedient," in the answer of the Commons, to which his noble friend had alluded; but, in fact, that was the common expression employed on such occasions; it was therefore very extraordinary that the noble lord should think fit to found any argument on that word. With regard to what had been said on the subject of the act of 1794, he was persuaded that when that act passed, the tendency of the act of the Scotch parliament must have escaped observation.

Lord *Holland* said, he perceived that the noble lord who spoke last wished to charge him with inconsistency, while his only object was to rescue the proceedings of the house from that charge. The noble lord ought also to be informed, that he had founded no argument on the word " inexpedient." The noble lord said that was the common expression used on such occasions; if it were so, it was the more extraordinary that the noble lord at the head of the treasury should have quoted that expression, in order to induce their lordships to believe that the Commons had no objection to another measure, distinct from the alien bill. If the noble lord thought fit to speak on entering the house in the middle of a debate, he should take care what arguments he used, for he could not tell how they were to hit. In the present case they went all against the noble lord on the bench beside him. For his part, he could not suppose that the British parliament had so far neglected its duty as to pass the act of 1771, without taking into consideration the Scotch act, which was thereby confirmed. The object of ministers in the retrospective clause was nothing more nor less than to pass an act of pains and penalties without any criminality, or even the allegation of any criminality, against the individuals who were to be affected by that unjust measure.

The Earl of *Lauderdale* said, that he should not have troubled their lordships with any observations, were it not for some ideas that were thrown out, which he could not allow to pass in silence. The noble earl (Liverpool) had defied any person to say, that he knew this to be the law of the land in April last. He could assure that noble earl, that he was well aware of the existence of such a law. A noble lord, a friend of his, knew that he had stated to him many months back that such was the law. There was not a single director of the Bank of Scotland, or an eminent lawyer connected with that Bank, who was not aware of it. It was not a mere dormant act, or one merely emanating from the parliament of Scotland. It was recognized and confirmed by various acts of the British parliament. It was so recognized in the 14th, the 28th, and 34th of the king. It was said to be a private act: it was no such thing. It had been long acted upon. Many foreigners had purchased property upon the faith of it, and it would be most unjust to deprive them retrospectively of its benefits. It was as public as any act upon the statute-book, but, like many others in which persons were not immediately interested, it had not been adverted to. The noble earl should not conclude, from his own ignorance of it, that others were in the same predicament. For his own part, he was well aware that a law of the kind existed, but he did not consider himself called upon to communicate the circumstance, and he was not sorry that he had given an opportunity for proposing the amendment, which was rejected by the other house.

The House then divided upon Earl Grey's amendment:

Contents 21—Not-Contents 32.

The original motion was then carried.

HOUSE OF COMMONS.

Saturday, June 6.

ALIEN BILL.] A message from the House of lords requested the attendance of the House to a conference in the Painted Chamber, upon the subject of the disagreement of the house to the lords' amendments of the alien bill.

A committee of managers was appointed, and, on their return from the conference, Lord *Binning*, on the part of the managers, stated, that the managers on the part of the Lords had been informed, that the Commons considered the amendment by their lordships to be inexpedient, and that they declined offering any farther reasons.

Mr. *Canning* rose to call the attention of the house to the circumstance of a misrepresentation, which he might say was unprecedented since he had had the honour of a seat in parliament, and probably so in the recollection of most members who heard him. This misrepresentation occurred in a statement purporting to be an account of what took place in the house last night, in that part of the debate on the consideration of the lords' amendments to the alien bill, where, after an hon. and learned gentleman (Sir A. Piggott) had objected to those amendments, as affecting the privileges of the house, he (Mr. Canning) appealed to the Chair for an opinion on the question. In a newspaper of this morning there was not only a report of what then occurred, but a comment of a nature which, as it affected a particular member, or the privileges of the house in general, was most offensive, far exceeded the usual latitude allowed in such cases, and could never be tolerated. It would be in the recollection of the house, that when this point of form arose, he, after making a few observations, put a question to the Chair, saying, he was willing to rest the issue on its decision; and it was in the description of the tone and manner in which he was said to have delivered his sentiments on that occasion, and made this appeal, that he thought the house implicated, and he, individually, had reason to complain. In the report itself there was no unfairness or misrepresentation. It stated the substance of what he said, and gave the view that he took, as correctly as such reports are generally given; but nothing could be more unfair than the comment which followed, and which described him as treating the objection of the hon. and learned gentleman as absurd, and confidently and triumphantly appealing to the Chair for a confirmation of his opinion, and, in expectation of a different answer from that which he received. The words to which he alluded, and of which he complained, were these:—" It will be recollected that a clause was introduced into it by the Lords, invalidating the effect of a law derived originally from Scotland, whereby it was first enacted, that the purchasers of stock in the Bank of that country should be deemed naturalized; and afterwards, by the act of Union, the naturalized subjects of one country were in future to be admitted to equal rights in the other. This law, we say, was, by an express clause in the Alien bill, to be set aside: but it was last night discovered and argued in the Commons, that such a clause, having relation to money-concerns—to the money-concerns of the subject—could only originate in that house. A debate ensued, in which Mr. Canning treated the idea, then first started, as absurd; triumphantly and confidently declaring, that he should be content to put the question to the Speaker, and to be decided by him (being, as he is, the constitutional watchman of the Commons' rights), whether the present was a money transaction at all, within the purview of that law which makes it necessary to originate all such in the Commons. There is such a thing as 'reckoning without your host;' and here it appears that Mr. Canning did so reckon; for the Speaker, thus appealed to, declared his opinion that the clause in question was of such a nature as to render its origination in the Lords irregular and illegal." Now, Sir, (said the right hon. gentleman,) what passed on the occasion alluded to, passed in a house as full as at present, and I can confidently and triumphantly put it to your recollection, and to that of the members who then attended, whether the manner in which I stated my sentiments, the expressions which I used, and the tone in which I made the appeal, were not the very reverse of those here described; and whether any man who heard me could, without doing it falsely, perversely, and malignantly, convey to the public the representation which I have read. I can not only rest the matter on the impression of the house, but I can appeal to you whether, from previous communication on the point at issue, I had not good reason, at the time when I put the question, for believing what was your opinion; and whether, so far from entertaining a confident hope of eliciting from the Chair an answer contrary to what was given, I had not a perfect anticipation of what that answer would be. It is not my intention to found any farther proceeding on this subject. I think it enough to have pointed out the misrepresentation, in order to induce greater caution in future. I am of opinion, that great good must and does result from the publication of the proceedings of this house; but it is not too much to require in those who communicate them to the public, a respect for truth, and an attention to correctness; and it is not to be tolerated, that they should impute motives or represent conduct without the least shadow of fact for their statements.

Mr. *Speaker* said, that though he could not, without great delicacy, touch on any thing in which he was personally concerned, he owed it to the house and to the right hon. gentleman on this appeal, to confirm every thing which he had stated. When a question arose about the forms of the house, on which, from his situation, he might be supposed to deliver his opinion, he thought it due from him to communicate his impressions either to the house, or to any individual member of either side who might make the appeal to him. He had accordingly, on being asked by the right hon. gentleman his opinion, mentioned it to him previously to its being stated to the house; and he

would have done so to any other member; convinced that, by concealing his impressions on matters of form from any member, he should be doing what was neither consistent with courtesy, or right. (*Hear, hear.*)

A member asked the name of the newspaper alluded to.

Mr. *Canning* said, "The Times."

Mr. *Brougham* concurred in the statement, that nothing could be more distant from a true representation of what had occurred than the comment which had been read. He had a perfect recollection of the circumstances, and could say, that the tone in which the right hon. gentleman delivered his sentiments on the Alien bill, and in the appeal to the Chair, was incorrectly stated. He was glad to hear from the right hon. gentleman, a liberal admission of the benefit to be derived from free discussion and the unrestrained publication of what occurred in the house; but comments of the sort alluded to, when inaccurate, were very much to be reprobated. He himself had reason to be dissatisfied with similar comments on what he had said, though he always felt reluctant to complain. On a late occasion, he was said to have made an attack on a great law officer, and then to have retracted it; whereas, it would be in the recollection of the house, that what were called the attack and the retractation referred to different things, and that neither the one nor the other existed; he, speaking of the court in the one case, and of the character of the individual at the head of it in the other.

Here the conversation ended.

Mr. *Tierney* said, the house had now been for some minutes without any business before it. He wished to know from the noble lord whether any measure was to be brought forward to-day, which required so full an attendance, or whether they had been convened on a Saturday only to have the pleasure of sitting to look at each other. If the noble lord had any measure to propose, he would perhaps state the nature of it now, that the house might be prepared for it whenever it was brought forward.

Lord *Castlereagh* said, it appeared to his Majesty's government that it was not fit the law should remain in the state in which it was now, with respect to continuing the privilege of naturalization, on the smallest purchase of stock in the Bank of Scotland; he should therefore, on Monday next, introduce a bill on this subject: it would be a short bill, to suspend the operation of the Scotch act in favour of aliens purchasing such stock till the next session. The bill would have no retrospective provisions, and he did not think it would lead to much discussion.

MARRIAGE OF THE DUKE OF CAMBRIDGE.] Lord *Castlereagh*, after apologizing to the house for not having brought forward earlier the motions with which he meant to conclude, moved, "That an humble address be presented to His Royal Highness the Prince Regent, to offer the dutiful congratulations of this house to His Royal Highness, on the happy nuptials of His Royal Highness the Duke of Cambridge with the Princess of Hesse, youngest daughter of the Landgrave Frederick, and niece of the Elector of Hesse; and to assure His Royal Highness of the sincere and heartfelt satisfaction which this house derives from a circumstance that must add so much domestic happiness to His Majesty's family."

This motion was agreed to, *nemine contradicente.*

The noble lord then moved, "That this house do congratulate Her Majesty on the happy nuptials of His Royal Highness the Duke of Cambridge with the Princess of Hesse, youngest daughter of the Landgrave Frederick, and niece of the Elector of Hesse."

This motion was agreed to, *nem. con.* and Mr. *Disbrowe* was ordered to attend Her Majesty with this congratulation.

The noble lord next moved, "That a Message be sent from this house to congratulate their Royal Highnesses the Duke and Duchess of Cambridge, on their happy nuptials."

This motion was also agreed to, *nem. con.* and Lord *Edward Somerset*, Lord *John Thynne*, Sir *Edward Stopford*, Mr. *Littleton*, Lord Viscount *Clive*, the Marquis of *Worcester*, the Earl of *March*, and Lord Viscount *Valletort*, were ordered to attend the Duke and Duchess of Cambridge with the said message.

HOUSE OF LORDS.

Monday, June 8.

STANDING ORDERS.] Lord *Sidmouth* rose to give notice, that he would to-morrow move to suspend the Standing Order No. 104. If their lordships agreed to that motion, it would then be in their power to suspend any other Standing Order which would otherwise prevent them passing any bill which might come under their consideration through all its stages in one day.

Lord *Holland* said, it would be necessary for their lordships well to consider how far the noble lord's motion might lead them, if it should be adopted. The suspending of the Order No. 104, would enable any person to-morrow to procure the suspension of all the Standing Orders.

Lord *Sidmouth* was aware that, when this Order should be suspended, any noble lord might move the suspension of the other Standing Orders; but it would be for their lordships to decide on that proposition. The sole object of his notice was, to enable their lordships to pass any bill which might come before them to-morrow, through its several stages on the same day, if such a proceeding should be thought necessary.

The Earl of *Lauderdale* said, his noble friend was perfectly right in the objection he had made. The suspending of the Order No. 104, would put it in the power of any of their lord-

ships to suspend all the remaining Standing Orders. It was very extraordinary that such a notice as that given by the noble lord should have come from him at the present time. The suspension of the Standing Order was never proposed except when there was before their lordships some legislative proceeding, with a view to facilitate which the proposition was made. At present there was no appearance of any ground for the motion of which the noble lord had given notice.

The Earl of *Liverpool* acknowledged that it was the general practice, in respect to propositions of the nature of that of which his noble friend had given notice, to make them with a view to a particular bill. He believed, however, that there were some precedents of motions which, like the present notice, did not go to suspend the Standing Orders for forwarding any particular bill, but this particular Order, No. 104, which said, that no Standing Order should be suspended without a day's notice of the motion to that effect being given. It was true, as the noble lord had said, that it would, after the suspension of that Order, be in the power of any individual to propose the suspension of all the other Orders: but he had a better opinion of the house than to suppose that such a course would be adopted; as he knew that their lordships would be guided on that, as on every other question, by a view to the public interest.

Lord *Holland* said, he did not mean to throw any impediment in the way of the measure which the noble lord had in view, but he thought it would be better if the notice of the noble lord expressed not merely the suspension of the Standing Order No. 104, but the object for which that suspension was proposed.

The Earl of *Lauderdale* recommended, that the suspension of the Standing Orders which were framed with the view of preventing any bill from passing through more than one stage on the same day, should be specified in the notice.

After some farther conversation, it was agreed that the notice should be given for the suspension of the three Standing Orders Nos. 26, 104, and 125.

The lords were then ordered to be summoned to-morrow.

HOUSE OF COMMONS.

Monday, June 8.

MARRIAGE OF THE DUKE OF CAMBRIDGE.] Mr. *Disbrowe* appeared at the bar, and reported the answer of her Majesty to the Message of Congratulation of the 6th instant, as follows:—

"I receive with satisfaction the congratulations of the House of Commons on the marriage of my son the Duke of Cambridge with the Princess of Hesse, youngest daughter of the Landgrave Frederick, and niece of the Elector of Hesse.

"This fresh proof of their attachment is highly grateful to my feelings."

Lord *Edward Somerset* reported the answer of the Duke and Duchess of Cambridge, as follows:—

"We return the House of Commons our thanks for their very obliging attention on this occasion."

EDUCATION COMMITTEE.] Mr. *Brougham* brought up a Report of the Committee appointed to inquire into the Abuses of Charitable Institutions for the Education of the Poor. On moving that it be printed, he begged to mention a case, which had come to the knowledge of the committee since he made his statement on a former occasion. It was the case of an abuse in the county of Huntingdon. In the reign of Edward II. land had been bequeathed for the use of a school. It was then of the estimated value of 35*l.* It consisted of 145 acres, in the neighbourhood of a large and populous town. Its present rent was only 160*l.*, although its value, according to the lowest estimate, was within a trifle of 800*l.* a-year. Who were the lessors of this estate? The mayor and twelve aldermen of the borough. Who were the trustees? The mayor and twelve aldermen. Who were the lessees, who derived the benefit of possessing the land at a rent so diminished? The mayor and twelve aldermen of the borough. These gentlemen were the lessors, the trustees, and the lessees of this estate, all in one. In this borough the right of voting was in the burgesses. The burgesses were chosen by the mayor and aldermen. Now, under whatever circumstances a burgess might be chosen, when he became a burgess he remained so. "Once a burgess, always a burgess." It could not be expected, therefore, that these voters would always vote the right way, unless there were means of keeping them in order. Those means were very simple. It was necessary for the convenience of these voters, that they should be in possession of some of the lands, and the mayor and aldermen gave to each of them such a portion as was deemed expedient. Of course, there was never such a thing as a contested election in the borough.—Such was the abuse of this charity; and it was marvellous that this, the grossest of all the cases of robbing the poor which had come to the knowledge of the committee, was exempted from the control of the commission appointed by the bill, in consequence of that most fatal clause which had been introduced, exempting from the visit of that commission all charities which had special visitors. It really seemed as if that case had been sent to the committee to fill up every vacancy in his arguments against the alterations in the bill. Who were the visitors in this case? The mayor and aldermen themselves, the trustees, lessors and lessees, who had abused the trust, and robbed the poor for their own interest. He would ask, after this statement, whether any man could pretend to doubt, that the bill, if not altogether, had been almost entirely frittered away and destroyed by the alterations which had

been made? All that he could say was, that they ought not to sit and slumber, but to supply the great deficiencies which those alterations had occasioned, and he hoped that a bill would be passed, early in the next session, for that purpose. (*Hear, hear.*)

The report was ordered to be printed*.

ALIENS AND DENIZENS BILL.] Lord *Castlereagh* rose and said, that the house had that evening received a message from the house of lords, stating, that their lordships did not insist on their amendments to the alien bill. As the objections to the clause which had been added by the lords were not founded on any hostility to the general scope of the measure, but on its being an invasion of the privileges of the house of commons, and on its containing a provision of a retrospective nature, he now felt it his duty to propose a bill to alter the law which allowed foreigners to obtain all the privileges of naturalization, merely by the purchase of the stock of a banking company. He was persuaded that the house would agree with him, that this was a state of the law which ought not to be suffered to exist in this country. It would certainly have been his duty to propose a permanent arrangement of this dangerous and anomalous state of the law, if the session had not been so near a close, and if the subject had not been one which required a good deal of consideration. It appeared, that, besides the privileges conferred on the alien purchasers of Bank of England stock, there were some corporations in the united kingdom which had the faculty, not of absolutely naturalizing foreigners who became members of them, but of making them denizens, without the consent of the crown. The legislature never could have intended that foreigners, by the payment of a small sum to these bodies, and without any other qualification, should be admitted into the constitution; and therefore he apprehended, that it would be necessary to take up the subject at an early period of the next session, and to adopt measures which would prevent such high privileges from being obtained by means wholly incommensurate to them. The bill which he now proposed to introduce was so framed, that he could not anticipate any opposition to it. He conceived that it would be better to suspend the law for a short and limited period, and then every thing which the parties interested might have to submit to parliament, might be taken into consideration more fully hereafter. On these grounds he trusted that the house would consent to pass the bill through all its stages that day. No harm could result from such a proceeding, and therefore he concluded with moving, "that leave be given to bring in a bill, to prevent aliens, for a time to be limited, from becoming naturalized, or from being made, or becoming denizens, except in certain cases."

Sir *J. Macintosh* said, he should not oppose the motion of the noble lord. The principle of the measure that had been before proposed, was an outrage on the constitution, and calculated to violate all principles of justice; it was equally subversive of public credit, injurious to private property, and fatal to every right that was dear to this country. But, as that objectionable and abominable part of the measure had been withdrawn, he was ready to acknowledge that something ought to be done on this subject. He was far from saying that the mode of naturalization in question ought to exist. He thought it an unreasonable and unconstitutional regulation, and should have no objection to its removal as an absurd enactment. But, though he had no objections to a deliberate measure, he should be very scrupulous in adopting any hasty step, especially after the gross blundering and mistakes that had been committed by ministers during the last fourteen days. He did not intend to waste much of the time of the house, but he could not help calling to mind the liberality and friendly policy which had been used towards foreigners formerly, compared with what was the practice of the present government. He hoped the house would not pass the act in the vague and general way in which it at present stood. He submitted, whether it would not be proper to allow the names of the companies to which allusion had been made to be inserted in the bill. Why should the house have nothing but a general assertion that such companies existed? Why should they have words so sweeping, which seemed to lead to no conclusion but one—that the

* It appears by the Report of the Committee, that the charity here alluded to by the hon. and learned member is that of St. John's Hospital, in the town of Huntingdon. On the 8th of June, Mr. Samuel Wells, a solicitor at Huntingdon, was examined before the committee, and he states, that the hospital was founded in the reign of Edw. II. by David, earl of Huntingdon, and, by an inquisition taken in the reign of Queen Elizabeth, it was found, that the hospital was endowed for the purpose of a free grammar school for the town of Huntingdon.—The rev. —— Edwards is the schoolmaster, but he teaches no boys upon the foundation of the hospital. he is a burgess and a voter, and the trustees have suffered him to build a large boarding school, he contends he has nothing to do but to teach Latin, and he charges the scholars for other things.—The corporation are the special visitors of the hospital.—Mr. Wells then states, that the corporation and burgesses are all under the influence of Lord Sandwich, whose interest consists in land near the town common. In 1810, this gentleman filed an information against the mayor, aldermen, and burgesses, at the relation of Thomas Allnutt, Esq. and others, and he is still proceeding against them. Towards the close of his examination, he is asked, "Have you found the expenses of the proceedings in the Court of Chancery to be very great?" To this he replies, "Yes, enormous, above 1000*l.*; and, in addition to the attempts they have made to make me miserable, they have rendered my life very uncomfortable during the proceedings."

noble lord was so uninformed that he was afraid of attempting to enumerate the companies or corporations, lest he should not describe all the cases which it was desirable to comprehend in the bill?—In the committee he should certainly propose an amendment, to remove from the statute-book the disgrace of employing those vague and unsatisfactory terms, for no other reason than that the authors of the bill were not able to furnish the particulars.

The *Attorney-General* said, that the acquisition of the privilege of denizenship by aliens, was not confined to the purchase of the stock of certain corporate bodies. Certain acts of the parliament of Ireland gave rights almost as extensive as those given by the Scotch act. The question for the house to determine was, as there would not be time in the present session to look through the various statutes, whether it would not be wise to pass a law suspending the operation of these rights for a limited time, and to leave it for a future parliament to consider, whether they should be altered or revoked.

Mr. *W. Smith* said, he had decidedly reprobated the clause introduced into the alien bill by the house of lords; but the present measure had his entire concurrence.

Mr. *Wynn* said, he had also objected to the clause, not only because it was an encroachment on the privileges of the house of commons, but also because it was a measure of confiscation repugnant to every principle of law and justice. To the present proposition he had no objection whatever. If such powers existed as those to which it referred, it was proper that they should be suspended until parliament could at leisure consider them.

Sir *W. Burroughs* said, he should not oppose the present measure; he considered it reasonable and expedient.

Mr. *Brougham* expressed his approbation of the bill. He begged, however, to suggest one alteration which the noble lord would, he hoped, agree to. It was understood that the measure was to be strictly prospective. In order, then, to make it clearly a prospective measure, he thought that, instead of "from and after the passing of this act," it would be advisable to say, "from and after Thursday," or "Friday." It should be recollected, that the place where the purchases of stock were to be made was 400 miles from this metropolis. Suppose on Wednesday morning next, an alien in Edinburgh, who could not by possibility have heard what were the provisions of the bill, should purchase stock. He would be a naturalized subject. Suppose he then purchased a landed estate—the consequence of enacting that the operation of this bill should commence immediately after the passing of the act, would be, that, although the bill did not profess to be retrospective, but only prospective, the alien would incur the forfeiture of his land. If the alteration which he had suggested were made, he should not object to the suspension of the standing orders, which were a great protection to the subject, and ought not to be waved on slight grounds.

General *Mitchell* said, he had been in the city that day, and had heard orders given within the last two hours by aliens at the Bank of England, for the purchase of stock in the Bank of Scotland, no doubt with a view of defeating the present bill.

The bill was brought in, and read a first time. On the motion for the second reading,

Lord *Castlereagh* said, that if the house were to adopt the suggestion of the hon. and learned gentleman, a great number of most obnoxious individuals, who ought not to be allowed the privileges of British subjects, would, in the interval, obtain the object they had in view, and be placed beyond the reach of parliament. The period, after which no orders for purchase of stock should be considered as *bonâ fide*, ought at least to be carried back to Saturday, when he gave notice of his intention to introduce this bill. But he would contend, that the proposing of the clause in the other house was a complete notice to all parties who wished to purchase stock, that if they did so, they would do it at their peril.

Mr. *Brougham* protested against the noble lord's doctrine of notices. What was the notice of the noble lord more than the notice of any other member in the house? It was true, that the retrospective operation of the measure did not extend to a whole month, as formerly, but only to 48 hours; but the one was as dangerous in principle as the other. The noble lord had said, that from the moment the attention of parliament was called to a measure, from that moment the rights of individuals might be affected by the acts of the legislature. If that doctrine were sanctioned by the house, there would be no security for property. If the rights of individuals were to be taken away, they ought, at least, to be taken away by a prospective operation.

Mr. *Canning* said, it was not contended by his noble friend that a notice of a motion should be considered as binding on the subjects of this country; but when the object of that motion was one respecting which there was and could be no difference of opinion—no person could conceive that the measure respecting which such notice was given would not be adopted by the house. Let the individuals who might consider they had suffered from the present measure, come forward in the next session and state the case to the house, and, after hearing their statement, parliament would determine whether any compensation should be made for the injury done to them in carrying into effect a great national object.

Lord *Folkestone* said, that the conduct of ministers exhibited on this occasion the same inconsistency which had marked it throughout the whole of the last and present sessions. One of them had lately argued, that this measure ought to have a retrospective effect, but now

they came down and proposed it without that which was said to be essential to it. How could the house and the country confide in those who committed such gross blunders and mistakes as the gentlemen opposite had been compelled to acknowledge?

General *Thornton* said, that if purchasing Bank of Scotland stock gave foreigners a right to sit in that house, he hoped that ministers would make the measure so far retrospective as to deprive them of that right.

The bill was then read a second time, committed, reported, read a third time, and passed*.

HOUSE OF LORDS.

Tuesday, June 9.

STATE OF THE CURRENCY.] The Earl of *Lauderdale* said, he thought it necessary at this period of the session to remind the noble lords opposite of the state of the currency. He had already more than once alluded to the injurious consequences of the disparity in the value of gold and silver established by the late coinage; and it now appeared, from the regular publication of the prices, that at the present price of gold, 1½ per cent. could be gained by the exchange of silver for that metal. The gold coin was consequently driven out of circulation, and it was quite impossible that the Bank could resume payments in specie on the expiration of the present act, unless some measure for regulating the coinage should be adopted at an early period of the next session†.

ALIENS AND DENIZENS BILL.] Mr. *Brogden*, and other members, brought up this bill from the Commons.

Lord *Sidmouth* moved that the bill should be read a first time.—The noble viscount stated, that the object of the bill was, to prevent any alien, under the Scotch act of 1695 for establishing the Bank of Scotland, or under acts relative to other corporations, from becoming denizens in virtue of such acts previously to the 25th of March next. The bill would merely suspend the operation of those statutes, and afford an opportunity next session for the due consideration of any proposition for the repeal of the Scotch act of 1695, and other acts of a similar nature.—In order that the bill might pass through the subsequent stages, he moved the suspension of the Standing Orders, agreeably to the notice he had given.

Lord *Holland* said, he thought that the noble lord had raised the precedents for suspending the Standing Orders too far when he applied them to the present measure. Shortness of time was not a sufficient reason for such a proceeding; it could be justified only by some urgent necessity. (Here the noble lord desired the clerk to

* In the course of the debates on this subject, the Editor has taken the liberty of making a few observations on the right of prohibiting foreigners from coming to, and remaining in, this country. If he might venture now to state the result of his researches and reflections on this important question, he would observe, that this right does not belong to the king, but, as Lord Coke declares, (see note, p. 1786) to the legislature.—It has been always considered, that one of the chief duties of humanity is, that every country should afford an asylum to strangers who are driven by violence out of their own. In a former note (p. 1838), the Editor has cited the divine law, and the practice of Henry IV. of France, and of Queen Elizabeth. The opinions of the ancients on this point are extremely worthy of consideration. *Homer* says, the Poor and Stranger are the care of Jove; and again, the suppliant Stranger craves a brother's love. In *Lucian (de Dea Syria)* amongst the crimes which brought *Deucalion's* flood upon the world, we find it mentioned, "that they did not receive Strangers." In *Livy* (l. 41. c. 24.) the decree of the *Achæans*, by which they forbade the *Macedonians* to enter their territories, is called, *execrabilis, velut desertio Juris Humani*, as it were a detestable desertion of the law of human nature. —At the same time it must be admitted, that Strangers are bound to submit to the established government, and, as *Grotius* (lib. 2. c. 2. s. 16.) and *Puffendorf* (lib. 3. c. 3. s. 10.) observe, they must beh[illegible] the[illegible] [illegible] [illegible] prude[illegible] [illegible] as to administer no occasion to factions and seditions.—Now, in this country, there are laws to punish crimes committed by the subject, and the same laws will punish crimes committed by a stranger. Why, then, should not strangers be suffered to come to this country, and to reside in it, under the responsibility of keeping the laws? It is said, that the ordinary mode of proceeding in such cases would be too circuitous with respect to strangers. But why so? Is greater danger to be apprehended from a stranger than from a natural-born subject? Arbitrary power is liable to great abuse, and is always to be suspected. Nor ought any man to be offended at the suspicion which it creates. No man can undertake to say that he will not abuse it. —Lord Digby, in his speech (Jan. 19, 1640), on the Bill for preventing Inconvenience happening by the long intermission of Parliaments, said, "It hath been a maxim among the wisest legislators, that whosoever means to settle good laws, must proceed in them with a sinister opinion of all mankind, and suppose, that whosoever is not wicked, it is for want only of the opportunity. *It is that opportunity of being ill, that we must take away, if ever we mean to be happy.*"

† On the 17th of September, 1818, a general meeting was held of the proprietors of the Bank, conformably to the provisions of the charter, for the purpose of declaring the half-yearly dividend, and of transacting such business as might be depending.—Mr. Young observed, that he was anxious to press upon the attention of the Directors, in whose honour and humanity he placed the fullest confidence, the propriety of withdrawing from circulation the one and the two pound notes, with a view to the diminution of forgery. The Governor (G. Dorrien, Esq.) remarked, that this was a subject for the consideration of the Legislature, and must depend on the renewal or expiration of the Restriction act. At the same time he might say, that if any objection existed against the resumption of cash-payments, it was not among the Bank directors that such objection originated or was entertained.

read the Order, No. 24. in order to confirm his statement. This being done, he proceeded to comment on the bill.) Though he did not mean to oppose the measure itself, he could not help remarking on the extraordinary conduct of ministers respecting it. They had declared themselves totally ignorant of an important law, and had presumed, that every individual in parliament had been equally ignorant of it. But if they shewed ignorance at the outset, they manifested still more in the progress of the measure. They began to apprehend, that there were possibly other acts besides that which had at first alarmed them, which it would be necessary for them to suspend. Those laws, however, they could not point out; but, without specifying them, it was proposed, contrary to every principle of legislation and justice, that they also should be taken away. Another instance of their ignorance was, the assertion, that under the Scotch act of parliament, any alien who purchased stock would thereby be enabled to sit in parliament, contrary to the act by which foreigners were excluded. This was far from being the fact: for, by an act of parliament, not of that private and local description which this Scotch act had been described to be, but one of the most public and important nature—he meant the act of the 6th of Queen Anne, cap. 7,—it was provided, that every person disabled from sitting in the parliament of Ireland should be rendered incapable of sitting in the parliament of Great Britain. This he did not urge as an argument against the bill, but to shew their lordships how cautious they ought to be in adopting legislative proceedings, on the recommendation of ministers, who proved themselves so completely ignorant of every thing connected with the subject on which they proposed to legislate. What had occurred on this occasion reminded him of the advice once given him by an eminent person, a relative of his, whose memory he regarded with affection and veneration. That person observed to him, equally wisely and truly, that, "when politically in the dark, the best thing that could be done was to stand still." Contrary to this prudent maxim, it was the practice of ministers, whenever they were in the dark, to run straight forward, not caring against what they might run their heads, or whom they might overturn. It was difficult to say what might be the consequences of this blindly adopted measure. It might be a question, whether it would not take away the rights of English children born between this and the 25th of March, who would otherwise be natural born subjects, and whether it did not take away the rights of the descendants of the princess Sophia of Hanover. He did not say that it had those effects, and he thought it had not; but still there appeared much doubt and obscurity on the face of the measure, and, if time were allowed, many errors in framing it might be corrected. It was now discovered that there were certain laws in Ireland by which foreigners were admitted to become denizens. There might be several other Scotch acts and English acts also to which the bill applied; but ministers remained in total ignorance respecting all the acts which they proposed to repeal or suspend. But the flagrant injustice of the retrospective clause in the former bill was what he had most objected to. That objection, he was glad to find, was now in a great measure removed, though even as the bill now stood, it appeared to cast "a longing lingering look behind" towards the old injustice. He could not see that persons who purchased stock for the express purpose of naturalization, under a law authorizing that object, were less entitled to the rights so acquired, than those who had purchased it without that view, and found themselves accidentally naturalized. He, therefore, did not approve of the clause which fixed the commencement of the operation of the bill now, rather than at three or four days after it had passed. There was another objection which might be urged against this bill; but so little time was allowed for considering its bearing, that he could not venture to speak positively on the effect of any of its provisions. It might be a mere misapprehension in him, but he conceived it probable, from the preamble of the bill, that it might trench on some of the prerogatives of the crown with respect to aliens. But no part of the prerogative, their lordships knew, could be taken away without a recommendation from the crown. It would, however, complete the climax of ignorance on the part of ministers, if, after proving themselves ignorant of the Scotch act of 1695, of the practice of parliament relative to amendments of several Irish and English acts, they should finally manifest their ignorance of the prerogatives of the crown. He defied their lordships to see at present all the effects of this bill. He agreed, that it was proper to do something in the state in which the law stood, but he could not come to the conclusion that this was the measure which ought to be adopted. Their lordships had witnessed the lamentable ignorance of ministers on this subject; and it must therefore be difficult for them to place reliance on persons who had, within a few days, so often changed their opinions on this subject. He, in general, disapproved of the course of proceedings which had been adopted, but as the retrospective clause was removed from the bill he should not object to its passing.

The Standing Orders were suspended, the bill read a second time, and the motion for committing it negatived. It was then read a third time.—On the question that it do pass,

Earl *Grey* said, he could not permit a proceeding fraught with such dangerous consequences to take place, without entering his protest against its being made a precedent. Ministers, he was aware, had placed themselves in a situation of difficulty. He alluded to the general belief of the speedy dissolution of parliament.

He was aware that, at such a time, delay might be attended with much inconvenience, as the country was making preparations for the new elections: but, notwithstanding that inconvenience, he should have been disposed rather to meet it, than to run the risk of establishing any precedent of this kind. The Standing Orders ought only to be suspended on questions of great public importance, and not merely for the sake of expedition. The principle on which they were to be suspended was, that the measure was of such urgency that delay would be attended with injury to the public interest. Now, this could not be said to be the case with respect to the present bill; for no danger to the public could arise, whether it were passed this day, or a week hence. It could not be said to be a measure of such necessity as to require so extraordinary a departure from the usual course of their proceedings. Ministers had acted most improperly on this occasion, in not proposing the measure to parliament at a time when it might have received full consideration; and nothing could be more disgraceful than the ignorance which they had displayed throughout the whole proceeding. They had now reached the last stage of the bill, when the noble and learned lord on the woolsack had only to put the question that it do pass, and yet, those who had proposed the measure had not, and could not explain what acts of the legislature it repealed, and what right of the subject it took away. When the former bill was before the house, the noble and learned lord on the woolsack had proposed to word the clause so as to do away all modes of naturalization, except by act of parliament. He had objected to this; and the noble and learned lord did him the honour to allow the full weight of his objection. He would now ask the noble lords, whether they knew the extent and bearing of their own measure? Was there ever an instance in that house of a measure of such importance being brought forward, of the extent and bearing of which the ministers who proposed it appeared to be ignorant, or, at least, would not explain them? He remembered, on the occasion of a bill being brought some years ago from the other house of parliament, the object of which bill had his concurrence, as it was to relieve persons who differed from the doctrine of the church of England from certain severe penalties, that the noble and learned lord on the woolsack, and another noble and learned lord, objected to its repealing all penalties under acts of parliament which were not specified. Now, this was precisely the objection which he made to the present bill. It was for the house to determine whether they would now establish a precedent for thus rashly repealing acts of parliament. The rights of foreign seamen serving in the navy, of foreign protestants settled in the colonies, and of foreign protestants serving in troops in the colonies, were, according to the bill, saved; but were these the only rights that might be affected? There were several acts of parliament inviting foreigners to settle in Ireland, with a view to the political interests of that country. Were their lordships certain that those acts could be repealed without a breach of faith? It was provided in some of them, that they should take effect under the licence of the Lord Lieutenant, but those acts were not saved by any exception in this bill. It was a serious consideration, that the persons whose rights were suspended, might, before the 25th of March, be sent out of the country on the information of some of those miscreants whom ministers encouraged and associated with—a practice, he thought, no less disgraceful, than it was unconstitutional*.—They might thus be placed in a situation never to be able to prosecute their rights. This was a case in which the wholesome rules framed for the security of the rights of individuals and the public interest had been set aside; and, therefore, to satisfy his conscience, he could not permit the bill to pass without expressing his disapprobation of the rashness with which it was framed, and protesting against the course by which it was passed becoming a precedent.

* The following curious Copy of a Licence to a Spy is taken from a book published in the beginning of the last century, entitled "Memoirs of John Ker, of Kersland:"

"ANNE R.—Whereas we are fully sensible of the fidelity and loyalty of John Ker, of Kersland, Esq. and of the services he hath performed to us and our government; we therefore grant him our royal leave and license to keep company and to associate himself with such as are disaffected to us and our government, in such way or manner as he shall judge most for our service. Given under our Royal hand, at our Castle of Windsor, the 7th of July, 1707, and of our reign the sixth year."

The policy of one of the best of the Roman emperors appears to have been of a very different nature. Mr. (afterwards Lord Chancellor) Somers, in his tract, entitled "Security of Englishmen's Lives," &c. says, "Trajan was an excellent prince, endowed with all heroical virtues, yet the most eloquent writers, and his best friends, found nothing more to be praised in his government, than that in his time, all men might think what they pleased, and every man speak what he thought, and he had no better way of distinguishing himself from his wicked predecessors, than by hanging up the Spies and Informers whom they had employed for the discovery of crimes."

Mr. Wilberforce says, that "any country must suffer ten times more by the employment, than by the want of Spies. By the use of such instruments, government may be able to detect some treasons which would otherwise escape punishment; but that advantage is much more than counterbalanced by the evils that ensue.—Let the practice not be defended on the ground that it is necessary for the preservation of the public peace. No! no! the British empire does not stand in need of such assistance to maintain its security; it disclaims all connexion with such allies. Our liberties, our rights, and our tranquillity, stand on the principles of law and the constitution, and despise the aid or the countenance of such base associates." (See pages 336—337.)

The Earl of *Liverpool* said, there were numerous instances in which the Standing Orders had been suspended, merely for the sake of expedition, without any reference to the importance of the measure. The Standing Orders, however, could not be suspended without a day's previous notice, and in this their lordships had a sufficient security against surprise. When it was agreed that the Orders should not be suspended without a day's notice, their lordships expressed an opinion that they might be suspended at any time, without reference to the importance of the measure. But he was not disposed to rest the question on this ground only. Independently of any expectation of a dissolution of parliament, if it could have been calculated that the house might sit a month on this bill, it would, in that case, have been necessary either to suspend the Standing Orders, and pass the bill with the same rapidity as now, or to give it a retrospective effect. If it should have been neglected to do one or other of these things, there would soon have been no alien in the country to be affected by the bill. They would all have been naturalized under the act relative to the Scotch bank. He, therefore, maintained, that if there ever was a case of necessity, though he did not agree that necessity must always be made out in order to warrant the suspension of the Standing Orders, this was one. As to the objection, that the acts affected by the bill were not specified, that would be very worthy of consideration, if there were time for inquiry. It was, however, agreed on all hands, that the mode of naturalization taken away by the bill ought not to exist, and yet, it was not repealed, but only suspended. The noble lord had asked what rights the measure took away; in fact it affected none. It only suspended for a time the capacity of acquiring rights. Their lordships would agree with him, that it was not fit persons should acquire the rights of naturalization, except in a regular and definite manner; and, to prevent the infringement of that principle, was the sole object of this measure.

Earl *Spencer* said, he must join with his noble friend in protesting against this unjustifiable measure. He complained of the manner in which it had been introduced, by a clause tacked to the end of a bill, and hurried through the house without any previous discussion whatever. When he saw all the errors that had been committed through excessive haste, when he saw the present bill proposed in so precipitate a manner, he thought it constituted a precedent that ought on no account to be established. If it had been retrospective, it would have been still more objectionable; and he still thought, that no evil whatever could arise from its postponement, even under the present qualified form.

Lord *Holland*, alluding to the plea of necessity that had been so strongly insisted on by the noble earl (Liverpool), advised him to be a little more chary in the use of it, and to reserve it, like Goliah's sword, only to be brought forward on urgent occasions. It was but three or four days ago that the noble earl had maintained with the utmost pertinacity, that it was absolutely necessary for the safety of England, and the peace of Europe, that the bill should have a retrospective effect. Since that period, however, the noble lord had been able to lay his head on his pillow, without suffering much from fear of the terrible effects that must follow if the retrospective operation of the bill should be entirely done away. He, therefore, could put very little trust in the soundness or sincerity of any arguments which the noble earl might adduce on the score of necessity. As to the argument which the noble earl had urged from the immediate expectation of a dissolution, he remembered that, some years since, a dissolution had been hurried to save the establishment from the danger of an act that was impending; and yet, that very act, which was thought so dangerous in 1808, was passed *sub silentio* some years afterwards. He thought, therefore, that the noble lord's ideas of necessity might vary again in the course of four or five days, and that, by that time, he might feel no apprehension though 49, or 69, or 89 aliens more should become naturalized by buying a share in the Bank of Scotland. Upon the whole, he thought the present proceeding one that covered with shame the ministers of the country, both from their ignorance of the laws and their contempt of the rights of the nation.

The bill was then passed.

PROTEST AGAINST SUSPENDING THE STANDING ORDERS.] The following Protest was entered on the Journals.

"Dissentient,

"Because to suspend the Standing Orders of this House is, at all times, a proceeding liable to grave objections, and only to be justified by some urgent necessity; but, to suspend them for the purpose of hurrying through all its stages, in one day, a bill, which must have the effect of suspending various acts of parliament, which have not been named, and which the House has not had an opportunity of considering, seems to us to defeat the purposes for which they were devised, and to set at naught the reasons upon which they are founded."

(Signed) GREY.	SPENCER.
VASSAL HOLLAND.	MONTFORT.
LAUDERDALE.	ROSSLYN.

HOUSE OF COMMONS.

Tuesday, June 9.

The House met, and Forty members not being present at four o'clock, Mr. Speaker adjourned the House.

HOUSE OF LORDS.

Wednesday, June 10.

MR. SPEAKER'S SPEECH TO THE PRINCE REGENT.] This day being appointed for closing the session, the Prince Regent came down

to the house, at two o'clock, with the usual state, and took his seat upon the throne. Sir Thomas Tyrwhitt, the Gentleman Usher of the Black Rod, was sent to command the attendance of the House of Commons.

Shortly afterwards, Mr. Speaker, accompanied by a great number of members, came to the bar. Mr. Speaker then delivered the following Speech:—

"May it please your Royal Highness,

"We, his Majesty's faithful Commons of the United Kingdom of Great Britain and Ireland, attend your Royal Highness with our last bill of supply.

"In obedience, Sir, to your Royal Highness's recommendation, we have not failed to apply our anxious and continued attention to the state of the public income and expenditure,—and heavy, as unquestionably the weight and pressure still remain upon our finances, we have the satisfaction to observe that the revenue, in its most important branches, is gradually and progressively improving.

"Among the various duties, Sir, in which we have been engaged, there is none, perhaps, that could have devolved upon us, more interesting in itself, or more in unison, we are persuaded, with the sincere and unfeigned sentiments of all classes of his Majesty's subjects, than the duty of adopting the necessary measures for the fulfilment of those engagements which your Royal Highness was graciously pleased to communicate to us, as having been concluded with the courts of Spain and Portugal, on the subject of the Slave Trade.

"Nor, Sir, have we been less attentive to another object of great public importance, earnestly recommended by your Royal Highness to our early and particular consideration—the deficiency which has so long existed in the number of places of public worship belonging to the established church. To the remedy of this deficiency, we have most readily afforded a large and liberal assistance, well convinced, that the first and dearest interests of this country—its truest happiness—its soundest prosperity—its surest independence—its proudest and most substantial national glory, are all involved and blended intimately and inseparably in the religious and moral habits of its people.

"The bill, Sir, which it is now my duty humbly to present to your Royal Highness, is entitled

'An Act for applying certain monies therein
'mentioned for the service of the year one
'thousand eight hundred and eighteen.'

"To which, with all humility, we pray his Majesty's Royal Assent."

On the conclusion of this speech the Lord Chancellor received the Bill from Mr. Speaker, which, with the Aliens Regulation bill, the Aliens and Denizens bill, the Election of Coroners bill, and the Education of the Poor bill, received the Royal Assent.

THE PRINCE REGENT'S SPEECH.] His Royal Highness the Prince Regent then delivered from the Throne the following Speech:—

"My Lords and Gentlemen,

"It is with deep regret that I am again under the necessity of announcing to you, that no alteration has occurred in the state of his Majesty's lamented indisposition.

"I continue to receive from foreign powers the strongest assurances of their friendly disposition towards this country, and of their desire to maintain the general tranquillity.

"I am fully sensible of the attention which you have paid to the many important objects which have been brought before you.

"I derive peculiar satisfaction from the measure which you have adopted, in pursuance of my recommendation, for augmenting the number of places of public worship belonging to the established church; and I confidently trust, that this measure will be productive of the most beneficial effects on the religion and moral habits of the people.

"Gentlemen of the House of Commons,

"I thank you for the Supplies which you have granted to me for the service of the present year; and I highly approve of the steps you have taken with a view to the reduction of the unfunded debt.

"I am happy to be able to inform you, that the revenue is in a course of continued improvement.

"My Lords and Gentlemen,

"On closing this session, I think it proper to inform you, that it is my intention forthwith to dissolve the present, and to give directions for calling a new parliament. In making this communication, I cannot refrain from adverting to the important change which has occurred in the situation of this country, and of Europe, since I first met you in this place.

"At that period, the dominion of the common enemy had been so widely extended over the Continent, that resistance to his power was by many deemed to be hopeless; and in the extremities of Europe alone was such resistance effectually maintained.

"By the unexampled exertions which you enabled me to make, in aid of countries nobly contending for independence, and by the spirit which was kindled in so many nations, the Continent was at length delivered from the most galling and oppressive tyranny under which it had ever laboured; and I had the happiness, by the blessing of Divine Providence, to terminate, in conjunction with his Majesty's Allies, the most eventful and sanguinary contest in which Europe had for centuries been engaged, with unparalleled success and glory.

"The prosecution of such a contest for so many years, and more particularly the efforts which marked the close of it, have been followed within our own country, as well as throughout the rest of Europe, by considerable internal difficulties and distress. But, deeply as I felt for the immediate pressure upon his Majesty's

people, I nevertheless looked forward without dismay, having always the fullest confidence in the solidity of the resources of the British empire, and in the relief which might be expected from a continuance of peace, and from the patience, public spirit, and energy of the nation.

"These expectations have not been disappointed.

"The improvement in the internal circumstances of the country is happily manifest, and promises to be steadily progressive; and I feel a perfect assurance that the continued loyalty and exertions of all classes of his Majesty's subjects will confirm these growing indications of national prosperity, by promoting obedience to the laws and attachment to the constitution, from which all our blessings have been derived."

Then the Lord Chancellor, by the command of his Royal Highness the Prince Regent, said—

"My Lords and Gentlemen,

"It is the will and pleasure of his Royal Highness the Prince Regent, acting in the name and on the behalf of his Majesty, that this parliament be now dissolved; and this parliament is dissolved accordingly."

HOUSE OF COMMONS.

Wednesday, June 10.

FINANCE.] General *Thornton*, seeing the Chancellor of the Exchequer in his place, rose and said, he was desirous of acquiring some information with regard to the five and four per cent. annuities.—He had understood the right hon. gentleman to have said, on moving for leave to bring in a bill to establish the new 3½ per cent. annuities, that such a measure would, amongst other advantages, facilitate the redemption of the 5 and 4 per cents. He was not aware, however, that, by that or any former act, the right hon. gentleman had the power of paying them off during the recess. From the flourishing state of our finances, he did not think it improbable that the funds might rise so considerably before the next session of parliament as to render it expedient to pay off those annuities; and it would be much to be lamented if such a favourable opportunity should be lost, in consequence of no authority having been given by a legislative measure before parliament should separate. It was certainly of importance that no delay should take place if a saving of between two and three millions annually could be effected, while, at the same time, faith would be preserved with the public creditor.

The *Chancellor of the Exchequer* said, he conceived that whenever such a measure should become expedient, the preservation of faith with the public creditor would require arrangements to be made which must receive the sanction of the legislature; and, therefore, it could not be carried into effect until parliament should again meet. He did not think that an act could have been passed with propriety in the present session, in anticipation of the occurrence of a favourable opportunity of paying off the 5 and 4 per cent. annuities.

SLAVE TRADE.] Mr. *Wilberforce* observed, that he had received information, on which he could depend, that the slave trade was openly carrying on, to a great extent, in the French colonies on the North West coast of Africa, and that this inhuman practice was accompanied by circumstances of peculiar atrocity, murders having been committed by wholesale in its prosecution. As it was extremely desirable to prevent the possibility of any effectual revival of this detestable traffic, and, as one great means of doing so would be to ascertain, as far as it was practicable, the real facts of the case, he should move, "That an humble address be presented to his Royal Highness the Prince Regent, praying that he would be graciously pleased to order that there be laid before this House a copy of any communication regarding the renewal of the slave trade on the North West coast of Africa."

Lord *Castlereagh* said, he was not at all surprised at the vigilance of his hon. friend on this interesting subject. He could assure him, that every disposition was manifested by the French government to put an end to the slave trade; but he must be aware how difficult it was to cause a trade of that kind suddenly and entirely to cease in any colony, more especially when that colony had but recently passed into the possession of the power by which it was held. It must be highly satisfactory to his hon. friend, and all the advocates of humanity, to reflect, that, in the late session of the French Chambers, the law for the abolition of the slave trade passed the chamber of deputies, and that of peers, by very large majorities, consisting, he believed, of nine-tenths of the members of both; and this was the more gratifying, as his hon. friend must be well aware, from his experience in the country, how difficult it was, in cases where the property of individuals was implicated to a great extent, to carry into effect measures by which that property was diminished in value. Although he was apprehensive, with his hon. friend, that considerable mischief had occurred in the quarter alluded to, yet it was by no means to the extent reported. With respect to his hon. friend's motion, as the information he wished for was not in such a shape as would allow of its being produced, and as his hon. friend had, by calling the attention of the house to the subject, effected in some measure the object he had in view, he was desirous that the motion should be withdrawn.

Mr. *Wilberforce* assented to this suggestion, at the same time observing, that he hoped the British government would persevere in their efforts, and that they would soon be crowned with success.

Lord *Castlereagh* begged to add one circum-

stance in corroboration of what he had stated with regard to the disposition of the French government. It was known to his hon. friend that the governor of the Island of Bourbon had been recalled by the French government, on account of his conduct on the slave-trade. Another governor of a French colony had recently experienced the same treatment, under similar circumstances *. His hon. friend and the country might be assured, that no exertions should be wanting on the part of his Majesty's ministers, to effect the complete abolition of this detestable traffic.

The motion was then withdrawn.

Soon after two o'clock, the Usher of the Black Rod required the attendance of the House in the House of Lords. Mr. Speaker and the members present accordingly attended.—(See the Lords.)

When the members returned to their House after the dissolution, divested of their legislative character, Mr. *Manners Sutton*, the late Speaker, offered to read the Prince Regent's speech, at the table, as is usual after a prorogation.

Mr. *Tierney* objected to any such proceeding, as implying some approbation of this mode of dissolution, which he considered as an insult to Parliament.—Mr. *M. Sutton* observed, that he had consulted Mr. Hatsell that morning on a case where there was no precedent, there having been no such dissolution since that of the Oxford Parliament, in the reign of Charles II. (*anno* 1681.) The difficulty did not depend on the members present being no longer a House of Parliament. That circumstance equally existed in the case of a prorogation. But the peculiar difficulty of this case consisted in his being no longer a Speaker.—Lord *Castlereagh* said, that the gentlemen present might incur a *præmunire*, if they appeared to deliberate as a House of Commons.—It was remarked that there could be no harm in a conversation between Mr. *M. Sutton* and his friends round the table.—The Speech was not read, and the gentlemen separated †.

In the course of the afternoon, Proclamations were issued for calling a New Parliament, and for electing and summoning the Sixteen Peers of Scotland.—The writs were returnable on Tuesday, the 4th day of August, on which day

* In addition to these facts, see what is stated in the note, page 1153.

† Some gentlemen thought, that the dissolution of Parliament by the Prince Regent in person was ungracious, and that it was intended as a mark of dissatisfaction. It certainly appears that, in former times, a dissolution in person was considered an offensive act in the Sovereign. On the 10th of March, 1628, the day to which both Houses were adjourned, King Charles I. came to the House of Lords, and, without sending for the Commons, spoke as follows: "My Lords—I never came here upon so unpleasant an occasion, it being the dissolution of a Parliament; therefore men may have some cause to wonder why I should rather not choose to do this by commission; it being rather a general maxim with Kings to leave harsh commands to their Ministers, themselves only executing pleasing things." And then, after some farther words, directed the lord keeper to dissolve the parliament. The entry, on the Lords' Journal is—*Ipse DOMINUS REX hoc præsens Parliamentum dissolvit.*——On the 28th of March, 1681, King Charles II. suddenly dissolved the Parliament then sitting at Oxford. His speech was as follows: "My Lords and Gentlemen—That all the world may see to what a point we are come, that we are not like to have a good end, when the divisions at the beginning are such: therefore, my Lord Chancellor, do as I have commanded you." Then the Lord Chancellor said, "My Lords and Gentlemen, his Majesty has commanded me to say, That it is his royal pleasure and will, that this parliament be dissolved; and this parliament is dissolved."—Bishop Burnet (Hist. of Own Times, V. 1. p. 499.) gives the following account of this dissolution. "By the steps which the Commons had taken, the King saw what might be expected from them; so, very suddenly, and not very decently, he came to the House of Lords, the crown being carried between his feet, in a sedan: and he put on his robes in haste, without any previous notice, and called up the Commons, and dissolved the Parliament; and went with such haste to Windsor, that it looked as if he was afraid of the crowds that this meeting had brought to Oxford."

In these two instances, the dissolution in person was thought indecent and offensive. It is true that the Parliament of 1660—the Convention Parliament, which restored King Charles II—was dissolved by the King in person, but then, his Majesty had sent a message to the House of Lords some days before, to signify his intention, which message was communicated by them to the Commons, and a conference was holden upon it. The message was as follows:—"His Majesty hath expected, ever since Thursday morning, to be informed, that his two houses of parliament had been ready to present such Bills to him as they had prepared for his royal assent, and hath continued ever since in the same expectation, and hoped that he might, this day, have finished the work, and dissolved them according to his signification; but, being informed that there are yet depending in both houses some few Bills of great importance to his and the public service, which are not yet ready to be presented to him; and being desirous to part with his two houses of parliament, who have deserved so well of him, in such a manner, that they may not be obliged to use more expedition, in the despatch, than is agreeable to the affairs which are to be despatched, his Majesty is graciously pleased to declare, That he will be ready to pass such Bills as are necessary, in point of time, to be passed, on Monday morning; and then, that the houses adjourn till Thursday, so that they may have that day and Friday to put an end to those most public Bills which are not yet finished; and his Majesty will on the next day, being Saturday the 29th of this month, be present with them, and dissolve the parliament; and his Majesty desires both houses, against that time, to lay aside all business of private concernment to finish all public Bills."

Since the Revolution, Parliament has been always

they were returned accordingly, and the Parliament was then prorogued to the 2nd day of October. On that day, it was prorogued to the 12th day of November. It was then again prorogued to the 29th day of December. On the 17th day of November her Majesty expired, and, in consequence of the provisions of the Act, passed in the last Session, to alter and amend the Regency Act, a Proclamation was issued on the 19th of November, for the meeting of Parliament on the 14th day of January, 1819, for the despatch of business.

dissolved by Proclamation, after having been first prorogued. The dissolution, therefore, by the Prince Regent in person was an unusual proceeding; but it does not appear, from any thing that was said or done, that it was meant to be offensive. It was adopted merely for the sake of despatch.

APPENDIX.

No. I. Abstract of the Return made by the Secretary of State, on the 5th of March, 1818, to the House of Commons, of the Names, &c. of all Persons arrested, in ENGLAND, on Charges of High Treason, and Suspicion of Treason, in the year 1817.

Names of Prisoners.		Ages.	Occupations.	Places of Abode.	Offence.	Authority for Release.	Whether Recognizance, or Not.	When Recognizance vacated.	
James Watson, the Elder		..	Surgeon	London	High Treason.				Brought to Trial in London.
Thomas Preston		..	Cordwainer	Do.					
George Burrows		35	Framework-knitter	Ripley					Brought to Trial at Derby.
Thomas Bettison		35	Collier	Swanwick					
John Fletcher		30	Shoemaker	Heanor					
Josiah Godber		..	Labourer	Ripley					
Samuel Hunt		25	Farmer	S. Wingfield					
John Hill		24	Framework knitter	Do.					
Alexander Johnson		25	Do.	Pentridge					
Samuel Ludlam	under	21	Do.	S. Wingfield					
William Ludlam	under	21	Do.	Do.					
John Moore	about	55	Wharfinger	Ripley					
John Mc'Kessick		..	Framework-knitter	Heanor					
Thomas Turner		28	Do.	S. Wingfield					
Joseph Turner	about	19	Labourer	Do.					
Edward Turner		40	Stonemason	Do.					
Joseph Rawson, alias Thorpe	under	21	Framework-knitter	Swanwick					
William Turner		..	Stonemason	S. Wingfield					
Robert Turner	under	21	Framework-knitter	Do.					
Joseph Weightman, sen.		21	Do.	Pentridge					
William Weightman	about	30	Farmer	Do.					
Thomas Weightman	under	21	Sawyer	Do.					
James Weightman	under	21	Do.	Do.					
George Weightman		..	Do.	Do.					
William Adams	under	21	Labourer	Ripley					
George Brassington	under	21	Do.	Do.					
Gormon Buxton		..	Collier	Swanwick					
William Hardwick		..	Framework-knitter	Ripley					
Joseph Hall	under	21	Do.	Swanwick					
Nathaniel Jennings	under	21	Do.	Do.					
Isaac Ludlam	about	54	Stonegetter	S. Wingfield					
Edward Moor	under	21	Framework-knitter	Ripley					
John Onion	under	21	Labourer	Butterly					
Joseph Savage	under	21	Do.	Do.					
Charles Swaine	under	21	Framework-knitter	S. Wingfield					

Names of Prisoners.	Ages.	Occupations.	Places of Abode.	Offence.	Authority for Release.	Whether Recognizance, or not.	When Recognizance vacated.	
Joseph Topham.......... under	21	Blacksmith..........	Pentridge......	High Treason.	....	....	....	Brought to Trial at Derby.
John Wright.......... under	21	Framework-knitter....	Ripley........		....	....	....	
Thomas Ensor.......... under	21	Labourer..........	Do..........		....	....	....	
Daniel Hunt.......... about	25	Do..........	Wingfield Park		....	....	....	
Jeremiah Brandreth.......... about	26	Framework-knitter....	Bullwell........		....	....	....	
Isaac Ludlam, jun.......... under	21	Do..........	S. Wingfield....		....	....	....	
Thomas Bacon.......... about	60	Do..........	Pentridge......		....	....	....	
John Bacon.......... about	57	Do..........	Do..........		....	....	....	
John Castle..........	..	Smith..........	Westminster....	Suspicion of High Treason.	Admitted Evidence for the Crown	—	—	
John Keans..........	..	Tailor..........	Mary-le-bone...		Privy Council	—	—	
John Hooper..........	..	Cordwainer..........	Westminster....		....	....	....	Brought to Trial in London.
Arthur Thistlewood..........	..	Gentleman..........	Westminster....		....	....	....	
Thomas Evans..........	54	Brace-maker..........	Do..........		Secretary of State	—	—	
Thomas John Evans..........	20	Do..........	Do..........		Do......	—	—	
John Johnston..........	37	Tailor..........	Manchester....		Do......	Recognizance...	31 Jany 1818.	
William Ogden..........	73	Printer..........	Do..........		Do......	Do......	Do......	
Samuel Drummond..........	24	....	Do..........		Do......	Do......	Do......	
John Bagguley..........	18	Servant..........	Do..........		Do......	Do......	Do......	
Elijah Dixon..........	26	Spinner..........	Do..........		Do......	Do......	Do......	
Robert Ridings..........	50	Weaver..........	Failsworth......		Do......	—	—	
Samuel Bamford..........	30	Barber..........	Middleton......		Do......	Do......	Do......	
Edward Connor..........	..	Victualler..........	Chadderton....		Do......	—	—	
John Lancashire..........	30	Weaver..........	Middleton......		Do......	Do......	Do......	
John Roberts..........	30	Cooper..........	Manchester....		Do......	Do......	Do......	
James Sellers..........	38	Cutler..........	Do..........		Do......	Do......	Do......	
Nathaniel Hulton..........	26	Tailor..........	New Mills......		Do......	Do......	Do......	
John Healey..........	35	Surgeon..........	Middleton......		Do......	Do......	Do......	
John Knight..........	54	Spinner..........	Manchester....		Do......	Do......	Do......	
James Leach..........	22	Weaver..........	Rochdale......		Do......	Do......	Do......	
William Kent..........	27	Weaver..........	Chadderton....		Do......	Do......	Do......	
George Plant..........	..	Weaver..........	Blakeley......		Do......	Do......	Do......	
Gravenor Henson..........	34	Framework-knitter....	Nottingham....		Do......	Do......	Do......	
Richard Flitcroft..........	31	Militia Man..........	Stockport......		Do......	Do......	Do......	
George Bradbury..........	34	Mason..........	Manchester....		Do......	Do......	Do......	
Robert Pilkington..........	33	Weaver..........	Bury..........		Do......	Do......	Do......	
Robert Moggridge..........	..	Tailor..........	Somers Town...		Do......	—	—	

Name	Age	Trade	Residence	Offence				
George Brettell	42		Mary-le-bone	Suspicion of High Treason.	Do.	—	—	
Stephen Casey	50	Madhouse-keeper	Plaistow		Do.	—	—	
William Holl	45	Engraver	Camden Town		Do.	—	—	
William Carr	57	Victualler	Tottenham-court-road.		Do.	—	—	
Joseph Mitchell	33	Pamphlet-seller	Liverpool		Do.	Recognizance	Do.	
William Benbow	29	Cordwainer	Manchester		Do.	—	—	
William Wolstenholme	60	Cutler	Sheffield		Do.	Do.	Do.	
James Wolstenholme	36	Joiner	Do.		Do.	Do.	Do.	
Thomas Wolstenholme	30	Grinder	Do.		Do.	Do.	Do.	
George Robinson	36	Labourer	Do.		Do.	Do.	Do.	
James Rowen	48	Do.	Do.		Do.	Do.	Do.	
William Bradwell	35	Grinder	Do.		Do.	—	—	
Rowland Hartle	46	Hatter	Do.		Do.	Do.	Do	
Samuel Haynes	39	Framework-knitter	Nottingham		Do.	Do.		Ill.
John Holmes	31	Do.	Do.		Do.	Do.	Do.	
Francis Ward	49	Do.	Do.		Do.	Do.	Do.	
John Smaller	51	Cordwainer	Horbury		Do.	Do.	Do.	
James Mann	33	Cloth-dresser	Leeds		Do.	Do.	Do.	
James Birkin	25	Stockinger	Derby		Do.			Dangerously Ill.
William Cliff	25	Do.	Do.		Do.	Do.	Do.	
Benjamin Scholes	..	Victualler	Wakefield		Do.	Do.	Do.	
Benjamin Whiteley	44	Cloth-drawer	Holmfirth		Do.	Do.	Do.	
Richard Lee	40	Clothier	Do.		Do.	Do.	Do.	
Benjamin Heponstall	45	Cloth-dresser	Hightown		Do.	Do.	Do.	
Thomas Riley	40	Tailor	Crossland Moor					Died in Prison.

Observations. Of the four Persons stated to have been tried in London, Watson was first put on his trial in Westminster Hall, before Lord Chief Justice Ellenborough, and the other Judges of that Court, on the 9th of June, 1817. The trial lasted till the 16th of June, when the Jury returned a Verdict of Not Guilty. On the following morning the trial of Preston, Hooper, and Thistlewood, was abandoned.

Of the Persons stated to have been tried at Derby, Jeremiah Brandreth was first put on his trial, before Chief Baron Richards, Mr. Justice Dallas, Mr. Justice Abbot, and Mr. Justice Holroyd, at Derby on the 15th of October, 1817. He was found Guilty. William Turner, Isaac Ludlam the elder, and George Weightman, were then severally tried, and found Guilty. Twelve Prisoners were discharged, the Attorney-General having declined to prosecute, and the Jury having, in consequence, found them Not Guilty. The counsel for the remaining Prisoners then proposed to the Attorney-General, that they should withdraw their plea of Not Guilty, if mercy should be extended to them. This proposition was acceded to. Judgment of death was then passed on the whole of the Prisoners.—On the 7th of November, 1817, Brandreth, Turner, and Ludlam, were executed at Derby. The other Prisoners were afterwards either transported, or pardoned.

No. II. Abstract of the Return made by the Secretary of State, on the 16th of March, 1818, to the House of Commons, of the Names, &c. of all Persons Arrested in Scotland, upon Charges of Treasonable Practices, and of administering and taking Unlawful Oaths, in 1817.

NAMES.	Occupation.	Place of Abode.	Age.	BY WHOSE AUTHORITY RELEASED.
Andrew M'Kinley	Weaver	Main Street, Calton Glasgow	—	High Court of Justiciary—After Trial.
James Finlayson	Writer's Clerk	Leanfield	21	Do......Witness on M'Kinley's Trial.
John M'Lachlan	Weaver	Crossloan-street	34	Do.......Do.
John Buchanan	..Do	Bridgeton	27	Sheriff Substitute of Lanarkshire.
Hugh Cochrane	..Do	Anderston	38	High Court of Justiciary.
Hugh Dickson	..Do	Calton	34	Do......Witness in M'Kinley's Trial.
James Hood	Web Mounter	Govan	21	Do......Do.
James Robertson	Weaver	Bridgeton	51	Sheriff Depute of Lanarkshire.
Andrew Somerville	..Do	..Do	32	Sheriff Substitute.
John Campbell	..Do	Crossloan-street	25	High Court of Justiciary—Witness on M'Kinley's Trial.
William Paul	Cotton Spinner	Barrowfield	23	Sheriff Substitute.
James Hervey	Weaver	Clyde-street	50	......Do.
James M'Tear	Schoolmaster	Calton	35	Discharged by Sheriff after examination.
John Young	Beamer	..Do	30	Warrant for Treasonable Practices discharged.
Wm. Simpson	Weaver	Anderston	25	High Court of Justiciary—Witness on M'Kinley's Trial.
Peter Gibson	Carpenter	Clyde-street	38	Do......Do.
Thomas Sinclair	Weaver	Govan	32	Do.
John Stewart	..Do	Ladywell-street	52	Sheriff Substitute.
Robert Thom	..Do	Camlachie	50	......Do.
William Murray	Cotton Spinner	Calton	52	......Do.
William Robertson	Weaver	Govan	34	......Do.
Roger Gordou	..Do	Anderston	30	......Do.
John Weier	..Do	Green-street	31	Discharged by Sheriff after examination.
John Montgomery	..Do	Calton	29	......Do.
James Paton	..Do	Landrecy-street	39	Warrant for Treasonable Practices discharged.
James Shields	..Do	Anderston	47	Sheriff Substitute.
John Cochrane	Porter	Glasgow	38	Discharged by Sheriff after examination.
William Irvine	Weaver	Marlboro'-street	32	Sheriff Substitute.
John Wylie	Manufacturer	Glasgow	28	Sheriff Depute.
Andrew Robb	Vintner	Anderston	40	Warrant for Treasonable Practices discharged.
William Edgar	Schoolmaster	Bridgeton	25	High Court of Justiciary.
David Smith	Cotton Spinner	Calton	32	Sheriff Substitute.
John Keith	..Do	..Do	—	High Court of Justiciary.
David Dryburgh	Schoolmaster	Carmunnock	40	Sheriff Substitute.
John Johnston	Weaver	Bridgeton	23	......Do.
Peter Cameron	Cotton Spinner	Calton	—	......Do.
Robert Kerr	Manufacturer	Glasgow	—	Released upon Bail.

OBSERVATIONS.—Andrew M'Kinley was brought to Trial before the High Court of Justiciary at Edinburgh, on the 18th of July, 1817, and the Jury returned a Verdict of Not Proven. (See an account of the Trial in these Reports, Vol. i. p. 1698, *note.*)

No. III. Abstract of the Return made by the Secretary of State, on the 16th of March, 1818, to the House of Lords, of all Persons arrested or committed, since the 1st of January, 1817, for having been tumultuously, or unlawfully, or in a disorderly manner assembled in Great Britain, and of all Persons whose Papers were seized, or whose Houses were searched for Arms or other offensive Weapons, or who were detained, in consequence of their having been so assembled, without being brought to Trial, together with an account of the Authority by which they were subsequently discharged.

"Within the period specified in the above-mentioned address, no persons have been arrested or committed by his Majesty's Secretaries of State, for the offences mentioned in the address, nor have any houses been searched for arms or other offensive weapons by virtue of such warrants, nor have any such warrants been issued for the seizure of papers; but upon the arrest of the under-mentioned persons for high treason, or suspicion of high treason, by virtue of warrants of his Majesty's principal Secretary of State for the home department, some papers of those persons have been seized by the messengers to whom those warrants were directed; viz.

James Watson the elder.	James Mann.
Thomas Evans.	Benjamin Scholes.
Thomas John Evans.	William Ogden.
John Johnston.	William Benbow.

It is not known to the home department that any seizures of papers have been made, except as above mentioned, nor that any arrests, commitments, or searches within the scope of the address have taken place in any part of England, except at Manchester and Nottingham.

Copies of the address having, by the commands of his Royal Highness the Prince Regent, been transmitted to the magistrates at each of those towns, it appears by the returns from thence that the houses of the under-mentioned persons in the town of Nottingham were, on the tenth day of June last, searched for arms; viz.

Alexander Amos.	Frances Ward.
Jeremiah Brandreth.	John Holmes.
Dennis Rhodes.	William Handby.
Samuel Haynes.	Charles Merrey.

And that the following persons were, on the 10th day of March, 1817, arrested at or near Manchester, for having been tumultuously, unlawfully, and in a disorderly manner assembled."

The Return then gives the names of 249 persons, of whom 27 were apprehended, without warrant, near St. Peter's Church, and the remainder (called the Blanketeers) were apprehended, without warrant, on the Stockport road. Of the whole 249, 2 (Samuel Drummond and John Bagguley, who were among those arrested near St. Peter's Church) are stated to have been sent to London under warrant from the Secretary of State: 7 are stated to have been committed to Lancaster for trial: 59 are stated to have been Bailed to Sessions: 92 are stated to have been Discharged; and 89 are stated to have given their own Recognizances.

Observations. It will be seen by the Abstract No. 1. that Drummond and Bagguley were discharged on their own Recognizances, on the 31st of January, 1818. The Blanketeers were to have been tried at Lancaster on the 6th September, 1817, but Mr. Topping (counsel for the crown) desired the jury to acquit them, and, accordingly a verdict of Not Guilty was returned, and the prisoners were discharged. (See an account of the proceedings, in these Reports, Vol. I. p. 1671, *note*.)

No. IV. Abstract of the Net Produce of the Revenue of Great Britain, in the Years ending 5th January 1817, and 5th January 1818, distinguishing the Quarters;—and also, the Total Produce of the Consolidated Fund, the Annual Duties, and the War Taxes.

	QUARTERS ending				YEAR ending
	April 5, 1816.	July 5, 1816.	Oct. 10, 1816.	Jan. 5, 1817.	Jan. 5, 1817.
Customs	1,394,639	767,846	1,499,288	1,317,381	4,979,154
Excise	4,325,528	4,124,975	4,937,055	4,484,440	17,871,998
Stamps	1,520,536	1,500,414	1,487,447	1,461,324	5,969,721
Post Office	378,000	353,000	365,000	330,000	1,426,000
Assessed Taxes	726,909	2,207,659	714,270	2,134,484	5,783,322
Land Taxes	135,227	426,503	180,067	388,132	1,127,929
Miscellaneous	72,712	70,554	41,848	56,085	241,199
Unappropriated War Duties	. . . .	. . . .	. . . .	. . .	
Unappropriated Property Tax	. . . .	. . . .	. . . .	374,006	374,006
Total Consolidated Fund	8,551,551	9,150,951	9,224,975	10,545,852	37,773,329
Annual Duties to pay off Bills:					
Customs	39,143	524,691	958,540	870,827	2,393,201
Excise	7,654	90,732	98,611	337,097	534,124
Pensions, &c.	. . . .	. . . .	. . . .	4,016	4,016
Total Annual Duties	46,797	615,123	1,057,181	1,211,910	2,931,341
Permanent and Annual Duties	8,598,348	10,066,371	10,282,156	11,757,792	40,704,670
WAR TAXES.					
Customs	517,659	190,151	31	525	1,008,366
Excise	1,067,266	1,354,616	1,259,533	780,659	4,162,074
Property (Appropriated)	4,861,027	2,071,776	2,960,576	1,292,205	11,185,584
Total War Taxes	6,445,952	3,916,543	4,220,140	2,073,389	16,656,024
Total Net Revenue	15,011,300	13,982,917	14,502,296	13,831,181	57,360,694

	QUARTERS ending				YEAR ending
	April 5, 1817.	July 5, 1817.	Oct. 10, 1817.	Jan. 5, 1818.	Jan. 5, 1818.
Customs	1,719,314	831,853	1,880,180	2,458,628	6,889,975
Excise	3,819,211	3,831,360	4,025,209	4,695,074	16,370,854
Stamps	1,492,611	1,589,615	1,688,663	1,566,532	6,337,421
Post Office	342,000	323,000	354,000	319,000	1,338,000
Assessed Taxes	868,104	2,216,806	782,602	2,260,017	6,127,529
Land Taxes	154,550	461,664	190,502	353,604	1,163,320
Miscellaneous	98,595	62,160	76,799	255,318	492,872
Unappropriated War Duties	30,225	20,031	12,124	6,200	68,580
Unappropriated Property Tax	993,193	. . . .	. . . .	. . . .	993,493
Total Consolidated Fund	9,518,103	9,339,489	9,010,079	11,914,373	39,782,044
Annual Duties to pay off Bills:					
Customs	192,982	877,760	1,241,770	558,993	2,871,505
Excise	13,279	83,727	124,684	36,441	258,131
Pensions, &c.	. . . .	. . .	. . . .	. . . .	. . . .
Total Annual Duties	206,261	961,487	1,366,454	595,434	3,129,636
Permanent and Annual Duties	9,724,364	10,300,976	10,376,533	12,509,807	42,911,680
WAR TAXES.					
Customs	. . . .	. . . .	. . . .	. . . .	. . . .
Excise	809,565	779,647	739,943	768,157	3,097,312
Property (Appropriated)	. . . .	472,338	407,072	389,048	1,268,458
Total War Taxes	809,565	1,251,985	1,147,015	1,157,205	4,365,770
Total Net Revenue	10,533,[illegible]29	11,552,961	11,523,548	13,667,012	47,277,450

The Irish and Portuguese Payments, for the Interest on their respective Debts payable in England, are excluded from this Statement; and the War Taxes appropriated to the Interest of Loans charged on them, are not included in the Consolidated Fund, but under the head of War Taxes, to the Quarter ended 5th July 1816, inclusive, from which period certain War Duties of Customs being made perpetual by Act 56 Geo. III., cap. 29, are included under the head of Consolidated Customs.

Treasury Chambers, 7th May 1818. S. R. LUSHINGTON.

No. V. An Account of the Net Produce of the Revenue of Ireland, as paid into the Exchequer, in the Year ended the 5th day of January 1818 (in Irish Currency).

	£.	s.	d.
Customs	1,607,455	11	7½
Excise and Assessed Taxes	2,308,203	11	3¾
Stamps	563,621	11	3¼
Post Office	62,000	—	—
Miscellaneous	212,396	14	2¾
	£4,753,677	8	5¼

British	£4,388,010 — —

Irish Revenue Department,
Treasury Chambers, Whitehall,
7th May 1818.

S. R. LUSHINGTON.

No. VII. (*See* No. VI. *over.*) An Account of the Net Produce of the Revenue of Ireland, as paid into the Exchequer, in the Year ended the 5th day of April, 1818 (in Irish Currency).

	£.
Customs	1,582,406
Excise and Assessed Taxes	2,398,239
Stamps	553,792
Post Office	52,000
Miscellaneous	228,728
	£4,815,165

British	£4,444,768

Irish Revenue Department,
Treasury Chambers, Whitehall,
7th May 1818.

S. R. LUSHINGTON.

No. VI. Abstract of the Net Produce of the Revenue of Great Britain, in the Years ending 5th April 1817 and 5th April 1818; distinguishing the Quarters; and also, the Total Produce of the Consolidated Fund, the Annual Duties, and the War Taxes.

	QUARTERS ending				YEAR ending April 5, 1817.
	July 5, 1816.	Oct. 10, 1816.	Jan. 5, 1817.	April 5, 1817.	
Customs	767,846	1,499,288	1,317,381	1,719,314	5,303,829
Excise	4,124,975	4,937,055	4,484,440	3,819,211	17,365,681
Stamps	1,500,414	1,487,447	1,461,324	1,492,611	5,941,796
Post Office	353,000	365,000	330,000	342,000	1,390,000
Assessed Taxes	2,207,659	714,270	2,134,484	868,104	5,924,517
Land Taxes	426,503	180,067	388,132	154,550	1,149,252
Miscellaneous	70,554	41,848	56,085	98,595	267,082
Unappropriated War Duties	....	....	....	30,225	30,225
Unappropriated Property Tax	....	....	374,006	993,493	1,367,499
Total Consolidated Fund	9,450,951	9,224,975	10,545,852	9,518,103	38,739,881
Annual Duties to pay off Bills:					
Customs	524,691	958,540	870,827	192,982	2,547,040
Excise	90,732	98,641	337,097	13,279	539,749
Pensions, &c.	....	....	4,016	....	4,016
Total Annual Duties	615,423	1,057,181	1,211,940	206,261	3,090,805
Permanent and Annual Duties	10,066,374	10,282,156	11,757,792	9,724,364	41,830,686
WAR TAXES.					
Customs	490,151	31	525	....	490,707
Excise	1,354,616	1,259,533	780,659	809,565	4,204,373
Property (Appropriated)	2,071,776	2,960,576	1,292,205	....	6,324,557
Total War Taxes	3,916,543	4,220,140	2,073,389	809,565	11,019,637
Total Net Revenue	13,982,917	14,502,296	13,831,181	10,533,929	52,850,323

	QUARTERS ending				YEAR ending April 5, 1818.
	July 5, 1817.	Oct. 10, 1817.	Jan. 5, 1818.	April 5, 1818.	
Customs	831,853	1,880,180	2,458,628	1,991,718	7,162,379
Excise	3,831,360	4,025,209	4,695,074	4,248,082	16,799,725
Stamps	1,589,615	1,688,663	1,566,532	1,588,759	6,433,569
Post Office	323,000	354,000	319,000	336,000	1,332,000
Assessed Taxes	2,216,806	782,602	2,260,017	917,414	6,176,839
Land Taxes	464,664	190,502	353,604	178,295	1,187,065
Miscellaneous	62,160	76,799	255,318	73,270	467,547
Unappropriated War Duties	20,031	12,124	6,200	713	39,068
Unappropriated Property Tax	...	....	....	....	.
Total Consolidated Fund	9,339,489	9,010,079	11,914,373	9,334,251.	39,598,192
Annual Duties to pay off Bills:					
Customs	877,760	1,241,770	558,993	11,946	2,690,469
Excise	83,727	124,684	36,441	6,520	251,372
Pensions, &c.	....	....	....	....	.
Total Annual Duties	961,487	1,366,454	595,434	18,466	2,941,841
Permanent and Annual Duties	10,300,976	10,376,533	12,509,807	9,352,717	42,540,033
WAR TAXES.					
Customs	....	....	....	....	.
Excise	779,647	739,943	768,157	897,203	3,184,950
Property (Appropriated)	472,338	407,072	389,048	254,190	1,522,648
Total War Taxes	1,251,985	1,147,015	1,157,205	1,151,393	4,707,598
Total Net Revenue	11,552,961	11,523,548	3,667,012	10,504,110	47,247,631

The Irish and Portuguese Payments, for the Interest on their respective Debts payable in England, are excluded from this Statement; and the War Taxes appropriated to the Interest of Loans charged on them, are not included in the Consolidated Fund, but under the head of War Taxes, to the Quarter ending 5th July, 1816, inclusive, from which period certain War Duties of Customs being made perpetual by Act 56 Geo. III. cap. 29, are included under the head of Consolidated Customs.

Treasury Chambers, 7th May 1818. S. R. LUSHINGTON.

No. VIII. Compare of the Produce of the Revenue of Great Britain, exclusive of the War Duty on Malt and Property, in the Quarters ended 5th April 1817 and 1818.

	QUARTERS ENDED.		Increase.	Decrease.
	5th April 1817.	5th April 1818.		
	£.	£.	£.	£.
Customs	1,912,296	2,003,664	91,368	
Excise	4,642,055	5,151,805	509,750	
Stamps	1,492,611	1,588,759	96,148	
Post Office	342,000	336,000		6,000
Assessed Taxes	868,104	917,414	49,310	
Land Taxes	154,550	178,295	23,745	
Miscellaneous	98,595	73,283		25,812
	9,510,211	10,249,220	770,321	31,812
Deduct Decrease			31,812	
Increase on the Quarter			739,009	

Treasury Chambers, 7th May 1818. S. R. LUSHINGTON.

No. IX. An Account of the Net Produce of the Revenue of Ireland, as paid into the Exchequer, in the Quarters ended the 5th day of April 1817, and 5th day of April 1818 (in British currency.)

	QUARTERS ENDED.		Increase.	Decrease.
	5th April 1817.	5th April 1818.		
	£.	£.	£.	£.
Customs	324,635	301,514		23,121
Excise and Assessed Taxes	493,308	576,418	83,110	
Stamps	151,504	142,431		9,073
Post Office	12,000	2,770		9,230
Miscellaneous	21,846	36,920	15,074	
Total	1,003,293	1,060,053	98,184	41,424
Deduct Decrease			41,424	
Increase on the Quarter			56,760	

Irish Revenue Department, Treasury Chambers, Whitehall, 7th May 1818. C. ARBUTHNOT.

No. X. An Account of the Total Amount of the National Debt in each year from the the Amount of Debt redeemed, and also Total Amount of unredeemed Debt in each

		GREAT BRITAIN.			
		Total amount of debt. Co. 1.	Debt contracted in each year. Co. 2.	Debt redeemed in each year. Co. 3.	Total unredeemed debt Co. 4.
		£.	£.	£.	£.
Amount at 1st August	1786	238,231,248	....	....	238,231,248
Between 1st Aug. 1786 and 1st Feb.	1787	238,231,248	....	662,750	237,568,498
At 1st February	1788	238,231,248	....	1,456,900	236,111,598
	1789	238,231,248	....	1,506,350	234,605,248
	1790	238,231,248	....	1,558,850	233,046,398
	1791	238,231,248	....	1,587,500	231,458,898
	1792	238,231,248	....	1,507,100	229,951,798
	1793	238,231,248	....	1,962,650	227,989,148
	1794	244,481,248	6,250,000	2,174,405	232,064,743
	1795	260,157,773	15,676,525	2,804,945	244,936,323
	1796	311,863,471	51,705,698	3,083,455	293,558,566
	1797	368,809,040	56,945,569	4,390,670	346,113,465
	1798	394,159,040	25,350,000	6,695,585	364,767,880
	1799	429,783,290	35,624,250	7,779,807	392,612,323
	1800	451,658,290	21,875,000	20,211,571	394,275,752
	1801	480,703,290	29,045,000	10,281,776	413,038,977
	1802	536,657,603	55,954,313	9,925,739	459,067,551
	1803	567,008,978	30,351,375	8,846,450	480,572,476
	1804	583,008,978	16,000,000	12,409,854	484,162,622
In this and following years the debt is shewn, after deducting the 5 per cents. 1797, paid off in each year	1805	603,925,792	20,916,814	11,951,711	493,127,726
	1806	640,752,103	36,826,311	12,673,475	517,280,561
	1807	669,652,847	28,900,744	13,105,761	533,075,543
	1808	687,689,958	18,037,111	14,336,628	536,776,026
	1809	701,229,515	13,539 557	14,574,531	535,741,052
	1810	722,446,770	21,217,255	15,000,454	541,957,854
* Includes Loan 1811, raised for Ireland, chargeable on Great Britain	1811	742,239,101	19,792,331	16,087,487	545,662,698
	1812	771,370,396	*29,131,295	18,509,174	556,284,819
	1813	812,013,135	40,642,739	21,716,165	575,211,392
	1814	905 549,502	93,536,367	24,579,590	644,168,169
	1815	930,184,109	24,634,607	19,728,540	649,074,235
	1816	1,000,986,526	70,802,417	20,561,137	699,315,516
	1817	1,003,768 694	2,782,168	19,328,369	682,769,314
Great Britain and Ireland Consolidated by 56 Geo. 3. c. 98 at 5 Jan.	1818	1,106,759,615	5 per cents 1797 paid off 41,829*l.*	18,470,398	748,201,991

The sums in columns 3 and 7 have been redeemed and transferred as follows:

	£.
By the Sinking Fund	328,274,369
Land-tax	25,389,233
Life Annuities purchased	4,323,385
Stock, the dividends due upon which have remained unclaimed 10 years and upwards	222,037
Purchased with unclaimed dividends	348,600
	358,557,624

* The above debt of Ireland, column 5, is exclusive of 1,900,000*l.* Irish 5*l.* per cents. payable in England. By 57 Geo. III. cap. 48, the Sinking Fund Accounts terminate on the 5th January in each year, instead of 1st February as heretofore.

National Debt-office, Feb. 13.

S. HIGHAM, Secretary.

An Account of the Amount of the Unfunded Debt of Great Britain, on the 1st of February in each 3¾*d.*; 1805, 31,515,548*l.* 3*s.* 9½*d.*; 1806, 34,196,500*l.* 13*s.* 10¾*d.*; 1807, 34,348,391*l.* 10*s.* 8½*d.*; 1808, 7½*d.*; 1812, 50,454,166*l.* 15*s.* 8*d.*; 1813, 54,055,632*l.* 17*s.* 11*d.*; 1814 56,749,184*l.* 2*s.*; 1815, 9*s.* 2*d.*

1st February 1786 to the 5th January 1818, stating the Amount of Debt contracted, of those years.

	IRELAND, funded in Great Britain.			
	Total amount of debt. Co. 5.	Debt contracted in each year. Co. 6.	Debt redeemed in each year. Co. 7.	Total unredeemed Debt. Co. 8.
	£.	£.	£.	£.
—	—	—	—	—
—	—	—	—	—
—	—	—	—	—
—	—	—	—	—
—	—	—	—	—
—	—	—	—	—
—	—	—	—	—
—	—	—	—	—
—	—	—	—	—
—	—	—	—	—
—	—	—	—	—
—	—	—	—	—
....	2,925,000	2,925,000	15,404	2,909,596
....	6,925,000	4,000,000	96,530	6,813,066
....	12,175,000	5,250,000	130,185	11,932,881
....	15,315,000	3,140,000	253,360	14,839,521
....	19,708,750	4,393,750	310,928	18,922,343
....	22,348 000	2,639,250	337,008	21,224,585
....	25,548,000	3,200,000	472,256	23,952,329
....	33,738,000	8,190,000	579,428	31,562,901
....	38,398,000	4,660,000	738,849	35,484,052
....	41,718,000	3,320,000	807,393	37,996,659
....	47,139,625	5,421,625	907,585	42,510,699
....	50,094,000	2,954,375	951,463	44,513,611
....	53,694,000	3,600,000	1,013,577	47,100,034
....	61,274,250	7,580,250	1,135,716	53,544,568
....	61,274,250	Included in Gr. Brit.	1,356,276	52,188,292
....	68,930,250	7,656,000	1,567,541	58,276,751
....	79,130,250	10,200,000	1,798,434	66,678,317
....	86,472 750	7,342,500	1,812,122	72,208,695
....	103 032,750	16,560,000	2,316,690	86,452,005
....	103,032,750	——	2,507,101	83,944,904
	—	—	—	—

} The sums stated in columns 3 and 7 amount to 358,557,623*l.* The difference arises from the fractional parts of a pound being omitted.

year, from the 1st of February 1803 to the 1st of February, 1818, inclusive:—1804, 23,787,251*l.* 15*s.* 39,669,960*l.* 2*s.* 8¼*d.*; 1809, 47,383,732*l.* 18*s.* 3*d.*; 1810, 48,442,635*l.* 8*s.* 9*d.*; 1811, 46,971,580*l.* 2*s.* 65,096,695*l.* 12*s.* 1½*d.*; 1816, 46,013,578*l.* 12*s.* 11*d.*; 1817, 46,777,672*l.* 6*s.* 4*d.*; 1818, 58,513,399*l.*

No. XI. An Account of the Average Amount of Bank Notes in Circulation, including Bank Post Bills;

In each Half Year, from the 1st of January 1797 to the 1st of January 1818, inclusive.

	£.
1797:	
January to June	10,821,574
July to December	11,218,084
1798:	
January to June	12,954,685
July to December	12,204,547
1799:	
January to June	13,374,874
July to December	13,525,714
1800:	
January to June	15,009,457
July to December	15,311,824
1801:	
January to June	16,134,249
July to December	15,487,555
1802:	
January to June	16,284,052
July to December	16,571,726
1803:	
January to June	15,967,094
July to December	17,043,450
1804:	
January to June	17,623,680
July to December	17,192,440
1805:	
January to June	17,271,429
July to December	16,480,713
1806:	
January to June	16,941,887
July to December	16,641,761
1807:	
January to June	16,724,368
July to December	16,687,438
1808:	
January to June	16,953,787
July to December	17,303,512
1809:	
January to June	18,214,026
July to December	19,641,640
1810:	
January to June	20,894,441
July to December	24,188,605
1811:	
January to June	23,471,297
July to December	23,094,046
1812:	
January to June	23,123,140
July to December	23,351,496
1813:	
January to June	23,939,693
July to December	24,107,445
1814:	
January to June	25,511,012
July to December	28,291,832
1815:	
January to June	27,155,824
July to December	26,618,210
1816:	
January to June	26,468,283
July to December	26,681,398
1817:	
January to June	27,339,768
July to December	29,210,035

WILLIAM DAWES, Acct. Genl.

Bank of England, 18th April, 1818.

No. XII. An Account of the total weekly Amount of Bank Notes and Bank Post Bills in circulation, from the 3d of February to the 3d of March 1818: distinguishing the Bank Post Bills; the Amount of Notes under the Value of *5l.*; and stating the aggregate Amount of the whole.

	Bank Notes of *5l.* and upwards.	Bank Post Bills.	Bank Notes under *5l.*	Total.
1818:	£	£	£	£
February ....10.	19,650,590	1,848,380	7,446,610	28,945,580
—— ....17.	19,574,780	1,847,280	7,424,720	28,846,780
—— ....24.	18,996,980	1,855,000	7,364,620	28,216,600
March .... 3.	19,047,570	1,828,470	7,372,080	28,248,120

Bank of England, 9th March 1818.

WILLIAM DAWES,
Accountant General.

No. XIII. Accounts relating to Prosecutions for forging Bank of England Notes, viz.

1. Account of the number of persons prosecuted for forging notes of the Bank of England, and for uttering or possessing such notes knowing them to be forged, from the 1st of January, 1816, to the 25th of February, 1818; distinguishing the years, and the number convicted and acquitted of such offences respectively.

Year.	Capital convictions.	Convictions for having forged Bank-Notes in possession.	Acquittals.	Total number prosecuted.
1816	20	84	16	120
1817	32	95	15	142
1818 to 25th Feb.	4	21	1	26

2. Account of the number of persons prosecuted for forging notes of the Governor and Company of the Bank of England, and for uttering such notes, knowing them to be forged, during the 14 years preceding the suspension of cash-payments by the Bank in February, 1797, distinguishing the years.

Years.	Capital convictions.	Acquittals.	Total.
1783	nil.	—	—
1784	2	....	2
1785, 1786, 1787	nil.	—	—
1788	1	....	1
1789	....	1	1
1790, 1791, 1792, 1793, 1794, 1795, 1796	nil.	—	—

3. Account of the number of persons prosecuted for forging notes of the Governor and Company of the Bank of England, and for knowingly uttering or possessing such forged notes, knowing them to be forged, since the suspension of cash-payments by the Bank, in February, 1797, to the 25th of February, 1818; distinguishing the years, and the numbers convicted and acquitted.

Years.	Capital convictions.	Convictions for having forged Bank-Notes in possession.	Acquittals.	Total number prosecuted.
1797	1	—	1	2
1798	11	—	1	12
1799	12	—	3	15
1800	29	—	15	44
1801	32	1	21	54
1802	32	12	19	63
1803	7	1	1	9
1804	13	8	4	25
1805	10	14	4	28
1806	—	9	1	10
1807	16	24	5	45
1808	9	23	2	34
1809	23	29	16	68
1810	10	16	3	29
1811	5	19	9	33
1812	26	26	12	64
1813	9	49	7	65
1814	5	39	3	47
1815	7	51	5	63
1816	20	84	16	120
1817	32	95	15	142
1818 to 25th Feb.	4	21	1	26

21st April, 1818.

JOSEPH KAYE,
Solicitor to the Bank of England.

No. XIV. An Account of the Total Number of Forged Bank Notes, discovered by the Bank to have been Forged, by presentation for Payment, or otherwise, from 1st January 1812 to 10th April 1818; distinguishing each year, and also distinguishing the Number of Notes of 1*l.*, of 2*l.*, of 5*l.* of 10*l.*, of 20*l.*, and above 20*l.*, in Value.

Years.	Number of Notes of £ 1.	Number of Notes of £ 2.	Number of Notes of £ 5.	Number of Notes of £ 10.	Number of Notes of £ 15.	Number of Notes of £ 20.	Number of Notes above £ 20.	Total Number.
In 1812..	12,255	4,261	1,125	205	....	34	5	17,885
— 1813..	11,347	3,097	827	38	....	4	2	15,315
— 1814..	10,342	3,320	1,011	38	....	10	1	14,722
— 1815..	14,085	2,829	806	41	2	1	1	17,765
— 1816..	21,860	2,141	795	24	....	5	24	24,849
— 1817..	28,412	1,839	875	52	....	....	2	31,180
— 1818 to 10 April	8,937	300	387	21	....	....	....	9,645
	107,258	17,787	5,826	419	2	54	35	131,361

Bank of England, 13th May, 1818.

H. HASE,
Chief Cashier.

The total nominal value of the 131,361 notes reported above, excluding those above 20*l.*, of which no individual return is made, was 177,242*l.*

An account has been returned to Parliament of the various sums paid by the public to the Bank of England, as a remuneration for receiving the deposits or contributions on loans raised for the public service from the year 1793, to the year 1816, inclusive: from which it appears that the total sum paid by the public on this account, amounts to no less than 397,086*l.* 7*s.* 3*d.*

According to Returns made to Parliament of the various Public Balances in the hands of the Bank on the 1st and 15th days of each month, between the 1st of January and the 15th of December 1817, inclusive, it appears:—

1st. That the total Balance belonging to the different departments of Government, including the Balances of the Accountant-General of the Court of Chancery, amounted to £ 66,599,421; of which the average was £ 2,774,975.

2nd. That the total Balance resulting from Payments under the head of Customs, and of all other branches of the Public Revenue, amounted to £ 10,785,259; of which the average was £ 449,385.

3d. That the total Balance resulting from the Postmaster-General's Account with the Bank, amounted to £680,916; of which the average was £ 28,371.

The total of all Public Balances not particularly specified in the three preceding accounts, on the 1st of Jan. 1818, was £337,564.

The Total amount of Unclaimed Dividends, and Lottery Prizes, in the hands of the Bank, on the 1st and 15th days of every month in the year 1817, was as follows:

	Unclaimed Dividends.	Lottery Prizes.	Remained in the hands of the Bank.
	24) 43,431,985	357,387	24) 19,695,897
Average	1,809,666	14,891	820,662

No. XV. An Account of the Number of Licences for the Issue of Promissory Notes payable on Demand, in Great Britain, in each successive Year, from the 10th of October 1811, to the 10th of October 1817:—distinguishing, the Licences renewed, from those granted to New Banks; and distinguishing the Licences granted to Persons residing in Scotland.

	Number of Licences granted in England and Wales.		Number of Licences granted in Scotland.		Total Number of Licences granted in each successive Year.	
	LICENCES Renewed.	LICENCES Granted to New Banks.	LICENCES Renewed.	LICENCES Granted to New Banks.	In England and Wales.	In Scotland.
From 10th Oct. 1811 to 10th Oct. 1812	609	216	48	5	825	53
— 10th Oct. 1812 to 10th Oct. 1813	708	214	52	34	922	86
— 10th Oct. 1813 to 10th Oct. 1814	716	224	82	4	940	86
— 10th Oct. 1814 to 10th Oct. 1815	756	160	85	6	916	91
— 10th Oct. 1815 to 10th Oct. 1816	693	138	74	11	831	85
— 10th Oct. 1816 to 10th Oct. 1817	621	131	78	1	752	79
From 10th Oct. 1811 to 10th Oct. 1817	4,103	1,083	419	61	5,186	480

SAMUEL HILL, Distributer, &c.

Stamp-Office, 23d February, 1818.

No. XVI. An Account of the Amount of Gold and Silver coined at his Majesty's Mint for the Two Years preceding 1st January 1818, distinguishing each year; and also distinguishing the Amount coined from Old Gold and Silver Coin.

GOLD.

Year.	Amount coined, (including for the Pix.)	Amount Coined from Old Gold Coin.
1816	Nil	Note:—The Gold imported into the Mint by the Bank, for Coinage, is received in Ingots, without reference to the Coin from which it is produced.
1817	£ 4,268,330	
Total......£	£ 4,268,350	

SILVER.

Year.	Amount coined, (including for the Pix.) £.	s.	d.	Amount Coined from Old Silver Coin.		
1816.	1,806,181	0	6	Nil.		
1817.	2,437,095	18	0	* 1,516,038	3	4
Total......£	4,243,276	18	6	£ 1,516,036	3	4

* Note.—There remains yet to coin about Half a Million Sterling of the Old Silver Coin.

Mint Office, 10th February 1818.

JAS. W. MORRISON, Dep. Master and Wr.

No. XVII. An Account of the total Amount of Gold coined in each Year, from the Commencement of the present Reign to the 1st January, 1818, inclusive.

	£.	s.	d.		£.	s.	d.
1760	111,325	10	6	1790	2,660,521	10	0
1	550,887	15	0	1	2,456,566	17	6
2	553,691	5	0	2	1,171,863	0	0
3	513,040	10	0	3	2,747,430	0	0
4	883,102	10	0	4	2,558,894	12	6
5	538,272	0	0	5	493,416	0	0
6	820,724	12	6	6	464,680	2	6
7	1,271,807	15	6	7	2,000,297	5	0
8	844,554	7	6	8	2,967,504	15	0
9	626,582	5	0	9	449,961	15	0
1770	623,778	15	0	1800	189,937	2	6
1	637,796	5	0	1	450,242	2	0
2	843,853	10	0	2	437,018	18	6
3	1,317,645	0	0	3	596,444	12	6
4	4,685,623	11	2¼	4	718,396	17	6
5	4,901,218	17	6	5	54,668	5	0
6	5,006,350	2	6	6	405,105	15	0
7	3,680,995	10	0	7	—	—	—
8	350,437	10	0	8	371,744	2	0
9	1,696,117	10	0	9	298,946	11	0
1780	—	—	—	1810	316,935	11	6
1	876,794	12	6	11	312,263	3	6
2	698,074	7	3	12	—	—	—
3	227,083	2	10	13	519,722	3	6
4	822,126	7	6	14	—	—	—
5	2,488,106	5	0	15	—	—	—
6	1,107,382	10	0	16	—	—	—
7	2,849,056	17	6	17	4,275,337	10	0
8	3,[illegible]64,174	10	0				
9	1,[illegible]30,711	0	0	Total £	71,639,213	6	9¼

Mint Office, April 6th 1818.

JAMES W. MORRISON, Deputy Master and W.
JOHN BARTON, Comptroller.

No. XVIII. An Account of the Number of Sovereigns, Half Sovereigns, Crowns, Half Crowns, Shillings, and Sixpences, issued from the Mint in the course of the year 1817.

Sovereigns.	Half Sovereigns.	Total Aggregate Amount.	Crowns.	Half Crowns.	Shillings.	Sixpences.	Total Aggregate Amount.
£	£	£		£	£	£	£
3,224,025	1,037,295	4,261,320	Nil.	1,125,630	2,453,566	657,162	4,241,358

No. XIX. Account of Exchequer Bills, and Irish Treasury Bills.

The amount of Exchequer Bills issued under the 57th Geo. III. c. 2, was 24 millions.—The amount issued under the 57th Geo. III. c. 80, was 9 millions.—The amount issued under the 56th Geo. III. c. 14, was 6 millions.—The amount issued between the 5th of January 1817, and the 6th of January 1818, was 6,698,620l. 16s. 9½d.—The amount paid off within the same period, was 47,658,120l. 16s. 9½d.—The amount which remained to be issued on the 6th of January 1818, was 3,877,600l.—The amount issued *per* Acts 7 and 11 of Anne, remaining in the chests of the Tellers of the Exchequer, with the Interest due upon them, outstanding and unprovided for, was, Principal 912l. 10s., Interest 180l. 4s. 2¾d.—The money paid into the Exchequer, pursuant to 51 Geo. III. c. 15, and which remained for the disposition of Parliament, amounted to 21,448l. 12s. 6d.—The amount of Interest paid on Exchequer Bills in 3 years, ended the 5th January 1818, was, in 1816, 3,014,003l. 3s. 8d.; in 1817, 2,196,177l. 19s. 3d.; in 1818, 1,710,119l. 3s. 10d. The average was, 2,306,766l. 15s. 7d.—The amount of Exchequer Bills issued under the 57th Geo. III. c. 48, was 10,098,620l. 16s. 9½d.; the amount paid off was the same.—The amount issued under 57th Geo. III. c. 16. outstanding and unprovided for, was 18 millions.—The amount issued *per* Act 48 Geo. III. c. 3. outstanding and unprovided for, was 3 millions.

The following, therefore, was the amount of the Unfunded Debt in Exchequer Bills, outstanding on the 5th day of January 1818.

Under what Acts issued.	On what Funds charged, and the Amount to be issued under each Act.	Amount outstanding.
48 Geo. 3d., cap. 3, continued p^r 55 Geo. 3d., cap. 16.; and further continued p^r 56 Geo. 3d., cap 7, until 5th April 1818..........	Supplies........A° 1818........3,000,000	3,000,000
56 Geo. 3d., cap. 14.	6,000,000*l.* Bank Advance, payable at the end of two years from the passing of the Act, out of the Supplies for the then current year	6,000,000
56 Geo. 3d., cap. 28.	Originally charged on Supplies 1816, but by 57 Geo. 3d., cap. 132, made payable out of Supplies A° 1817..............	607,000
57 Geo. 3d., cap. 2......	Supplies........A° 1818 24,000,000	24,000,000
— cap. 16.	Supplies........A° 1818 18,000,000	15,336,800
— cap. 80.	Supplies........A° 1818 9,000,000	7,785,600
		£56,729,400

Of which the Sum Provided for, was............	607,000
Do. Do. Unprovided for, ...	56,122,400
	£56,729,400

The Amount of Irish Treasury Bills, Outstanding and Unprovided for, on the 13th February 1818; in British Currency, was

	£	s.	d.
Issued pursuant to 56 Geo. 3, cap. 41, payable 25 March 1818, at 5 per Cent.	276,923	1	6½
Ditto ....Ditto, cap. 47, payable 24 June 1818, at 5 per Cent.	807,692	6	2
Ditto ....57 Geo. 3, cap. 81, payable 5 July 1819, at 4 per Cent.	3,600,000	0	0
	£4,684,615	7	8½

No. XX. An Account of the Average Price of Wheat, Barley, and Oats, in England and Wales; and also in the Twelve Maritime Districts; in each Quarter, from 5th January 1815 to 5th January 1818.

QUARTERS ended	ENGLAND AND WALES:							THE 12 MARITIME DISTRICTS					
	Wheat:		Barley:		Oats:			Wheat:		Barley:		Oats:	
	s.	d.	s.	d.	s.	d.		s.	d.	s.	d.	s.	d.
1815:													
25th March..	64.	2.	29.	9.	22.	6.	....	62.	4.	29.	2.	21.	7.
24th June....	69.	11.	30.	11.	24.	11.	....	69.	0.	29.	9.	24.	0.
29th Sept....	66.	7.	32.	1.	26.	1.	....	66.	3.	30.	10.	25.	0.
1816:													
5th January..	56.	6.	28.	2.	21.	8.	....	56.	8.	27.	6.	20.	8.
25th March..	54.	6.	24.	6.	18.	3.	....	55.	1.	23.	11.	17.	4.
24th June....	68.	7.	26.	11.	20.	5.	....	70.	0.	26.	7.	19.	9.
29th Sept....	80.	4.	33.	10.	24.	7.	....	81.	0.	33.	6.	23.	10.
1817:													
5th Jan.	97.	10.	47.	10.	30.	1.	....	96.	7.	46.	4.	28.	8.
25th March..	102.	7.	50.	4.	30.	9.	....	100.	6.	50.	0.	29.	10.
24th June...	106.	3.	52.	1.	34.	9.	....	104.	4.	51.	7.	34.	11.
29th Sept....	90.	9.	47.	3.	34.	10.	....	90.	1.	46.	9.	34.	8.
1818:													
5th Jan......	80.	7.	43.	8.	27.	9.	....	81.	10.	43.	5.	26.	2.

London,
20th February, 1818.

WM. DOWDING,
Receiver of Corn Returns.

No. XXI. An Account of the Value of all IMPORTS into, and all EXPORTS from, GREAT BRITAIN, during each of the Four Years ending the 5th January 1818 (calculated at the Official Rates of Valuation, and stated inclusive and exclusive of the Trade with IRELAND); distinguishing the Amount of the Produce and Manufactures of the United Kingdom Exported, from the Value of Foreign and Colonial Merchandise Exported:—also, stating the Amount of the Produce and Manufactures of the United Kingdom Exported from GREAT BRITAIN, according to the Real and Declared Value thereof.

Years.	Official value of Exports.	Official Value of Imports.			Declared Value of Produce and Manufactures of the United Kingdom exported.
		Produce and Manufactures of the United Kingdom.	Foreign and Colonial Merchandise.	Total Exports.	
	£.	£.	£.	£.	£.
1815	36,559,788	36,120,733	20,503.496	56,624,229	47,859,388
1816	35,989,650	44,048,701	16,929,608	60,978,309	53,209,809
1817	30,105,565	36,697,610	14,545,964	51,243,574	42,955,256
1818	33,971,025	41,590,516	11,534,616	53,125,132	43,614,136
1815	32,620,770	33,200,580	19,157,818	52,358,398	43,447,372
1816	31,822,053	41,712,002	15,708,434	57,420,436	49,653,245
1817	26,374,920	34,774,520	13,441,665	48,216,185	40,328,940
1818	29,916,320	39,235,397	10,269,271	49,504,668	40,337,118

No. XXII. An Account of the Value of all IMPORTS into, and all EXPORTS from, IRELAND, during each of the Four Years ending the 5th January, 1818, (calculated at the Official Rates of Valuation, and stated inclusive and exclusive of the Trade with GREAT BRITAIN) distinguishing the Amount of the Produce and Manufactures of the United Kingdom exported, from the Value of Foreign and Colonial Merchandise exported;—also, stating the Amount of the Produce and Manufactures of the United Kingdom exported from IRELAND, according to the Value thereof, as computed at the average Prices Current.

Years.	Official Value of Imports.			Official Value of Exports.									Declared Value of Produce and Manufactures of the United Kingdom exported.		
				Produce and Manufactures of the United Kingdom.			Foreign and Colonial Merchandise.			Total Exports.					
	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.
1815	6,687,732	2	9½	6,114,878	14	0½	475,370	9	11½	6,590,249	4	0	12,620,695	13	2½
1816	5,637,117	16	1½	6,360,184	8	6	170,676	16	2	6,530,861	4	8	11,391,559	6	9½
1817	4,693,745	4	6	6,012,253	15	9¾	165,869	4	8	6,208,123	0	5¾	8,510,977	1	5
1818	5,644,175	16	5½	6,412,892	10	2	150,562	7	10½	6,563,454	18	0½	10,526,325	8	0¼
1815	1,134,493	1	10½	1,006,672	19	10	208,162	19	7½	1,214,835	19	5½	2,046,846	0	2
1816	1,165,342	17	10	1,163,994	3	10¼	40,117	17	2½	1,204,112	1	0¼	1,919,782	18	4¼
1817	1,050,618	19	5	932,488	0	10¾	42,374	6	4	974,862	7	2¾	1,328,933	6	4
1818	889,335	14	2½	851,518	5	9	23,413	4	10½	874,961	10	7½	1,111,897	9	11

No. XXIII. An Account of the Number of VESSELS, with the Amount of their TONNAGE, and the Number of MEN and BOYS employed in Navigating the same (including their repeated Voyages), that entered INWARDS, and cleared OUTWARDS, at the several Ports of the United Kingdom, from and to all parts of the World (exclusive of the intercourse between GREAT BRITAIN and IRELAND respectively), during each of the Four Years ending 5th January, 1818.

	INWARDS.								
	BRITISH AND IRISH.			FOREIGN.			TOTAL.		
	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.
Years ending 5th January, 1815	8,975	1,290,248	83,793	5,286	599,287	37,375	14,261	1,889,535	121,168
1816	8,880	1,372,108	86,390	5,411	764,562	44,000	14,291	2,136,670	130,390
1817	9,744	1,415,723	90,119	3,116	379,465	25,345	12,860	1,795,188	115,464
1818	11,255	1,625,121	97,273	3,396	445,011	27,047	14,651	2,070,132	124,320
	OUTWARDS.								
Years ending 5th January, 1815	8,620	1,271,952	84,100	4,622	602,941	34,828	13,242	1,874,893	118,928
1816	8,795	1,381,041	88,586	4,701	751,377	40,956	13,496	2,132,418	129,542
1817	9,044	1,340,277	86,651	2,579	399,160	23,481	11,623	1,739,437	110,132
1818	10,713	1,558,336	97,362	2,905	440,622	25,270	13,618	1,998,958	122,632

No. XXIV. An Account of the Number of SHIPS, with the Amount of their TONNAGE, which have entered INWARDS and cleared OUTWARDS at the several Ports of GREAT BRITAIN, to and from the East Indies, for Ten Years, ending the 5th January, 1818; distinguishing each Year and each Port.

	INWARDS.		OUTWARDS.	
	Ships.	Tonnage.	Ships.	Tonnage.
In the Year 1814.........London..............	97	71,028	48	37,353
.....................Bristol..............	..	....	2	871
.....................Liverpool..........	..	....	1	512
.....................Plymouth...........	..	....	1	405
Total in 1814....	97	71,028	52	39,141
In the Year 1815.........London.............	93	68,803	117	78,431
.....................Liverpool...........	1	512	2	790
.....................Hull................	..	....	2	759
.....................Sandwich...........	1	521	..	....
Total in 1815....	95	69,836	121	79,980
In the Year 1816.........London............	109	81,326	138	87,866
.....................Bristol...............	..	....	1	416
.....................Hull..................	..	....	1	362
.....................Portsmouth.........	..	....	2	800
.....................Liverpool...........	7	3,365	16	7,014
.....................Whitehaven.........	..	....	1	514
.....................Newcastle..........	..	....	1	589
.....................Greenock..........	..	....	2	960
Total in 1816....	116	84,691	162	98,521
In the Year 1817.........London............	102	67,297	145	85,172
.....................Bristol..............	..	....	2	1,061
.....................Hull.................	..	....	1	379
.....................Newcastle..........	..	....	6	2,259
.....................Plymouth...........	..	....	1	589
.....................Portsmouth.........	..	....	3	2,122
.....................Whitby.............	..	....	1	468
.....................Liverpool...........	15	6,426	26	10,876
.....................Greenock...........	2	775	4	1,702
Total in 1817....	119	74,498	189	104,628

Note:—The whole of the Books of Accounts belonging to this Office, having been destroyed in the Fire at the late Custom-House, the information required cannot be furnished prior to the Year 1814.

T. E. WILLOUGHBY.

Custom House, London, Office of the Register General of Shipping, 1 May, 1818.

IN the Year ending 5th January 1817, an American Vessel, burthen 399 Tons, touched at Cork, bound to Canton in China; which was the only Vessel that entered Inwards or cleared Outwards, at the several Ports of Ireland, from or to the East Indies, for the Ten Years ending 5th January 1818.

H. B. HAUTENVILLE,
Comptroller of Tonnage and Light-Money.

Custom House, Dublin, 7th May, 1818.

No. XXV. Miscellaneous Accounts referred to in the course of the Debates.

Ex Officio Informations.—The sum paid by Mr. Hone to the Crown Office for Copies of Three Informations *ex officio*, filed against him, was £8. 11s. 11*d*.—It appears by the Return made to the House of Commons on the 18th of February, 1818, that the charge for the Office Copy of every Information, whether filed *ex officio* or not, and whether for Libel or any other Misdemeanor, is Eightpence for each Sheet of 72 words contained in the Copy; and that the sum received in each case is applied to the use of the Clerk in Court, by whom, according to the usage of the Crown Office, the Copy required is made.—This fee is said to have been received in the Crown Office of the Court of King's Bench, anciently, and time out of mind.

City Prisons.—The sums paid by the Chamberlain of London, on account of the Gaols of the said City were, in 1816, £18,513. 8s. 2*d*.: in 1817, £20,498. 13*s*. 3*d*. Average of the 2 years, £19,511.

Persons under Sentence of Death.—The Number of Persons under Sentence of Death, in Newgate, on the 31st Jan. 1818 was, Males 54, Females 10. Total 64. Of these 52 did not exceed the age of 30 years. 2, for Forgery, were only 15 and 17. And amongst them were, 1 of 10 for Highway Robbery, 1 of 11 for Burglary, 2 of 13 for Highway Robbery, Theft, &c. 1 of 14 years of age for Theft.—The whole were convicted and sentence passed at the Sessions commencing 3d Dec. 1817, and 14 Jan. 1818.

Lyme Regis Harbour.—The sum expended, since the last Session of Parliament, in the Repair of the Cobb at Lyme Regis, was £621.

Pardons under the Great Seal.—The Fees payable upon a Pardon granted under the Great Seal were as follow: Crown-office in Chancery, £50. 17s. 8*d*. Secretary of State's Office, £15. 7*s*. 0*d*. Signet Office, £6. 14*s*. 6*d*. Office of the Attorney and Solicitor-General's Clerk of the Patents, £22. 2*s*. 0*d*. Privy Seal Office, £6. 9s. 6*d*. Total £101. 10s. 6*d*.

Spanish Slave Ships.—The number of Ships engaged in the Slave Trade, and detained by his Majesty's Cruizers, for which Claims had been given by Spanish subjects were 21. The total number of Slaves composing the Cargoes was 3224.

Leather Tax.—Number of Raw Ox and Cow Hides exported, on which the Drawback was allowed, in England, for the last two years.—Year ending 5th Jan. 1817, 2,998.—Year ending 5th Jan. 1818, 2,797.

————Number of Ox and Cow Hides, and also the Number of Horse Hides, which paid the Import Duty, in England. Ox and Cow Hides (1817) raw, 195,114. Tanned 12lbs. Horse Hides, (raw) 235,860.—Ox and Cow Hides (1818) Raw, 279,324. Horse Hides (Raw) 121,757.

Army.—The effective Strength of the Army, on the 25th Dec. 1817, was, Officers, 6,849: Serjeants, 7,809: Trumpeters and Drummers, 3,145: Farriers, 319: Privates, 122,119: Total Non-Commissioned Officers and Privates, 133,392. Number of Troop Horses, 14,559.

No. XXVI. Accounts relating to the Poor Laws.

Comparative View of the Sums raised by Assessment, and the Sums expended on the Poor, at different periods.

		Total raised.	Expended on Poor.
Average	1748, 1749, 1750	£ 730,135	£ 689,971
Year	1776	1,720,316	1,530,804
Average	1783, 1784, 1785	2,167,748	2,004,237
Year	1803	5,348,204	4,267,965

The following Summary is collected from 14,640 Returns; *viz*. 10,593 Parishes, and 4,047 Places, being either Townships, Tythings, or Hamlets, which have made Returns separate from their respective Parishes.

1.—The Number of Persons relieved permanently, both in and out of any Workhouse, on the Average of the last Three Years, appears to be....516,963 } Do. occasionally, being Parishioners, 423,663 } Total 940,626; { exclusive of any Children of those permanently relieved out of the House.

2.—Four Thousand and Ninety-four Parishes or Places maintain the greater part of their Poor in Workhouses, averaging for the last three years 93,142 Persons.

3.—The Population of England and Wales, as taken from the Abstract laid before Parliament in the Year 1811, appears to have been 10,150,615; so that the number of Persons relieved from the Poors Rates appears to have been 9¼ in each One-hundred of the Population.

4.—The Total of the money raised by Poors Rates, or other Rates, appears to have averaged, for the last Three years, the sum of 8,168,340*l*. 13s. 9¾*d*. being at the rate of 16*s*. 1*d*. per head on the Population, or 3*s*. 1¾*d*. in the £. of the total Amount of the Sum of 51,898,423*l*. 12s. 6½*d*. as assessed to the Property Tax in the year 1815.

5. The total of the Money expended for the Maintenance of the Poor, on the average of the last three years, appears to have been £6,132,719. 4s. 1¾d. being about £6. 10s. 6¼d. for each Pauper.

6. The Amount of Money expended in Suits of Law, Removals, and Expenses of Parish Officers, averages ....£327,579 or $\frac{1}{25}$ part of the Money raised.

Ditto..........ditto........for Militia purposes..... 180,057 or $\frac{1}{45}$ .... Ditto......

Ditto..........ditto........for all other purposes ..1,655,162 or $\frac{1}{5}$ more than.. Ditto......

Total expenditure independent of the maintenance of the poor £2,162,799 or $\frac{1}{4}$ .... Ditto......

7. The Number of Persons belonging to FRIENDLY SOCIETIES appears to be, for the last three years, nearly 8½ in the 100 of the resident Population.

8. The Area of England and Wales according to the latest Authorities, appears to be 57,960 square statute miles, or 37,094,400 statute acres; wherefore, the Number of Inhabitants in each Square Mile, containing 640 Acres, averages 175 Persons.

9. The greater proportion of the Population of England and Wales appears to be employed in Trade and Manufactures, there being 770,199 Families returned employed in Agriculture, and 959,632 in Trade, Manufactures, and Handicraft; besides 413,316 other Families.

No. XXVII. Number of Persons charged with Criminal Offences, committed to the different Gaols in England and Wales, for trial at the Assizes and Sessions held for the several Counties, Cities, Towns, and Liberties therein, during the last Seven Years; distinguishing the Number in each Year, &c.

Committed for Trial in the Years	1811	1812	1813	1814	1815	1816	1817	Total in the 7 Years.
Viz. Males	3859	4891	5433	4826	6036	7347	11,758	44,150
Females	1478	1685	1731	1564	1782	1744	2,174	12,158
Total....	5337	6576	7164	6390	7818	9091	13,932	56,308
Convicted and sentenced to Death	*404	*532	*713	*558	*553	*890	*1,302	*4,952
Transportation for life..	29	25	50	53	38	60	103	358
———— 14 years..	34	67	95	78	94	133	157	658
———— 7 years..	500	588	622	625	826	861	1,474	5,496
Imprisonment (for various terms)......	2049	2506	2759	2574	3218	3663	5,700	22,469
Whipping, and fine....	147	195	183	137	154	190	320	1,326
—	3163	3913	4422	4025	4883	5797	9,056	35,259
Acquitted................	1254	1494	1451	1373	1648	1884	2,678	11,762
No Bill found, and not prosecuted	940	1169	1291	992	1287	1410	2,198	9,287
Total....	5337	6576	7164	6390	7818	9091	13,932	56,308
Offences (according to the Convictions, Indictments, and Commitments.)								
Capital..................		1050	1282	1018	1086	1584	2,250	9,142
Not Capital..............	4465	5526	5882	5372	6732	7507	11,682	47,166
Total..	5337	6576	7164	6390	7818	9091	13,932	56,308
*Of whom were executed .	*45	*82	*120	*70	*57	*95	*115	*584

Number of Persons charged with Criminal Offences, committed to the different Gaols in each County, in England and Wales, for trial in the last Seven Years.

In the Years	1811	1812	1813	1814	1815	1816	1817
Anglesey	1	—	2	2	2	4	1
Bedford	27	17	34	27	28	43	44
Berks	63	108	79	83	77	103	146
Brecon..................	5	5	13	11	15	8	48
Bucks	37	33	64	47	50	65	75
Cambridge	21	34	45	37	64	71	98
Cardigan................	3	4	1	4	7	—	14
Carmarthen..............	11	10	6	8	12	17	14
Carnarvon	5	2	8	3	12	3	10
Chester.................	99	155	146	156	160	187	285
Cornwall................	31	45	42	39	54	84	120
Cumberland..............	17	53	42	23	28	51	89
Denbigh	8	7	11	10	5	15	51
Derby	37	60	71	38	57	60	165
Devon	152	179	197	235	264	284	380
Dorset	44	47	65	43	62	81	122
Durham..................	37	33	33	35	49	55	87
Essex	130	152	221	174	191	236	319
Flint...................	2	3	4	3	6	7	20
Glamorgan	18	13	26	20	15	22	50
Gloucester	109	155	175	139	187	243	442
(Bristol)	68	78	68	70	98	104	166
Hants...................	157	234	206	228	217	268	378
Hereford	66	83	79	61	54	87	174
Herts	50	109	64	61	80	81	123
Huntingdon	8	11	18	21	23	15	30
Kent....................	210	281	330	260	327	325	528
Lancaster...............	661	831	830	816	959	1,212	1,946
Leicester	57	65	77	42	71	125	176
Lincoln	65	84	102	116	156	133	232
Merioneth...............	2	2	5	1	3	6	9
Middlesex	1,482	1,663	1,707	1,646	2,005	2,226	2,686
Monmouth	18	21	18	26	24	19	59
Montgomery..............	5	13	18	8	9	14	49
Norfolk	143	137	162	119	185	244	310
Northampton	51	54	65	60	81	75	145
Northumberland..........	71	31	73	68	69	88	80
Nottingham..............	78	103	92	88	121	112	191
Oxford	31	59	70	56	66	85	118
Pembroke	7	12	8	8	19	18	29
Radnor..................	6	5	6	2	3	13	13
Rutland.................	5	4	9	1	11	12	9
Salop	79	53	92	69	90	96	267
Somerset	108	201	153	139	221	244	439
Stafford................	126	130	181	118	154	197	425
Suffolk.................	98	146	144	119	146	153	262
Surrey	208	296	279	255	294	366	491
Sussex..................	74	95	116	66	104	120	189
Warwick	178	177	263	224	277	341	624
Westmorland.............	5	9	8	6	13	18	14
Wilts	73	92	122	78	108	107	229
Worcester...............	84	78	109	104	130	128	239
York....................	206	304	405	337	355	420	748
Total	5,337	6,576	7,164	6,390	7,818	9,091	13,932

No. XXVIII. An Account of all Sums received by Great Britain, since the 20th November 1815, as Portions of the Indemnity to be paid by France, by the Treaty of that date; specifying the mode in which such Sums have been applied, and what part of them has been paid into the Exchequer.

Under the Convention, concluded in conformity to the 4th article of the principal Treaty, France was to pay Great Britain 125,000,000 francs, at the periods hereafter specified, viz.—

	Fr.	C.		
In the year 1816	15,000,000	—		
1817	27,500,000	—		
1818	27,500,000	—		
1819	27,500,000	—		
1820	27,500,000	—		
			125,000,000	—

In pursuance of this convention, the following sums have been actually paid, viz.—

	Fr.	C.		
1815 Dec. 22	615,000	—		
1816 Jan. 2	749,000	—		
—— 8	3,636,000	—		
April 8	1,666,666	66		
Aug. 1	8,333,[illegible]3	34		
			15,000,000	
Nov. 28	9,166,666	66		
1817 April 7	458,000	—		
—— 14	524,000	—		
—— 21	524,000	—		
—— 28	524,000	—		
May 5	[illegible]1,000	—		
—— 12	[illegible],000	—		
—— 15	524,000	—		
—— 26	524,000	—		
June 2	457,000	—		
Oct. 20	4,583,666	66		
Nov. 10	4,583,000	—		
—— 30	4,583,666	68		
			27,500,000	—
—— 27	9,166,666	66		
1818 Mar. 26	9,166,666	66		
			18,333,333	32

An agreement was subsequently made with France, for postponing the payment of one half the quadremetre becoming due from the 1st of April to the 31st of July, 1817, to the 20th of Octo[illegible]r, 1817; and for postponing the whole of the quadremetre becoming due from the 1st of August to the 30th of November, 1817, to the 10th and 30th of November, 1817; and interest was charged to France for such postponement, amounting to 133,106f. 52c.; and which was paid as follows, viz:—

	Fr.	C.		
1817 Oct. 27	67,106	52		
Nov. 13	44,000	—		
Dec. 28	22,000	—		
			133,106	52

	Fr.	C.
Making the total received from France to the 1st of May, 1818,..	60,966,439	84
This sum has been applied as follows:—		
Retained by the British Commissioners, on account of the expenses of this establishment	555,666	66
Paid into the Military Chest in France towards the expenses of the Army of Occupation, over and above the sums received from France on account of that army	14,534,277	29
Paid to his Grace the Duke of Wellington, in Paris, towards the sum of 25,000,000 francs, granted by Parliament as prize-money to the troops under his Grace's command	8,000,000	—
Remitted to England, and which produced the sum of 1,406,916*l.* 11*s.* 11*d.* sterling	31,886,833	34
Total applied..	54,976,777	29
Remaining in the Indemnity Chest in Paris, in mandats, becoming due between the 1st May and 1st August	5,989,662	55
Total amount received from France..	60,966,439	84

The sum of 1,406,916*l.* 11*s.* 11*d.* sterling, the proceeds of the 31,886,833f. 34c. remitted from France, as above stated, was applied as follows:—

	£.	s.	d.
Towards completing the grant of the sum of 25,000,000 francs, as prize-money to the army under the command of his Grace the Duke of Wellington	707,263	10	5
To the Paymaster-general of the Forces, in repayment of sums advanced and paid out of the extraordinaries of the army in England, for the use of the troops serving in France in 1816 and 1817	104,579	0	0
To the Paymaster-general of the Forces, in repayment of sums advanced and paid in England, out of the sums granted for the ordinary service of the army, on account of the troops serving in France in 1816 and 1817	595,074	1	6
	£1,406,916	11	11

Whitehall, Treasury Chambers, 14th May, 1814.

C. ARBUTHNOT.

No. XXIX. An Account of the Unfunded Debt and Demands Outstanding on the 5th day of January 1818.

		£.	s.	d.	Amount Outstanding £.	s.	d.
Exchequer:							
Exchequer Bills	Provided for	607,000	0	0			
	Unprovided for	56,122,400	0	0	56,729,400	0	0
Treasury:							
Miscellaneous Services		965,529	17	8			
Warrants for Army Services		504,064	2	0			
Treasury Bills of Exchange drawn from Abroad		164,178	0	0			
Irish Treasury Bills	Provided for .... £ 982,315 7 8¼; Unprovided for .. 4,684,615 7 8½	5,666,930	15	4¾			
Loan Debentures		2,053	16	11¾			
Lottery Prizes		23,565	4	7½	7,326,321	16	8
Army					839,590	13	1¼
Navy					1,614,105	10	3
Ordnance					169,893	18	11
Barracks					2,314	6	2
					£66,881,626	5	1¼

Whitehall, Treasury Chambers, 25th March, 1818.

C. ARBUTHNOT.

No. XXX. A List of all Persons who have acquired Stock in the Bank of Scotland, from the 30th April to the 12th June, 1818, both inclusive.

Purchasers' Names.	Stock Purchased.		
April 30, 1818. John Stevens Barandon, merchant, Austin-friars, London	£416	13	4
—— Herman Sillem, Mark-lane, London, merchant	416	13	4
—— Frederick Charles Grantoff, same place, merchant	416	13	4
—— Andrew Thompson, writer, in Edinburgh	333	6	8
—— Robert Bruce Thompson, of the Customs, Leith	416	13	4
—— Peter Wood, Leith; and James Reddie, advocate	166	13	4
May 4. John Smith, late of the Hon. East India Company's service, residing in Ayr	250	0	0
—— William Trotter, merchant, in Edinburgh	833	6	8
May 1. *Charles Theodore Palamede Antoine Felix, Comte de Forbin-janson, of Paris, now residing in London	230	0	0
—— Frederick William Lewis Augustus, Count Lusi, Captain in the first regiment of his Prussian Majesty's Guards, now residing in London	250	0	0
—— Augustus Schmaeck, Bury-court,			

* Aide-de-Camp to Napoleon at Waterloo; came over here with a personal passport of the King of Bavaria.

Purchasers' Names.	*Stock Purchased.*		
St. Mary-axe, London, merchant	250	0	0
May 2. Henry Mylius, of Winchester-street, London, merchant	166	13	4
—— Benjamin Prosper Caumont, of Old Broad street, London, merchant	250	0	0
—— Samuel Dezoete, Old Broad-street, London, merchant	250	0	0
May 5. Thomas Lothian, surgeon in Edinburgh	750	0	0
—— Miss Helen Lothian, daughter of Dr. William Lothian, late Minister of Canongate..........	833	6	8
May 4. John Francis Maubert, of the Stock-Exchange, London, and of Stamford-hill, in the county of Middlesex	416	13	4
—— Charles Henry Moring, of Hampstead-heath, in the county of Middlesex	250	0	0
—— Reinhard Castendieck, of Jewry-street, Aldgate, London, merchant	250	0	0
—— Marc Macaire, of Tokenhouse-yard, London, merchant......	250	0	0
—— John Frederick Amy, of Idol-lane, Tower-street, London, merchant	166	13	4
May 5. Alexander Anderson, of Kingask, and Mrs. Janet Anderson, his spouse	2750	0	0
—— Frederick Henry John, of Adam's-court, Broad-street, London, merchant	416	13	4
—— John David, of Threadneedle-street, London, merchant	250	0	0
—— Charles Filica, Cateaton-street, London, merchant	250	0	0
May 6. John James Romer, of South-street, Finsbury-square, in the county of Middlesex, merchant	250	0	0
May 5. Ferdinand Jordan, of Euston-square, in the county of Middlesex, merchant............	166	13	4
May 6. Auguste Chas. Joseph, Compte Mercer de Flahault, de la Billarderie, in France, and of Aldie, in the county of Perth, North Britain; now residing at Meikleour, in the said county of Perth	83	6	8
May 8. Christopher Aubin, of High Wycombe, in the county of Buckingham	250	0	0
—— Ernest Emile Rosset, of Old South Sea-house, London, merchant	230	0	0
—— Henry Nicholas Quirin Rosset, of Old South Sea-house, London, merchant..................	250	0	0
—— John Louis Prevost, of George-street, Mansion-house, London, merchant..................	83	6	8
—— Henry Schaaf, Angel-court, in the city of London, merchant..	250	0	0
May 9. John Henry Jutting, of Bury-court, St. Mary-axe, in the city of London, merchant	250	0	0
—— Charles Trumpler, of St. Helen's-place, London, merchant	166	13	4
May 11. Frederic Joly, of Threadneedle-street, London, merchant	250	0	0
—— Maurice Jacob Hertz, of St. Helen's-place, London, merchant	250	0	0
—— John Frederick Gruning, of South-street, Finsbury-square, in the county of Middlesex, merchant..................	250	0	0
—— Peter Ambrose Schutz, of Bury-court, St. Mary-axe, London, merchant	166	13	
—— Rudolph Groning, of Broad-street buildings, London, merchant..	166	13	
May 12. John Henry Schroder, of St. Helen's-place, London, merchant	250	0	0
May 13. Alexander Henry Patry, of Mark-lane, London, foreign agent	83	6	8
—— James Adamson, writer in Edinburgh	583	6	8
—— John Brown, writer in Edinburgh	416	13	4
May 14. John Stirling, accountant of the Royal Bank	250	0	0
—— G. Laing, of the Accountant's Office, Royal Bank..........	250	0	0
May 15. John Nicholas Sibeth, of Lime-street, London, merchant	166	13	4
—— Charles Widder, of Austin-friars, London, merchant	166	13	1
—— Bernard Theodore Suse, of Lime-street, London, merchant	166	13	4
—— James Raymond Jonston, of Alva	83	6	8
May 16. John George Henry Burmester, of New Broad-street, London, merchant	166	13	4
—— George Oppenheimer, of New Broad-street, London, merchant	166	13	4
—— Christopher Ulric Riethmuller, of Great St. Helen's, London, merchant	166	13	4
—— George Meyer, of Great St. Helen's, London, merchant....	166	13	4
—— The Right Hon. Anne Charlotte, Countess of Thanet, spouse of the Earl of Thanet	250	0	0
—— Joseph de Yrigosi, Old Broad-street, London, merchant	250	0	0
—— Solomon Rheinhold, of Manchester, merchant..............	250	0	0
—— John Anthony Fructuoso, of London, merchant	166	13	4

All the following persons purchased only to the amount of 83*l.* 6*s.* 8*d.* each:—

Hans Stephen Kleinwort, of Fenchurch-buildings, London, merchant.

William Ferdinand Marche, 5, Fenchurch-buildings, London, merchant.

Antoine Fontaine, tailor, in Edinburgh.

James Patry, of Mark-lane, London, merchant.

Augustus Frederick William Hoffman, of London, gentleman.

Hyppolyto Joseph Da Costa, of No. 7, Phillimore-place, Kensington, in the county of Middlesex, gentleman.

Moses Abithol, of Old Broad-street, London, merchant.

Count Jules de Polignac, Pair de France.

Carl Gottlieb Hellmuth, of London, merchant.

John David Kohler, of Cheapside, London, merchant.

Frederick William Jacob, London, merchant.

Monsieur le Baron Sigismond Frechi, residing in London.

Charles Williams, London, merchant.

Samuel Williams, London, merchant.

Peter Augustus Milberg, late of Hackney, near London, now in Hamburgh.

Henry Niemeier, No. 76, Cheapside, London.

Louis Bazalgette, Eastwick-park, in the county of Surrey.

Henry Jonathan Williams, attorney-at-law, Philadelphia, in the State of Pennsylvania, in the United States of America.

Hyacinth Desjars, of Threadneedle-street, London, merchant.

Lion Abraham Goldschmidt, of St. Helen's-place, London, merchant.

Diedrick Johann Elster, of Austin-friars, London, merchant.

James Albers, of Lime-street-square, London, merchant.

Henry Albers, of St. Helen's-place, London, merchant.

Andrew Frederick Nellen, of New Broad-street, London, merchant.

Henry Stuiz, Winchester-street, London, merchant.

Isaac Seliz, Pavement, Moorfields, London, merchant.

Martin Salomon Warburg, same place, merchant.

Joseph Alexander Du Corron, London, merchant.

Hipolite Lafargue, Great St. Helen's, London, merchant.

Henry Lewis John Samuel Rodolphus Roches, New London-street, London, merchant.

John Anthony Zwinger, Crescent, Minories, London, merchant.

Herman Wilhelm Olderham, New London-street, London, merchant.

Charles Henry Stavengen, Fenchurch-street, London, merchant.

Solomon Sebag, Old Broad-street, London, merchant.

Peter Bordenave, Freeman's-court, Cornhill, London, merchant.

Nicholas Warin, Great St. Helen's, London, merchant.

Ernest Hudswalcker, Billiter-street, London, merchant.

Meyer Davidson, New Broad-street, London, merchant.

John Lewis Augustus Osy, Fenchurch-street, London, merchant.

Samuel Ludwig Gross, New Bond-street, London, merchant.

John Christian Blohm, New Broad-street, London, merchant.

George Magnus, St. Swithin's-lane, London, merchant.

Stanislaus Darthez, Chamomile-street, London, merchant.

John Peter Darthez, Chamomile-street, London, merchant.

Frederick William Schmaling, Fenchurch-street, London, merchant.

No. XXXI. Abstract of the Act of 56 George III. c. 86, for establishing Regulations respecting Aliens arriving in or resident in this Kingdom, in certain cases.

Whereas it is expedient that provision should be made for establishing regulations respecting aliens arriving in this kingdom, or resident therein, in certain cases; Be it enacted, that when and so often as any alien, who may be within the realm, or who may arrive therein, shall neglect to depart, when ordered by Proclamation or by Order in Council, it shall be lawful for any of his Majesty's principal Secretaries of State, or the Lord Lieutenant or other Chief Governor or Governors of Ireland, or his or their Chief Secretary, or for any Justice of the Peace, or for any Mayor or Chief Magistrate of any city or place, to cause every such Alien to be arrested, and to be committed to the common gaol of the county or place where he or she shall be so arrested, there to remain without bail or mainprize until he or she shall be taken in charge for the purpose of being sent out of the realm.

II. That every alien being found in this realm, contrary to such Proclamation or Order, and who shall be lawfully convicted thereof, may be adjudged to suffer imprisonment for any time not exceeding one month for the first offence, and not exceeding twelve months for the second and any subsequent offence.

III. That it shall be lawful for any one of his Majesty's principal Secretaries of State, or the Lord Lieutenant or Chief Governor or Governors of Ireland, or his or their Chief Secretary, in any case in which he or they shall apprehend that any alien will not pay immediate obedience to any such Proclamation or Order as aforesaid, or in any case when any alien shall have been arrested or committed for refusal or neglect to obey any such Order, or shall have been convicted of such refusal or neglect, and either before or after such alien shall have suffered the punishment inflicted for the same, by warrant under his hand and seal, to give such alien in charge to one of his Majesty's messengers, or to any other person or persons to whom he shall think proper to direct such warrant, in order to his or her being conducted out of the kingdom, and such alien shall be so conveyed accordingly: Provided always, that where such alien (not having been convicted as aforesaid) shall alledge any excuse for not complying with such Proclamation or Order, or any reason why such Proclamation or Order should not be enforced, or why further time should be allowed him for complying therewith, it shall be lawful for the Lords of his Majesty's Privy Council, in Great Britain or Ireland, to judge of the sufficiency of such excuse or reason, and to allow or disallow the same either absolutely or on such conditions as they shall think fit; and where such alien shall be in custody under such warrant of any of his Majesty's Secretaries of State as aforesaid, the messenger or other

person in whose custody he shall be, forthwith upon its being signified to him that such excuse or reason is alledged by such alien, make known the same to the said Secretary of State, who, upon receiving such notification, or in any case in which he shall be informed that any such excuse or reason is alledged by or on behalf of any alien under Proclamation or Order to quit the realm, shall forthwith suspend the execution of such Proclamation or Order until the matter can be determined by the said Lords of his Majesty's said Privy Council, and such alien, if in custody under any such warrant, shall remain in such custody until the said Lords shall have signified their determination thereon, unless in the mean time the said Secretary shall consent to, or the said Lords shall make order for the release of such alien, either with or without security.

IV. Masters of vessels shall, on their arrival, declare in writing to the inspector of aliens or officer of the customs, the number of aliens on board, specifying their names and descriptions.

V. Masters neglecting to make such declaration, shall forfeit 10*l.* for each alien he shall have had on board.

VI. Act not to extend to mariners certified to be employed in the navigation of the ship.

VII. Every alien, immediately after his or her arrival, shall declare in writing, to the inspector of aliens, or officer of the customs, the name of the ship or vessel in which he or she shall have come to this country; and every alien who shall so arrive, and also every alien who shall depart from the realm shall, immediately after such arrival or before such departure respectively, declare in like manner to such officer, his or her name and rank, occupation or description, or if a domestic servant, then also the name, rank, and description of his or her master or mistress, or shall verbally make to such officer as aforesaid such declaration, to be by him reduced to writing, and shall also in like manner declare the country or place from whence he or she shall then have come, and the place to which he or she is then going, his or her profession or occupation, and the name and place of abode of the person to whom (if any) he or she is known; and every such alien coming into this realm, who shall neglect to make declaration of the aforesaid particulars, or who shall wilfully make any false declaration thereof, may for every such offence, on legal conviction thereof, be imprisoned for any time not exceeding three months, or may be adjudged to depart out of this realm, and all other his Majesty's dominions, within a time to be limited in such judgment; and if he or she shall be found therein after such time in such judgment so limited, without lawful cause, he or she shall, being duly convicted thereof, be imprisoned for any term not exceeding twelve months.

VIII. The inspector of aliens or officer of the customs, to whom such declaration shall be made, or particulars delivered, shall immediately register the same in a book to be kept for that purpose; in which book, certificates shall be printed in blank, and counterparts thereof; and one part containing all the particulars, excepting such as shall be in the column of remarks, shall be delivered to the alien, without fee, or other charge.

IX. Every alien arriving in this realm, except such domestic servants as aforesaid, shall within one week after his or her arriving at the place which shall be expressed in the certificate, delivered to him or her as aforesaid, as the place to which he or she proposes to go, produce such certificate, if in London, at the Aliens' Office, in Crown Street, Westminster, or to the Chief Magistrate of any other town or place in which he or she shall be; and if there be no Chief Magistrate in such town or place, then to some Justice of the Peace in and for the county, city, town, or district in which such alien shall be, or to such person as shall be authorized to that effect by such Chief Magistrate or Justice, by warrant under hand and seal; or in case such certificate shall be lost, shall deliver a full and true account of all the particulars that shall have been contained in such certificate; and every alien who shall neglect or refuse to produce such certificate, or deliver such account, or who shall wilfully deliver any false account, on conviction thereof before any two Justices for the county, city, town, or district in which such alien shall be, may be adjudged, at the discretion of such Justices, for the first offence to suffer imprisonment for any time not exceeding one month.

X. It shall be lawful for the Lord Mayor and Mayors, or any one or more of the Aldermen of the cities of London and Dublin, and for any one or more Justices of the Peace, being specially authorized by one of his Majesty's principal Secretaries of State, or by the Secretary of the Lord Lieutenant of Ireland, by warrant under his hand and seal, or generally authorized by Order of his Majesty in Council, or any Mayor or Chief Magistrate, or other Magistrate or Magistrates of any city, borough, or town corporate, so authorized, to cause any alien whom he or they shall have cause to suspect to be a dangerous person, to be taken into custody and examined, and either to discharge or detain such alien in custody as shall appear advisable; and if it shall appear fit to detain such alien in custody, it shall be lawful for such Mayor, Alderman, or Chief Magistrate, or other Magistrate or Magistrates, or such Justice or Justices, by warrant under his or their hand and seal, to order such alien to be detained in custody until his Majesty's pleasure shall be known, there to remain without bail or mainprize: Provided nevertheless, in every such case, every such Mayor, Alderman, Chief Magistrate, or Justice, shall forthwith transmit an account of his or their proceedings touching such alien, and of the reasons for which he shall have thought fit to detain such alien, to one of his Majesty's principal Secretaries of State, or Secretary of the Lord Lieutenant of Ireland, in order that his Majesty, or such Lord Lieutenant, may determine what may be fit to be done thereon; and it shall be lawful for his Majesty, by warrant under his sign manual, or for such Lord Lieutenant, by order under his hand, or by warrant under the hand and seal of any one of his principal Secretaries of State, or the Secretary of such Lord Lieutenant, either to direct that such alien shall be discharged, or ordered out of the kingdom.

XI. If any certificate issued to any alien shall be lost, mislaid, or destroyed, and such alien shall produce to one of his Majesty's Justices of the Peace, from the officers of the customs, at the port where such alien shall have arrived, or from the office of one of his Majesty's principal Secretaries of State, or from the office of the Chief Secretary of the Lord Lieutenant of Ireland, a copy of such certificate, and shall make it appear to the satisfaction of such Justice, that he or she is the person named therein, and that the same has been lost, mislaid, or destroyed, without his or her wilful neglect or default, such Justice shall grant a fresh certificate.

XII. Every Custom-House Officer and Justice to whom any such certificate or account shall be produced or delivered, shall forthwith transmit true and exact copies thereof, to one of his Majesty's principal Secretaries of State, or to the Chief Secretary of the Lord Lieutenant of Ireland.

XIII. No fee to be taken for granting certificates, on penalty of 10*l.* Officers of the Customs neglecting to make entry, or to grant certificates, or knowingly making any false entry, shall forfeit 20*l.*

XIV. Any person forging, counterfeiting, or altering certificates, or obtaining them under any other than his true name and description, and being lawfully convicted thereof, shall suffer imprisonment in the common gaol, for any time not exceeding one year.

XV. No foreign ambassador or other public minister, nor their domestic servants, registered as such, or being actually attendant upon such ambassador or minister, shall be deemed an alien within the meaning of this act: Provided also, that nothing in this act contained shall affect any alien, in respect of any act done or omitted to be done, who shall make it appear that he or she was not above the age of fourteen years at the time when such act was so done or omitted to be done: Provided always, that if any question shall arise, whether any person alledged to be an alien, and subject to the provisions of this act or any of them, is an alien or not, or is or is not an alien, subject to the said provisions or any of them, the proof that such person is, or by law is to be deemed to be a natural-born subject of his Majesty, or denizen of this kingdom, or naturalized by act of parliament, or if an alien is not subject to the provisions in this act contained or any of them, by reason of any exception contained in this act, or which shall be expressed in any Proclamation or Order in Council as aforesaid, or in any special warrant from one of his Majesty's principal Secretaries of State, or from the Lord Lieutenant or other Chief Governor or Governors of Ireland, or his or their Chief Secretary as aforesaid, shall lie on the person so alledged to be an alien, and to be subject to the provisions of this act, some or one of them.

XVI. and XVII. Justices of the Courts of Westminster or Dublin, &c. may admit aliens to bail; as may also any Justice, by authority of a Secretary of State, &c.

XVIII. Where any alien who shall have been committed to remain until he or she shall be taken in charge for the purpose of being sent out of the realm, shall not be sent out of the realm within two calendar months after such commitment, any of the Justices of his Majesty's Courts of Record at Westminster, or in Dublin, or any of the Barons in Great Britain or Ireland, being of the Degree of the Coif, or the Lord Justice Clerk, or any of the Commissioners of Justiciary in Scotland, or any two of his Majesty's Justices of the Peace in any part of the United Kingdom, may, upon application made to him or them by or on the behalf of the person so committed, and upon proof made to him or them that reasonable notice of the intention to make such application had been given to some or one of his Majesty's principal Secretaries of State in Great Britain, or to the Lord Lieutenant or Chief Governor or Governors of Ireland, or his or their Chief Secretary, according to his or their discretion, order the person so committed to be continued in or discharged out of custody.

XIX. Aliens abiding in this kingdom, who have heretofore quitted their respective countries by reason of any revolution or troubles in France, or in countries conquered by the arms of France, shall not be liable to be arrested, imprisoned, or held to bail, or to find any caution for their forthcoming, or paying any debt, nor be taken in execution on any judgment, nor by any caption, for or by reason of any debt or other cause of action contracted or arising in any parts beyond the seas, other than the dominions of his Majesty, while such aliens were not within the said dominions of his Majesty; and in case any such aliens shall have been or shall be arrested, imprisoned, or held to bail, or taken in execution on a judgment, or by caption, contrary to the intent of this act, such alien shall be discharged therefrom by order of any of his Majesty's Courts of Record at Westminster or Dublin, or of the Court of Session in Scotland, or of any Judge of such Courts in vacation time.

XX. All pecuniary penalties by this act imposed, exceeding the sum of ten pounds, shall be recovered by action of debt, bill, plaint, or information, in any of his Majesty's Courts at Westminster or in Dublin, or the Court of Great Session in Wales, or the Courts of the Counties Palatine of Chester, Lancaster, and Durham, or by action or summary bill or information in the Courts of Justiciary or Exchequer in Scotland, as the case shall require, wherein no essoign, privilege, protection, or wager of law, nor more than one imparlance shall be allowed; and all pecuniary penalties by this act imposed, not exceeding the sum of ten pounds, shall, on conviction of the offender upon oath before any Justice of the Peace of the County, &c. where the offence shall be committed, be levied by distress and sale of the offender's goods and chattels, by warrant under the hand and seal of such Justice, rendering to such offender the overplus (if any) on demand, after deducting the charges of such distress and sale; and for want of sufficient distress, such Justice is to commit such offender to the common gaol of the county, or place where such offence shall be committed, for any time not exceeding six calendar months, and no writ of certiorari or of advocation or suspension shall be allowed to remove the proceedings of the said Justice, touching the pecuniary penalties aforesaid, or to supersede or suspend execution or other proceeding thereupon.

XXI. The inhabitants of any parish, township or place, shall be competent witnesses for proving the commission of any offence against this act within the limits of such parish, township, or place, notwithstanding any part of the penalty incurred by such offence is given or applicable to the poor of such parish, township, or place.

XXII. If any person shall be sued or prosecuted for any thing done in pursuance or by colour of this act, such action or prosecution shall be commenced within twelve calendar months next after the offence shall be committed, and such person shall and may plead the general issue, and give the special matter in evidence for his defence; and if upon trial a verdict shall pass for the defendant, or the plaintiff shall become nonsuited, or shall discontinue his suit or prosecution, or if judgment be given for the defendant upon demurrer or otherwise, such defendant shall have treble costs against the plaintiff.

XXIII. The powers and authority given by this act to the Lord Lieutenant of Ireland, or his Chief Secretary, or to the Privy Council of Ireland, shall not extend to the case of any alien arriving or being in Great Britain; and the powers and authority given to any Justice of the Peace, Mayor, or Chief Magistrate of any city, town, or place, shall not extend beyond the limits of their respective jurisdictions.

A List of all the Public (General) Acts passed in the Sixth Session of the Fifth Parliament of the United Kingdom of Great Britain and Ireland.— 58 Geo. III. 1818.

In framing this List, the Editor has arranged the Acts under different heads, according to the nature of the subject to which they relate. By this means, the Reader will be enabled to find any particular Statute he may want with greater facility. The figures placed at the end of each Act, denote the Chapter of that Act in the Statute Book. The whole number of Public General Acts passed during the Session amounted to 101; in addition to which there were also passed 86 Local and Personal Acts, declared Public, and to be judicially noticed; 39 Private Acts, printed by the King's Printer, and whereof the printed Copies may be given in evidence; and 66 Private Acts, not printed.

The following are the heads under which the Public General Acts are here arranged:—

ALIENS.

1. An Act to continue, for the term of Two years, and until the end of the Session of Parliament in which that Term shall expire, if Parliament shall be then sitting, an Act of the 56th of His present Majesty, for establishing Regulations respecting Aliens arriving in or resident in this Kingdom, in certain cases 96

2. An Act to prevent Aliens, until the 25th day of March, 1819, from becoming naturalized, or being made or becoming Denizens, except in certain cases 97

ARMY AND NAVY.

3. An Act to rectify a Mistake in an Act, passed in the 59th year of the reign of His present Majesty, for punishing Mutiny and Desertion, and to indemnify certain Persons in relation thereto . . . 10

4. An Act for punishing Mutiny and Desertion; and for the better payment of the Army and their quarters 11

5. An Act for fixing the Rates of Subsistence to be paid to Innkeepers and others on quartering soldiers 22

6. An Act to authorize the Governors of the Hospital of King Charles II. for ancient and maimed Officers and Soldiers of the Army of Ireland, (usually called the Royal Hospital at Kilmainham) to suspend or take away the Pensions of such Pensioners of the said Hospital as shall be guilty of any Fraud in respect of Prize Money or Pensions, or of any other gross misconduct 8

7. An Act to continue the laws now in force relating to Yeomanry Corps in Ireland 40

8. An Act to defray the Charge of the Pay, Clothing, and Contingent Expenses of the Disembodied Militia in Great Britain; and for granting Allowances in certain cases to Subaltern Officers, Adjutants, Quarter-masters, Surgeons, Surgeons' Mates, and Serjeant Majors of Militia, until the 25th day of March 1819 58

9. An Act for defraying, until the 25th day of June, 1819, the Charge of the Pay and Clothing of the Militia of Ireland; and for making Allowances in certain cases to Subaltern Officers of the said Militia during Peace 59

10. An Act for regulating the Payment of Regimental Debts, and the Distribution of the Effects of Officers and Soldiers dying in Service, and the Receipt of Sums due to Soldiers 73

11. An Act for the further Regulation of Payments of Pensions to Soldiers upon the Establishments of Chelsea and Kilmainham 74

12. An Act to consolidate and amend the Provisions of several Acts, passed in the 51st and 52d years respectively of the reign of His present Majesty, for enabling Wives and Families of Soldiers to return to their homes 92

13. An Act for the regulating of His Majesty's Royal Marine Forces while on Shore 12

REWARDS ON CONVICTION.

RIVERS, ROADS, AND HARBOURS.

ROYAL DUKES.

SAVING BANKS.

SLAVE TRADE.

SMUGGLING.

TRADE AND COMMERCE.

TREASON.

WORKMEN.

VII. ADDENDA.

Treaty between His Britannic Majesty and His Majesty the King of the Netherlands, for preventing Their Subjects from engaging in any Traffic in Slaves. Signed at the Hague, May 4th, 1818.

In the Name of the Most Holy Trinity.

His Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the Netherlands, animated with a mutual desire to adopt the most effectual measures for putting a stop to the carrying on of the Slave Trade by their respective subjects, and for preventing their respective flags from being made use of as a protection to this nefarious traffic, by the people of other countries who may engage therein; Their said Majesties have accordingly resolved to proceed to the arrangement of a Convention for the attainment of their objects, and have therefore named as Plenipotentiaries, *ad hoc*,

His Majesty the King of the United Kingdom of Great Britain and Ireland, the Right Honourable Richard Earl of Clancarty, Viscount Dunlo, Baron Kilconnel, Baron Trench of Garbally, in the United Kingdom of Great Britain and Ireland, one of His Majesty's Most Honourable Privy Council in Great Britain and also in Ireland, Member of the Committee of the first for the affairs of Commerce and Colonies, Colonel of the Regiment of Militia of the County of Galway, Knight Grand Cross of the Most Honourable Order of the Bath, Ambassador Extraordinary and Plenipotentiary of His said Majesty to His Majesty the King of the Netherlands, Grand Duke of Luxemburg; and His Majesty the King of the Netherlands, *Anne*, William Charles Baron de Nagell d'Ampsen, Member of the Body of Nobles of the Province of Guelderland, Knight Grand Cross of the Order of the Belgic Lion and of that of Charles the Third, Chamberlain and Minister of State, holding the department of Foreign Affairs; and Cornelius Felix van Maanen, Commander of the Order of the Belgic Lion, and Minister of State, holding the department of Justice; who, having exchanged their full powers, found in good and due form, have agreed on the following Articles:

ARTICLE I.

The laws of the United Kingdom of Great Britain and Ireland rendering it already highly penal for the subjects of His Britannic Majesty to carry on, or to be in any way engaged in Trade in Slaves, His Majesty the King of the Netherlands, referring to the 8th Article of the Convention entered into with His Britannic Majesty on the 13th August 1814, engages in pursuance thereof, and within eight months from the Ratification of these presents, or sooner if possible, to prohibit all his subjects, in the most effectual manner, and especially by penal law the most formal, to take any part whatever in the Trade of Slaves; and in the event of the measures already taken by the British Government, and to be taken by that of the Netherlands, being found ineffectual or insufficient, the High Contracting Parties mutually engage to adopt such further measures, whether by legal provision or otherwise, as may from time to time appear to be best calculated, in the most effectual manner, to prevent all their respective subjects from taking any share whatever in this nefarious traffic.

ARTICLE II.

The two High Contracting Parties, for the more complete attainment of the object of preventing all traffic in Slaves, on the part of their respective subjects, mutually consent that the ships of their Royal Navies, which shall be provided with special instructions for this purpose, as hereinafter mentioned, may visit such merchant vessels of the two nations, as may be suspected, upon reasonable grounds, of having Slaves on board for an illicit traffic; and in the event only of their finding such Slaves on board, may detain and bring away such vessels, in order that they may be brought to trial before the tribunals established for this purpose, as shall hereinafter be specified.

ARTICLE III.

In the intention of explaining the mode of execution of the preceding Article it is agreed:

1st. That such reciprocal right of visit and detention shall not be exercised within the Mediterranean Sea, or within the Seas in Europe lying without the Straits of Gibraltar, and which lie to the northward of the thirty-seventh parallel of north latitude, and also within, and to the eastward of the meridian of longitude twenty degrees west of Greenwich.

2d. That the names of the several vessels furnished with such instructions, the force of each, and the

names of their several Commanders shall be, from time to time, immediately upon their issue, communicated by the Power issuing the same to the other High Contracting Party.

3d. That the number of ships of each of the Royal Navies authorized to make such visit as aforesaid, shall not exceed the number of twelve, belonging to either of the High Contracting Parties, without the special consent of the other High Contracting Party being first had and obtained.

4th. That if at any time it should be deemed expedient that any ship of the Royal Navy of either of the two High Contracting Parties authorized to make such visit as aforesaid, should proceed to visit any merchant ship or ships under the flag, and proceeding under the convoy of any vessel or vessels of the Royal Navy of the other High Contracting Party, that the Commanding Officer of the ship duly authorized and instructed to make such visit, shall proceed to effect the same in communication with the Commanding Officer of the Convoy, who, it is hereby agreed, shall give every facility to such visit, and to the eventual detainer of the merchant ship or ships so visited, and in all things assist to the utmost of his power in the due execution of the present Convention, according to the true intent and meaning thereof.

5th. It is further mutually agreed, that the Commanders of the ships of the two Royal Navies, who shall be employed on this service, shall adhere strictly to the exact tenor of the instructions which they shall receive for this purpose.

ARTICLE IV.

As the two preceding Articles are entirely reciprocal, the Two High Contracting Parties engage mutually to make good any losses which their respective subjects may incur unjustly, by the arbitrary and illegal detention of their vessels; it being understood that this indemnity shall invariably be borne by the Government whose cruizer shall have been guilty of the arbitrary detention; and that the visit and detention of ships specified in this Article shall only be effected by those British or Netherland vessels which may form part of the two Royal Navies, and by those only of such vessels which are provided with the special Instructions annexed to the present Treaty, in pursuance of the provisions thereof.

ARTICLE V.

No British or Netherland cruizer shall detain any ship whatever not having Slaves actually on board; and in order to render lawful the detention of any ship, whether British or Netherland, the Slaves found on board such vessel must have been brought there for the express purpose of the traffic.

ARTICLE VI.

All ships of the Royal Navies of the two nations, which shall hereafter be destined to prevent the traffic in Slaves, shall be furnished by their respective Governments with a copy of the Instructions annexed to the present Treaty, and which shall be considered as an integral part thereof.

These Instructions shall be written in the Dutch and English languages, and signed for the vessels of each of the two Powers, by the Minister of their respective Marine.

The two High Contracting Parties reserve the faculty of altering the said Instructions, in whole or in part, according to circumstances; it being, however, well understood, that the said alterations cannot take place but by the common agreement, and by the consent of the two High Contracting Parties.

ARTICLE VII.

In order to bring to adjudication, with the least delay and inconvenience, the vessels which may be detained for having been engaged in a traffic of Slaves, according to the tenor of the Fifth Article of this Treaty, there shall be established, within the space of a year at furthest from the exchange of the Ratifications of the present Treaty, two mixed Courts of Justice, formed of an equal number of individuals of the two nations, named for this purpose by their respective Sovereigns.

These Courts shall reside—one in a possession belonging to His Britannic Majesty, the other within the territories of His Majesty the King of the Netherlands; and the two Governments, at the period of the exchange of the Ratifications of the present Treaty, shall declare, each for its own dominions, in what places the Courts shall respectively reside. Each of the two High Contracting Parties reserving to itself the right of changing, at its pleasure, the place of residence of the Court held within its own dominions; provided, however, that one of the two Courts shall always be held upon the Coast of Africa, and the other in one of the colonial possessions of His Majesty the King of the Netherlands.

These Courts shall judge the causes submitted to them according to the terms of the present Treaty, without appeal, and according to the regulations and instructions annexed to the present Treaty, of which they shall be considered as an integral part.

ARTICLE VIII.

In case the Commanding Officer of any of the ships of the Royal Navies of Great Britain, and of the Netherlands, commissioned under the second Article of this Treaty, shall deviate in any respect from the dispositions of the said Treaty, and shall not be enabled to justify himself, either by the tenor of the said Treaty, or of the Instructions annexed to it; the Government which shall conceive itself to be wronged by such conduct, shall be entitled to demand reparation, and in such case the Government, to which the captor may belong, binds itself to cause inquiry to be made into the subject of the complaint, and to inflict upon the captor, if he be found to have deserved it, a punishment proportioned to the transgression which may have been committed.

ARTICLE IX.

The acts or instruments annexed to this Treaty, and which form an integral part thereof, are as follows:

A. Instructions for the ships of the Royal Navies of both nations, destined to prevent the traffic in Slaves.

B. Regulation for the mixed Courts of Justice, which are to hold their sittings on the coast of Africa, and in one of the colonial possessions of His Majesty the King of the Netherlands.

ARTICLE X.

The present Treaty, consisting of ten Articles, shall be ratified, and the Ratifications exchanged within the space of one month from this date; or sooner, if possible.

In witness whereof the respective Plenipotentiaries have signed the same, and thereunto affixed the Seal of their arms.

Done at the Hague, this fourth day of May, in the year of our Lord one thousand eight hundred and eighteen.

(Signed) CLANCARTY. (L. S.)
A. W. C. DE NAGELL. (L. S.)
VAN MAANEN. (L. S.)

ANNEXES.

Instructions for the Ships of the British and Netherland Royal Navies, employed to prevent the Traffic in Slaves.

ARTICLE I.

Every ship of the Royal British or Netherland Navy, which, furnished with these Instructions, shall in conformity with the second Article of the Treaty of this date, have a right to visit the merchant ships of either of the two Powers actually engaged, or suspected to be engaged in the Slave Trade, may, except in the seas exempted by the third Article of the said Treaty, proceed to such visit, and should any Slaves be found on board, brought there for the express purposes of the traffic, the Commander of the said ship of the Royal Navy may detain them, and having detained them, he is to bring them as soon as possible for judgment, before that of the two mixed Courts of Justice, appointed by the seventh Article of the Treaty of this date, which shall be the nearest, or which the Commander of the capturing ship shall, upon his own responsibility, think he can soonest reach from the spot where the ship shall have been detained.

Ships, on board of which no Slaves shall be found, intended for purposes of traffic, shall not be detained on any account or pretence whatever.

Negro servants or sailors that may be found on board the said vessels cannot in any case be deemed a sufficient cause for detention.

ARTICLE II.

Whenever a ship of the Royal Navy, so commissioned, shall meet a merchantman liable to be searched, it shall be done in the mildest manner, and with every attention which is due between allied and friendly nations; and in no case shall the search be made by an Officer holding a rank inferior to that of Lieutenant in the Navies of Great Britain and of the Netherlands.

ARTICLE III.

The ships of the Royal Navies so commissioned, which may detain any merchant ship, in pursuance of the tenor of the present Instructions, shall leave on board all the cargo, as well as the Master, and a part at least of the crew of the above-mentioned ship: the captor shall draw up in writing an authentic declaration, which shall exhibit the state in which he found the detained ship, and the changes which may have taken place in it. He shall deliver to the Master of the detained ship, a signed certificate of the papers seized on board the said vessel, as well as of the number of Slaves found on board at the moment of detention.

The Negroes shall not be disembarked till after the vessels which contain them shall be arrived at the place where the legality of the capture is to be tried by one of the two mixed Courts, in order that in the event of their not being adjudged legal prize, the loss of the proprietors may be more easily repaired. If however urgent motives, deduced from the length of the voyage, the state of health of the Negroes, or other causes, required that they should be disembarked entirely or in part, before the vessel could arrive at the place of residence of one of the said Courts, the Commander of the capturing ship may take on himself the responsibility of such disembarkation, provided that the necessity be stated in a certificate in proper form.

Regulations for the Mixed Courts of Justice, which are to reside on the Coast of Africa, and in a Colonial Possession of His Majesty the King of the Netherlands.

ARTICLE I.

The mixed Courts of Justice, to be established by the Treaty of this date, upon the Coast of Africa and in a Colonial Possession of His Majesty the King of the Netherlands, are appointed to decide upon the legality of the detention of such vessels as the cruizers of both Nations shall detain in pursuance of this same Treaty.

The above-mentioned Courts shall judge definitively and without appeal, according to the present Treaty.

The proceeding shall take place as summarily as possible: the Courts are required to decide (as far as they shall find it practicable), within the space of twenty days, to be dated from that on which every detained vessel shall have been brought into the port where they shall reside;—First, upon the legality of the capture;—Secondly, in the cases in which the captured vessel shall have been liberated, as to the indemnification which the said vessel is to receive.

And it is hereby provided, that in all cases the final sentence shall not be delayed on account of the absence of witnesses, or for want of other proofs, beyond the period of two months, except upon the application of any of the parties interested, when, upon their giving satisfactory security to charge themselves with the expense and risks of the delay, the Courts may at their discretion grant an additional delay not exceeding four months.

ARTICLE II.

Each of the above-mentioned mixed Courts, which are to reside on the Coast of Africa, and in a Colonial Possession of His Majesty the King of the Netherlands, shall be composed in the following manner:

The two High Contracting Parties shall each of them name a Judge and an Arbitrator, who shall be authorised to hear and to decide without appeal all cases of capture of vessels which, in pursuance of the stipulations of the Treaty of this date, shall be brought before them. All the essential parts of the proceedings carried on before these mixed Courts shall be written down in the legal language of the country in which the Court may reside.

The Judges and the Arbitrators shall make oath before the principal Magistrate of the place in which the Courts may reside, to judge fairly and faithfully, to have no preference either for the claimants or the captors, and to act in all their decisions, in pursuance of the stipulations of the Treaty of this date.

There shall be attached to each Court a Secretary or Registrar, appointed by the Sovereign of the country in which the Court may reside, who shall register all its acts, and who, previous to his taking charge of his post, shall make oath before the Court to conduct himself with respect for their authority, and to act with fidelity in all the affairs which may belong to his charge.

ARTICLE III.

The form of the process shall be as follows:

The Judges of the two nations shall, in the first place, proceed to the examination of the papers of the vessels, and to receive the depositions of the Captain and of two or three at least of the principal individuals on board of the detained vessel, as well as the declaration on oath of the captor, should it appear necessary, in order to be able to judge and to pronounce whether the said vessel has been justly detained or not, according to the stipulations of the present Treaty, and in order that according to this judgment it may be condemned or liberated. And in the event of the two Judges not agreeing in the sentence they ought to pronounce, whether as to the legality of the detention or the indemnification to be allowed, or any other question which might result from the stipulations of the present Treaty, they shall draw by lot the name of one of the two Arbitrators, who, after having considered the documents of the process, shall consult with the above-mentioned Judges on the case in question, and the final sentence shall be pronounced conformably to the opinion of the majority of the above-mentioned Judges, and of the above-mentioned Arbitrator.

ARTICLE IV.

In the authenticated declaration, which the captor shall make before the Court, as well as in the certificate of the papers seized, which shall be delivered to the Captain of the captured vessel, at the time of the detention the above-mentioned captor shall be bound to declare his name, the name of his vessel, as well as the latitude and longitude of the place where the detention shall have taken place, and the number of Slaves found on board of the ship at the time of the detention.

ARTICLE V.

As soon as sentence shall have been pronounced, the detained vessel, if liberated, and the cargo, in the state in which it shall then be found, shall be restored to the Master, or the person who represents him, who may, before the same Court, claim a valuation of the damages, which they may have a right to demand: the captor himself, and, in his default, his Government, shall remain responsible for the above-mentioned damages.

The two High Contracting Parties bind themselves to pay, within the term of a year from the date of the sentence, the costs and damages which may be granted by the above-named Court, it being understood that these costs and damages shall be at the expense of the Power of which the captor shall be a subject.

ARTICLE VI.

In case of the condemnation of a vessel, she shall be declared lawful prize, as well as her cargo, of whatever description it may be, with the exception of the Slaves who may be on board as objects of commerce; and the said vessel, as well as her cargo, shall be sold by public sale, for the profit of the two Governments; and as to the Slaves, they shall receive from the mixed Court a certificate of emancipation, and shall be delivered over to the Government on whose territory the Court which shall have so judged them shall be established, to be employed as servants or free labourers.

Each of the two Governments binds itself to guarantee the liberty of such portion of these individuals as shall be respectively consigned to it.

ARTICLE VII.

The mixed Courts shall also take cognizance and decide according to the third Article of this regulation, on all claims for compensation, on account of losses occasioned to vessels detained under suspicion of having been engaged in the Slave Trade, but which shall not have been condemned as legal prize by the said Courts; and in all cases wherein restitution shall be decreed, the Court shall award to the claimant or claimants, his or their lawful attorney or attornies, for his or their use, a just and complete indemnification for all costs of suit, and for all losses and damages which the claimant or claimants may have actually sustained by such capture and detention; that is to say, first, in case of total loss, the claimant or claimants shall be indemnified:

A. For the ship, her tackle, apparel and stores.

B. For all freights due and payable.

C. For the value of the cargo of merchandize, if any; deducting for all charges and expenses payable upon the sale of such cargoes, including commission of sale.

D. For all other regular charges; in such cases of total loss; and,

Secondly, in all other cases not of total loss, the claimant or claimants shall be indemnified:

A. For all special damages and expenses occasioned to the ship by the detention, and for loss of freight, when due or payable.

B. A demurrage when due, according to the Schedule annexed to the present Article.

C. For any deterioration of cargo.

D. An allowance of five per cent. on the amount of the capital employed in the purchase of cargo, for the period of delay occasioned by the detention; and

E. For all premium of insurance on additional risks.

The claimant or claimants shall in all cases be entitled to interest, at the rate of five per cent. per annum on the sum awarded, until paid by the Government to which the capturing ship belongs: the whole amount of such indemnifications being calculated in the money of the Country to which the captured ship belongs, and to be liquidated at the exchange current at the time of the award.

The two High Contracting Parties, wishing however to avoid, as much as possible, every species of fraud in the execution of the Treaty of this date, have agreed, that if it should be proved, in a manner evident to the conviction of the Judges of the two Nations, and without having recourse to the decision of an Arbitrator, and the captor has been led into error by a voluntary and reprehensible fault on the part of the captain of the detained ship; in that case only, the detained ship shall not have the right of receiving, during the days of her detention, the demurrage stipulated by the present Article.

Schedule of Demurrage or Daily Allowance for a Vessel of

100 tons to 120 inclusive,	£5	per diem.
121 ditto— 150 ditto,	6	
151 ditto— 170 ditto,	8	
171 ditto— 200 ditto,	10	
201 ditto— 220 ditto,	11	
221 ditto— 250 ditto,	12	
251 ditto— 270 ditto,	14	
271 ditto— 300 ditto,	15	

and so on in proportion.

ARTICLE VIII.

Neither the Judges nor the Arbitrators, nor the Secretary of the mixed Court, shall be permitted to demand, or receive from any of the parties concerned in the sentences which they shall pronounce, any emolument under any pretext whatsoever, for the performance of the duties which are imposed upon them by the present regulation.

ARTICLE IX.

The two High Contracting Parties have agreed that in the event of the death or legal impeachment of one or more of the Judges or Arbitrators composing the above mentioned mixed Courts, their posts shall be supplied *ad interim*, in the following manner:

On the part of the British Government, the vacancies shall be filled successively in the Court, which

shall sit within the possessions of his Britannic Majesty, by the Governor or Lieutenant-Governor resident in that Colony; by the principal Magistrate of the same, and by the Secretary; and in that which shall sit within the possessions of his Majesty the King of the Netherlands, it is agreed that, in case of the death of the British Judge or Arbitrator there, the surviving individuals of the said Court shall proceed equally to the judgment of such ships as may be brought before them, and to the execution of their sentence.

On the part of the Netherlands, the vacancies shall be supplied, in the possessions of his Majesty the King of the Netherlands, successively by the Governor or Lieutenant-Governor, the principal Magistrate and Secretary of Government; and upon the Coast of Africa, in case of the death of any Netherland Judge or Arbitrator, the surviving members of the Court shall proceed to judgment in the same manner as above specified for the Court Resident, in the possession of his Majesty the King of the Netherlands, in the event of the death of the British Judge or Arbitrator.

The High Contracting Parties have further agreed, that the Governor or Lieutenant-Governor of the Settlement, wherein either of the mixed Courts shall sit, in the event of a vacancy arising, either of the Judge or Arbitrator of the other High Contracting Party, shall forthwith give notice of the same to the Governor or Lieutenant-Governor of the nearest Settlement of such High Contracting Party, in order that the loss may be supplied at the earliest possible period; and each of the High Contracting Parties agrees to supply definitively, as soon as possible, the vacancies that may arise in the above-mentioned Courts, from death or any other cause whatever.

Report from the Select Committee on the Education of the Lower Orders.

The Select Committee appointed to inquire into the Education of the Lower Orders, and to report their Observations thereupon, together with the Minutes of the Evidence taken before them from time to time, to The House; and who were instructed to extend their Inquiries to *Scotland*;—Have considered the matters to them referred, and agreed upon the following Report:

Your Committee rejoice in being able to state, that since their first appointment in 1816, when they examined the state of the Metropolis, there is every reason to believe, that the exertions of charitable individuals and public bodies have increased, notwithstanding the severe pressure of the times; and that a great augmentation has taken place in the means provided for the instruction of the Poor in that quarter. They are happy in being able to add, that the discussion excited by the first Report, and the arguments urged in the Committee to various patrons of charities who were examined as witnesses, have had the salutary effect of improving the administration of those institutions and inculcating the importance of rather bestowing their funds in merely educating a larger number, than in giving both instruction and other assistance to a more confined number of children. As the management of those excellent establishments is necessarily placed beyond the control of the Legislature, it is only by the effects of such candid discussions that improvements in them can be effected.

Since the inquiries of Your Committee have been extended to the whole Island, they have had reason to conclude, that the means of educating the Poor are steadily increasing in all considerable towns as well as in the Metropolis. A circular Letter has been addressed to all the clergy in England, Scotland and Wales, requiring Answers to Queries, of which a copy will be found in the Appendix. It is impossible to bestow too much commendation upon the alacrity shewn by those reverend persons in complying with this requisition, and the honest zeal which they displayed to promote the great object of universal Education, is truly worthy of the pastors of the people, and the teachers of that gospel which was preached to the poor.

Your Committee have lost no time in directing and superintending the work of digesting the valuable information contained in the Returns, according to a convenient plan, which will put the House in possession of all this information in a tabular form. They have received important assistance in this and the other objects of their inquiry, from two learned Barristers, Mr. Parry, and Mr. Koe of the Court of Chancery, who have devoted much of their time to the subject.

It appears clearly from the Returns, as well as from other sources, that a very great deficiency exists in the means of educating the Poor, wherever the population is thin and scattered over country districts. The efforts of individuals combined in societies are almost wholly confined to populous places.

Another point to which it is material to direct the attention of Parliament, regards the two opposite principles of founding schools for children of all sorts, and for those only who belong to the established church. Where the means exist of erecting two schools, one upon each principle, education is not checked by the exclusive plan being adopted in one of them, because the other may comprehend the children of sectaries. In places where only one school can be supported, it is manifest that any regulations which exclude dissenters, deprive the Poor of that body of all means of education.

Your Committee, however, have the greatest satisfaction in observing, that in many schools where the national system is adopted, an increasing degree of liberality prevails, and that the church catechism is only taught, and attendance at the established place of public worship only required, of those whose parents belong to the establishment; due assurance being obtained that the children of sectaries shall learn

the principles and attend the ordinances of religion, according to the doctrines and forms to which their families are attached.

It is with equal pleasure that Your Committee have found reason to conclude, that the Roman Catholic poor are anxious to avail themselves of those Protestant Schools established in their neighbourhood, in which no catechism is taught; and they indulge a hope, that the clergy of that persuasion may offer no discouragement to their attendance, more especially as they appear, in one instance, to have contributed to the support of schools, provided that no catechism was taught, and no religious observances exacted. It is contrary to the doctrine as well as discipline of the Romish Church, to allow any Protestant to interfere with those matters, and consequently it is impossible for Romanists to send their children to any school where they form part of the plan.

Your Committee are happy in being able to state, that in all the Returns, and in all the other information laid before them, there is the most unquestionable evidence that the anxiety of the Poor for education continues not only unabated, but daily increasing; that it extends to every part of the country, and is to be found equally prevalent in those smaller towns and country districts, where no means of gratifying it are provided by the charitable efforts of the richer classes.

In humbly suggesting what is fit to be done for promoting universal education, Your Committee do not hesitate to state, that two different plans are advisable, adapted to the opposite circumstances of the town and country districts. Wherever the efforts of individuals can support the requisite number of schools, it would be unnecessary and injurious to interpose any parliamentary assistance. But Your Committee have clearly ascertained, that in many places private subscriptions could be raised to meet the yearly expenses of a School, while the original cost of the undertaking, occasioned chiefly by the erection and purchase of the schoolhouse, prevents it from being attempted.

Your Committee conceive, that a sum of money might be well employed in supplying this first want, leaving the charity of individuals to furnish the annual provision requisite for continuing the school, and possibly for repaying the advance.

Whether the money should be vested in Commissioners, empowered to make the fit terms with the private parties desirous of establishing schools, or whether a certain sum should be intrusted to the two great Institutions in London for promoting Education, Your Committee must leave to be determined by the wisdom of Parliament.

In the numerous districts where no aid from private exertions can be expected, and where the poor are manifestly without adequate means of instruction, Your Committee are persuaded, that nothing can supply the deficiency but the adoption, under certain material modifications of the Parish School system, so usefully established in the Northern part of the Island, ever since the latter part of the seventeenth century, and upon which many important details will be found in the Appendix.

The modifications will be dictated principally by the necessity of attending to the distinction, already pointed out, between districts where private charity may be expected to furnish the means of education, and those where no such resource can be looked to; and the Tables subjoined to this Report, will afford important lights on this subject. It appears further to Your Committee, that it may be fair and expedient to assist the parishes where no schoolhouses are erected, with the means of providing them, so as only to throw upon the inhabitants the burthen of paying the schoolmaster's salary, which ought certainly not to exceed twenty-four pounds a year. It appears to Your Committee, that a sufficient supply of schoolmasters may be procured for this sum, allowing them the benefits of taking scholars, who can afford to pay, and permitting them of course to occupy their leisure hours in other pursuits. The expense attending this invaluable system in Scotland, is found to be so very trifling, that it is never made the subject of complaint by any of the Landholders.

Your Committee forbear to inquire minutely in what manner this system ought to be connected with the Church Establishment. That such a connection ought to be formed appears manifest; it is dictated by a regard to the prosperity and stability of both systems, and in Scotland the two are mutually connected together. But a difficulty arises in England, which is not to be found there. The great body of the Dissenters from the Scottish Church differ little, if at all, in doctrine from the Establishment; they are separated only by certain opinions of a political rather than a religious nature, respecting the right of patronage, and by some shades of distinction as to church discipline; so that they may conscientiously send their children to parish schools connected with the Establishment, and teaching its catechism. In England the case is widely different; and it appears to Your Committee essentially necessary that this circumstance be carefully considered in devising the arrangements of the system. To place the choice of the schoolmaster in the parish vestry, subject to the approbation of the parson, and the visitation of the diocesan; but to provide that the children of sectarians shall not be compelled to learn any catechism or attend any Church, other than those of their parents, seems to Your Committee the safest path by which the Legislature can hope to obtain the desirable objects of security to the Establishment on the one hand, and justice to the Dissenters on the other.

The more extended inquiries of Your Committee this session have amply confirmed the opinion which a more limited investigation had led them to form two years ago, upon the neglect and abuse of Charitable Funds connected with education. They must refer to the Appendix and the Tables, for the very important details of this branch of the subject; but they must add, that although in many cases those large funds appear to have been misapplied through ignorance, or mismanaged through carelessness, yet that some instances of abuse have presented themselves, of such a nature, as would have led them to recommend at an earlier period of the session, the institution of proceedings for more promptly checking misappropriations, both in the particular cases, and by the force of a salutary example. From the investigations of the Commission about to be issued under the authority of an Act of Parliament, much advantage may be expected; and though it would not become Your Committee to anticipate the measures which the wisdom of the Legislature may adopt in consequence of those inquiries, with a view to provide a speedy and cheaper remedy for the evil than the ordinary tribunals of the country afford; yet Your Committee

cannot avoid hoping, that the mere report and publication of the existing abuses will have a material effect in leading the parties concerned, to correct them, and that even the apprehension of the inquiry about to be instituted may in the mean time produce a similar effect.

As the Universities, Public Schools, and Charities with special visitors, are exempted from the jurisdiction of the Commissioners, Your Committee have been occupied in examining several of those institutions; the result of their inquiries will be found in the Appendix. It unquestionably shews, that considerable unauthorized deviations have been made, in both Eton and Winchester, from the original plans of the founders; that those deviations have been dictated more by a regard to the interests of the Fellows than of the Scholars, who were the main object of the foundations and of the founder's bounty; and that although in some respects they have proved beneficial upon the whole to the institutions, yet that they have been, by gradual encroachments in former times, carried too far. While therefore, Your Committee readily acquit the present Fellows of all blame in this respect, they entertain a confident expectation that they will seize the opportunity afforded by the inquiry, of doing themselves honour by correcting the abuses that have crept in, as far as the real interests of the establishments may appear to require it. If too, there should exist similar errors in the Universities, which have not been examined, Your Committee willingly flatter themselves that steps will be taken to correct them, by the wisdom and integrity of the highly respectable persons, to whose hands the concerns of those great bodies are committed.

Your Committee are fully persuaded, that many great neglects and abuses exist in charities which have special visitors; indeed it so happens, that the worst instance which they have met with belongs to this class; and that no visitatorial power was exercised, until a few months ago, although the malversations had existed for many years. To this subject they therefore beg leave to request the speedy attention of Parliament.

It further appears to Your Committee, that as the Commission about to be issued will be confined to the investigation of abuses, and as the information, in the Parochial Returns, is not sufficiently detailed respecting the state of Education generally, a Commission should also be issued, either under an Act of Parliament, or by means of an Address to the Crown, for the purpose of supplying this defect.

In the course of their inquiries, Your Committee have incidentally observed that charitable funds, connected with education, are not alone liable to great abuses. Equal negligence and malversation appears to have prevailed in all other charities; and although Your Committee have no authority, by their instruction, to investigate the matter, and to report upon it, yet they should deem themselves wanting in their duty were they not to give this notice of so important a subject, accidentally forced upon their attention.—3d *June* 1818.

Report of the Select Committee on Laws relating to Auctions.

The Select Committee appointed to take into consideration the Laws relating to Auctions, and to report the same, with their Observations thereupon, to the House, Have, pursuant to the order of the House, considered the same accordingly, and have agreed to the following Report:

Your Committee have examined several tradesmen and respectable auctioneers, who are all of opinion, that great frauds on the public are constantly committed, by the mode in which Sales by Auction are conducted:—That property is often sold under misrepresentation as to ownership, under various pretences; such as, owners going abroad, merchants' property intended for exportation; and empty houses are filled with goods for the purpose:—That articles of the most inferior manufacture, made for the express purpose of putting into sales, as the genuine property of individuals of respectability; and to such lengths has this mode proceeded, that many auctioneers who are in the practice of vending such articles, have, with a view to impose more successfully upon the public, been detected in using the names of several of the most respectable auctioneers, varying the spelling by alteration of a letter; and Your Committee have had proofs, that several of the respectable auctioneers, whose names have been so assumed, have in several instances, in justification to themselves, been compelled to appear personally at such sales, to prohibit the same being carried on in their names, knowing such was done with a view to impose on the public.

Your Committee find also, that sales are made of linen, describing the same as foreign, and the property of Hamburgh and foreign merchants; also cutlery wares, and plated goods, in particular, of the most inferior manufacture, with London makers' names thereon, publicly declared and sold as London manufacture; and to such an extent as to compel the London makers to appear in the Sale rooms, and in person expose the fraud and imposition attempted to be practised.

Your Committee also find, that great frauds and impositions have been practised in the sales of wine, misrepresenting it as the property of individuals of respectability; and in short, there has been scarcely an article which at auction has not been grossly misrepresented:—That sales are often made without attending to the due order of the catalogue, and sometimes without any catalogue, and at others with the same catalogue used for many days sales; and the Committee in this investigation have discovered, that great frauds have been committed upon the revenue, inasmuch as at times no sale has been returned, and at other times less in amount returned than absolutely sold; and that various prosecutions have been from time to time necessarily instituted by the Excise Board.

Your Committee have reason to suppose, that the facility given to these sales, by describing property falsely as to ownership, affords ready means of selling goods dishonestly come by, and holds out the means of the

evil-disposed debtor to sell fraudulently the creditor's property, to a great and serious injury to the honest trader, raising money (as it is termed) by any sacrifice of price.

That the inferiority of manufacture so sold and mis-stated is of national injury, and Your Committee have had instances stated where an exporter has immediately shipped the articles bought, vamped up for the express purpose of deception, and which was not discovered till opened, and no responsibility attaching to the auctioneer, the buyers are left without a remedy:—That while these daily sales exist without check or control, the regular manufacturer and tradesman are but little resorted to, and who, Your Committee submit, (both buyer and seller) are entitled to every protection; by reason,—1st. That the taxes of the country, and the poor, fall very heavy on the established and fixed housekeeper, while the itinerant auctioneer, as many travel from place to place, avoid paying any taxes;—and, 2dly, That a proper responsibility to the buyer resting with them for any imperfect or bad article sold, and on whose judgment and credit the buyer very often places himself. Your Committee consider these sales afford encouragement to the manufacturers of inferior articles of almost every description, and are ruinous, for the reasons before stated, to the honourable and honest tradesman, creating a competition for lowness of price, in preference to excellence of quality, whereby the best workmen are injured and thrown out of employ.

Your Committee have received information of daring combinations, by a set of men who attend real sales, and drive, by various means, respectable purchasers away, purchase at their own price, and afterwards privately sell the same, under a form of public auction, termed, "Knock-out Sales."

Your Committee have but shortly adverted to the substance of the evidence they have received; but enough, they expect, to satisfy the House to make some alterations, in the present Session, which may prevent in some degree a continuance of these frauds and impositions on the public; and therefore resolve to recommend a complete revision of the Auction Laws, and at as early a period as may be practicable.

Your Committee therefore recommend to the House, that a Bill be immediately brought in, to increase the annual license from 12*s.* to 20*l.* on every auctioneer or person selling by auction within 10 miles of the Royal Exchange, the first year, and for every future year the sum of 5*l.*; and every auctioneer without the space of 10 miles, the sum of 5*l.* the first year, and the sum of 40*s.* for every future year; and any person directly or indirectly making any sale by auction, not being licensed, to forfeit for every offence 100*l.*

That no goods be sold, under a heavy penalty, without being previously exposed to view, at least twenty-four hours, nor without a catalogue previously printed, and sold in the order of the said catalogue; and that the real name and address of the auctioneer be printed on the first page; and that a penalty of 100*l.* be inflicted on every person using any fictitious name; and that the sales be confined to the hours from ten in the morning to six in the afternoon; except book sales, and produce usually sold by the candle.

That all auction rooms for the public sales of goods by auction, such as linen drapery, woollen drapery, hosiery, haberdashery, mercery, stationary, jewellery, hardware, books and prints, be licensed from time to time for one year, and security taken from the auctioneers and others, that these regulations and former Acts should be complied with.

That a Duty of 1*s.* per lot be deposited at the Excise Office upon delivery of the catalogue; and that the sum of 1*s.* per lot be allowed to be deducted from the duty on every lot which shall exceed 20*s.*—
26 *May* 1818.

Report of the Committee on Public Breweries.

THE COMMITTEE to whom the Petition of several Inhabitants of LONDON and its vicinity, complaining of the high price and inferior quality of BEER, was referred to examine the matter thereof, and report the same, with their Observations thereupon, to The House; and to whom the Evidence taken by the Committee on the Police of the Metropolis in the years 1816 and 1817, and in the present year, so far as it regards the licensing of Public Houses, was referred, HAVE examined the matters to them referred, and agreed upon the following REPORT:

YOUR Committee have, in pursuance of the directions of the House, inquired into the matter of the Petition referred to them, and have endeavoured to reduce the observations occurring to them on the Evidence which they have heard, under the distinct heads of complaint as set forth by the Petitioners.

The first object to which the attention of Your Committee was drawn, is that allegation of the Petition, stating the Petitioners to be aggrieved by the high price and inferior quality of Beer, and which they state is obtruded upon them, in consequence of the sale of it being confined to particular persons and places which they call privileged, meaning to refer to the system of licensing public houses. Your Committee would feel great difficulty in ascertaining the exact remunerating price of any manufactured article, and more especially of a commodity, the composition of which consists of substances whose prices are not only perpetually fluctuating, but also differing, in the course of very short periods of time, in the highest degree; unless, indeed, such prices were clearly proved to be excessive, either by comparison with the prices paid for the component ingredients, or with lower prices paid in other parts of the country; they therefore cannot but hesitate in pronouncing a distinct opinion as to the precisely fair and adequate price at which Beer either has been sold at of late years within the Metropolis, or at which it can now or ought to be supplied to the Public. They think it, however, their duty to state generally, that they have received no

direct and pointed evidence, founded upon such as appeared to them conclusive data, that the prices at which Beer has been supplied (according to its general quality) to the consumer during a considerable period, has yielded more than a fair profit to the brewers; and from the evidence of the best informed on this subject, who have appeared before them, they are led to conclude, that the profits to the brewers have not been extravagant or unfair.

They cannot, however, but call the attention of the House to the very large capital now invested by the brewers in the Metropolis, in the purchase or mortgage of freehold or leasehold estates in public houses, both in the Metropolis, and still more in the Country, or in loans to publicans, in order to secure their custom; nor can they avoid believing, that such a mode of conducting these concerns, must, though not profitable to the trade in general, create a necessity of selling at such a price as may secure a trade interest on money so advanced, or an indemnity to the purchasers against the large sums they may be obliged to pay for licensed houses.

Your Committee also do not mean to express any opinion of the fairness of price of the commodity supplied by breweries, which, possessing a trade chiefly with houses which may be called proprietory, and dealing also in a lesser degree with free houses, compel the proprietory houses to take a different and inferior liquor to that with which the free part of the retail trade are by the same brewery supplied; on the contrary, Your Committee cannot reprobate in too strong terms so disgraceful a practice.

The next and the most material head of complaint presented by the Petitioners, is, the mixture of deleterious ingredients with Beer, as now made. Your Committee have limited their investigation on this subject to the six years preceding the date of the petition, from a consideration that such a period would well enable them to enter into a fair examination of its allegations, and to make a full report with regard to any practice which it might be supposed to be the object of the Petitioners to expose and correct, or which in any manner could, at the present moment, affect the interests of the Public. They have called upon the various officers of Excise, for their returns of convictions, their seizures of articles prohibited to be sold to or used by brewers; the officers who have made such seizures or detected illicit practices; and from this evidence it does not appear that any deleterious ingredients have been used by any of the eleven great breweries, within the above period; and it further appears, by such returns, that no articles contrary to law have been proved to be used by any one of the eleven great breweries, within the same period, except in the instance of Messrs. Thomas Meux's house, who in 1812, had employed a chemist of the name of Wheeler (who was examined before Your Committee) to prepare a solution of salt of tartar to correct an acidity which had at that time taken place in what he termed the young beer; but which he states to be perfectly innocent in itself, and to possess no pernicious qualities, nor to be in any degree prejudicial to the health of the consumer. For this breach of the law Messrs. Meux's and Co. were prosecuted, and on conviction paid a penalty of 100*l*., with forfeiture also of their dray and horses. Mr. Wheeler further stated, that that establishment has since passed into other hands. The absence of all other evidence against the eleven great breweries on this head, together with the inducements for disclosure and detection held out, by the very heavy penalties annexed to this species of offence, viz. (500*l*., half of which are given to the informer) induce them to believe that this charge, so far as it was intended to be pointed against the eleven great breweries, is, with the above single exception, unfounded; and that their beer has been, and as now brewed, is composed of malt and hops, legal colouring and finings only.

But your Committee must, in justice to the petitioners, state, that they do find, both from the excise returns and from the seizing officers, that drugs of a very nauseous, and some of a very pernicious quality, are still vended by persons as a trade, and bought by the lesser brewers and by the publicans; by both of them infused into their vats, and mixed in their barrels respectively, and in that state retailed to the public. That this practice is not confined to the metropolis, but extends into the country; and that travellers from London houses have been known to possess and offer cards, containing a list of articles, together with instructions adapted to the adulteration of beer. It is evident that the use of such articles, by the lesser brewers and publicans, as have been exhibited before your Committee, together with the practice of both, in many instances, (as proved by the excise returns) of mixing table beer with strong beer, must have a tendency to bring the general beverage of the eleven great brewers also into a degree of discredit; to excite a distrust in the minds of the public, and strongly to induce them to lay their complaints before the Legislature, without being able to point out distinctly the real authors of their grievance.

Your Committee have also received the most conclusive and satisfactory evidence from four of the principal brewers, who, having expressed themselves most willing to submit to any course of examination which your Committee might think proper to adopt, did, in the most unequivocal and distinct terms, deny the use of any deleterious or unlawful ingredients in their respective breweries, or any knowledge or belief of such practices in any other of the eleven great breweries.

Your Committee cannot suggest any other particular mode of preventing the use of deleterious or unlawful ingredients, than the following, viz. the strict execution of the 56th Geo. III., with regard to exacting the fullest penalties and forfeitures on those who thus endanger the health of the consumer; and the publication of every conviction (when the articles used shall have been proved to have been noxious) within the parish wherein any person guilty of such an offence shall carry on his trade; and in addition to this, a vigilant exercise of the sound discretion reposed in magistrates, to be exercised by them, in refusing licences to every victualler who shall have been convicted of any such practices.

The last head of complaint of the petitioners, in which is indeed included others of a collateral nature, is, the allegation of the existence of a monopoly in various parts of the kingdom, and particularly in the metropolis, by the eleven great breweries, and to which either the supposed unfairness of price, the use of unlawful ingredients, the alleged inferior quality of beer, and a combination to fix the price, have been ascribed. Your Committee, on this head of the petition, feel themselves called upon to revert to the investment of very large capitals in the purchase of licensed houses by brewers, and the consequent conti-

nued decrease of free houses, both in the metropolis and in the country, and in which practice that which the petitioners term monopoly, may be said chiefly to consist; and it is clear, that though the present number of free houses in the bills of mortality may still be sufficient to check, in some degree, such monopoly as may now exist; yet an extension of the present practice cannot but ultimately effect the full establishment of it, when at most the only competitors in the trade will be the proprietors of these houses. When this state of things shall arrive, the meetings of brewers to fix and lower prices, (and which is not disguised by them, but declared to be necessary,) will no longer be as unprejudicial as it is now stated to be, but may be and probably will be used as means of demanding such an unfair price from the public as they may be compelled to submit to. It is true, that price and not quantity is the subject of their present determinations and meetings, and that a competition in quality is more effectual than any competition in reasonableness of price; but an absorption of all or a greater proportion of free houses, may enable the successors of the present trades to use their power in a manner which the trade now declare not to be their practice, and totally adverse to their inclinations and intentions. Your Committee, however, cannot entertain a doubt but that it is an object of anxious consideration to the brewers to prevent any variation from the prices fixed at their general meetings; and the same has been evinced in one instance (a solitary one, your Committee are bound to observe,) in which a pecuniary consideration was offered by an agent of a brewer to a victualler, to induce him to abandon a practice which he had adopted, of selling porter at a reduced price.

Your Committee, owing to the late period of the session, were not enabled to examine, at any great length, into the state of the breweries in the country, but, from the inquiries they did make, it does appear that the abuse of the licensing system is in progress there, and producing still more injurious effects than any of which evidence has been adduced, as effecting the metropolis. In the small town of Chertsey it had become most obnoxious to the inhabitants, and, but for the exertions of a noble lord, a magistrate of the county of Surrey, who gave his evidence to the Committee, would have remained without any correction whatever. A partial correction was however effected by the establishment of one free house, and the competition of that free house, together with a coffee-house, did, in a degree, produce a supply of better beer to the community. It is worthy of notice, that the full establishment of that free house did not take place until some of the principal nobility and gentry appeared on the licensing day, and supported the grant of the licence. It further appears to your Committee, that, in some districts, not only brewers become the purchasers of licensed houses, but maltsters and spirit merchants also; that the brewers bind their proprietory houses to the spirit merchant, who, in return, performs the same service for the brewers; that the liquor then becomes inferior; private families supply themselves from their own breweries; smaller societies brew from molasses in tea-kettles; but the poor who have none of these resources, must be content with such liquor as is retailed at the licensed houses, whatever may be the quality, the price, or the measure. This system of purchasing licensed houses, appears to be condemned by two of the principal brewers, who must be supposed best to know its evil tendency and effects, not only as against the public, but as against the prosperity of their own trade. Mr. Barclay expressly condemns it, and states, that it is now increasing; and that a brewery supported by purchased public-houses, must deteriorate the quality of their beer; Mr. Martineau is of the same opinion.

Your Committee, on the difficult question of applying a proper and temperate remedy to this evil, and avoiding as much as possible proposing any measure by which that species of property which the Legislature has, by its attention not having been called to the subject, permitted to arrive at its present magnitude, beg leave to suggest, that it may be fit to enact some prospective law, which, at a given period of time, shall direct the magistrates to refuse licences to such houses as shall, on due inquiry, appear to them, by any new contract, purchase or mortgage, to have become in substance the property of a brewer; and until some regulation of this nature shall be adopted, they beg leave to submit to the House, that they entirely concur in that part of the Report of the Police Committee, which earnestly calls on "the magistrates in the country, to lend their aid to break down a confederacy, which is so injurious to the interests of the poor and middling classes of the community."—3d *June*, 1818.

Report of the Committee on Copyright Acts.

The Select Committee appointed to examine the Acts 8 Anne, c. 19; 15 Geo. III. c. 53; 41 Geo. III, c. 107; and 54 Geo. III, c. 116, respecting Copyright of Books; and to report any or what Alterations are requisite to be made therein, together with their Observations thereupon, to the House; and to whom the Petitions regarding the Copyright Bill, and all Returns from Public Libraries, and from Stationers' Hall, presented in the present Session, were referred; and who were empowered to report their Opinion thereupon to the House; Have examined the matters to them referred, and have agreed upon the following Report and Resolutions, together with an Appendix.

The earliest foundation for a claim from any public library, to the gratuitous delivery of new publications, is to be found in a deed of the year 1610, by which the Company of Stationers of London, at the request of Sir Thomas Bodley, engages to deliver a copy of every book printed in the Company (and not having been before printed) to the University of Oxford. This however seems to be confined to the pub-

lications of the Company in its corporate capacity, and could in no case extend to those which might proceed from individuals unconnected with it.

Soon after the Restoration in the year 1662, was passed the "Act for preventing abuses in printing seditious, treasonable, and unlicensed books and pamphlets, and for regulating of printing and printing presses;" by which, for the first time, it was enacted, That every printer should reserve three copies of the best and largest paper of every book new printed, or reprinted by him with additions, and shall, before any public vending of the said book, bring them to the master of the Company of Stationers, and deliver them to him; one whereof shall be delivered to the keeper of his Majesty's library, and the other two to be sent to the Vice Chancellor of the two Universities respectively, to the use of the public libraries of the said Universities. This act was originally introduced for two years, but was continued by two acts of the same parliament till 1679, when it expired*. It was, however, revived in the 1st year of James II, and finally expired in 1695.

It has been stated by Mr. Gaisford, one of the curators of the Bodleian library, "that there are several books entered in its register, as sent from the Stationers' Company subsequent to the expiration of that act;" but it is probable that this delivery was by no means general, as there are no traces of it at Stationers' Hall, and as Hearne, in the preface to the "Reliquiæ Bodleianæ," printed in 1703, presses for benefactions to that library as peculiarly desirable, "since the act of parliament for sending copies of books, printed by the London booksellers, is expired, and there are divers wanting for several years past."

During this period, the claim of authors and publishers to the perpetual copyright of their publications, rested upon what was afterwards determined to have been the common law, by a majority of nine to three of the judges, on the cases of Millar and Taylor in 1769, and Donaldson and Becket in 1774. Large estates had been vested in copyrights; these copyrights had been assigned from hand to hand, had been the subject of family settlements†, and in some instances larger prices had been given for the purchase of them (relation being had to the comparative value of money) than at any time subsequent to the act of the 8th of Queen Anne. By this act, which in the last of these two cases, has since been determined to have destroyed the former perpetual copyright, and to have substituted one for a more limited period, but protected by additional penalties on those who should infringe it, it is directed, that nine copies of each book that shall be printed or published, or reprinted and published with additions, shall, by the printer, be delivered to the warehouse-keeper of the Company of Stationers, before such publication made, for the use of the royal library, the libraries of the Universities of Oxford and Cambridge, the libraries of the four Universities of Scotland, the library of Sion College in London, and the library belonging to the faculty of Advocates at Edinburgh.

From the passing of this act until the decision of the cases of Beckford and Hood in 1798, and of the University of Cambridge and Bryer, in 1813, it was universally understood, that neither the protection of copyright, nor the obligation to deliver the eleven copies attached to the publication of any book, unless it was registered at Stationers' Hall‡, an act which was considered as purely optional and unnecessary, where it was intended to abandon the claim for copyright; and in conformity to this construction, the act of 41 Geo. III, expressly entitled the libraries of Trinity College, and the King's Inn, Dublin, to copies of such books only as should be entered at Stationers' Hall.

In Beckford *versus* Hood, the court of King's Bench decided, that the omission of the entry only prevented a prosecution for the penalties inflicted by the statutes, but it did not in any degree impede the recovery of a satisfaction for the violation of the copyright. The same court further determined, in the case of the University of Cambridge against Bryer in 1812, that the eleven copies were equally claimable by the public libraries, where books had not been entered at Stationers' Hall as where they had.

The burthen of the delivery, which by the latter decision was for the first time established to be obligatory upon publishers, produced in the following year a great variety of petitions to the House of Commons for redress, which were referred to a committee, whose report will be found in the Appendix, No. 2; and in 1814 the last act on this subject was passed, which directed the indiscriminate delivery of one large paper copy of every book which should be published (at the time of its being entered at Stationers' Hall) to the British Museum, but limited the claim of the other ten libraries to such books as they should demand in writing within twelve months after publication; and directed that a copy of the list of books entered at Stationers' Hall should be transmitted to the librarians once in three months, if not required oftener.

It appears, so far as your Committee have been enabled to procure information, that there is no other country in which a demand of this nature is carried to a similar extent. In America, Prussia, Saxony and Bavaria, one copy only is required to be deposited; in France and Austria two, and in the Netherlands three; but in several of these countries this is not necessary, unless copyright is intended to be claimed.

The Committee having directed a statement to be prepared by one of the witnesses, an experienced bookseller, of the retail price of one copy of every book entered at Stationers' Hall between the 30th of July 1814 and the 1st of April 1817, find that it amounts in the whole to 1,419*l.* 3*s.* 11*d.* which will give an average of 532*l.* 4*s.* per annum; but the price of the books received into the Cambridge University Library from July 1814 to June 1817, amounts to 1,145*l.* 10*s.* the average of which is 381*l.* 16*s.* 8*d.* per annum.

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* Upon reference to the continuing act of 17 Ch. II, c. 4, the clauses respecting the delivery of the three copies appear to be perpetual, yet it should seem that they were not so considered, not being adverted to in the act of Anne.

† Birch, in his Life of Archbishop Tillotson, states, that his widow, after his death in 1695, sold the copyright of his unpublished sermons for 2,500 guineas.

‡ The whole number of entries during the 70 years, from 1710 to 1780, does not equal that which has taken place in the last four years. See Appendix, No. 1.

In the course of the Inquiry committed to them, the Committee have proceeded to examine a variety of evidence, which, as it is already laid before the House, they think it unnecessary here to recapitulate; but upon a full consideration of the subject, they have come to the following resolutions:

1. That it is the opinion of this Committee, that it is desirable that so much of the Copyright Act as requires the gratuitous delivery of eleven copies should be repealed, except in so far as relates to the British Museum, and that it is desirable that a fixed allowance should be granted, in lieu thereof, to such of the other public libraries, as may be thought expedient.

2. That it is the opinion of this Committee, that if it should not be thought expedient by the House to comply with the above recommendation, it is desirable that the number of libraries, entitled to claim such delivery should be restricted to the British Museum, and the libraries of Oxford, Cambridge, Edinburgh and Dublin universities.

3. That it is the opinion of this Committee, that all books of prints, wherein the letter-press shall not exceed a certain very small proportion to each plate, shall be exempted from delivery, except to the Museum, with an exception of all books of mathematics.

4. That it is the opinion of this Committee, that all books in respect of which claim to copyright shall be expressly and effectually abandoned, be also exempted.

5. That it is the opinion of this Committee, that the obligation imposed on printers to retain one copy of each work printed by them, shall cease, and the copy of the Museum be made evidence in lieu of it.—*June* 5, 1818.

Appendix, No. I. Books and Music entered at Stationers' Hall from the passing of the Act 8th Anne, 1710 to 1818.

Period			
April 1710 to April 1720	10 years		872
	1730	do.	492
	1740	do.	343
	1750	do.	618
	1760	do.	417
	1770	do.	433
	1780	do.	1,033
	1790	do.	2,606
	1800	do.	5,386
	1810	do.	3,076
	1814	4 do.	1,235
	1818	do.	4,353

Very little, if any, music was entered at Stationers' Hall till 1776-7, when some legal dispute arose respecting the Copyright of Music; and single songs do not appear to have been entered till April 1783; since that period, music, particularly single songs, has formed a considerable portion of the articles entered.—(Signed) Geo. Greenhill, Warehouse-keeper of the Company of Stationers.—Stationers' Hall, *June* 3*d*, 1818.

Appendix, No. II. Report from the Committee (in June 1813) on the Copyright of Printed Books.

The Committee appointed to examine several Acts passed in the 8th year of Queen Anne, and in the 15th and 41st years of his present Majesty, for the encouragement of learning, by vesting the copies of printed books in the authors or purchasers of such copies, and for other purposes therein mentioned; and to report, whether any and what alterations are requisite to be made therein, together with their observations thereon, to the House;—have, pursuant to the order of the House, proceeded to consider the said acts; and have received various statements, and examined several persons connected with the printing, the publishing, or with the sale of books; and, after much attention bestowed on the subject, they beg leave to observe,—

That although great changes have taken place in the literary systems of this country, since the first of the laws referred to them was enacted, on which the others depend; yet they conceive that the substance of those laws is proper to be retained; and in particular that, continuing the delivery of all new works, and in certain cases of subsequent editions, to the libraries now entitled to receive them, will tend to the advancement of learning, and to the diffusion of knowledge, without imposing any considerable burthen on the authors, printers, or publishers of such works. But that it will be expedient to modify some of the existing provisions,—as to the quality of the paper, which may fairly be reduced from the finest sort and largest size, to that used in the greater part of an edition;—by substituting a delivery on demand, after due and proper notice has been given of the publication, to a distribution in the first instance:—and by affording an alternative with respect to subsequent editions in certain cases.

Your Committee would however suggest one exception to these rules, in favour of the *British Museum*; this national establishment, augmenting every day in utility and importance, ought, in the opinion of your Committee, to be furnished with every publication that issues from the press, in its most splendid form.

Having presumed to advise certain regulations with the view of lightening as much as possible the pres-

sure, whatever may be its amount, on all those connected with the publication of books, your Committee would be wanting in the discharge of their duty, were they not to recommend a strict enforcement of such obligations, as for useful purposes remains to be discharged: by annexing suitable penalties to the neglect of performing them; and perhaps in some cases by adding the forfeiture of copyright.

The attention of your Committee has naturally been directed to the late decision in the Court of King's Bench, ascertaining the true interpretation of the statute of Queen Anne; and they find, that, previously to that decision, an universal misapprehension existed as to the real state of the law; and that works were undertaken, and contracts made on the faith of long established usage. Your Committee are fully aware, that, in expounding the law, no attention can be paid by Courts of Justice to the hardships that may incidentally be produced; but it will deserve the serious deliberation of parliament, whether all retrospective effect should not be taken away from a construction, which might be thought to bear hardly on those who have acted on a different understanding of the law.

Lastly; your Committee have taken into their consideration, the subject of copy-right; which extends at present to fourteen years certain, and then to a second period of equal duration, provided the author happens to survive the first. They are inclined to think, that no adequate reason can be given for this contingent reversion, and that a fixed term should be assigned beyond the existing period of fourteen years.—17 *June* 1813.

VI. List of the Minority on Mr. Tierney's Motion for a Committee on the State of the Circulating Medium, and the Resumption of Cash Payments by the Bank of England. (*May* 1.)

Abercromby, Hon. J.
Astell, Wm.
Atherley, Arthur.
Aubrey, Sir John.
Baillie, J. E.
Barham, J.
Baring, Sir Thos.
Barnett, James.
Barnard, Visc.
Bennet, Hon. H. G.
Brougham, Henry.
Bankes, Henry.
Bentinck, Lord W.
Burdett, Sir F.
Burroughs, Sir W.
Cole, Sir C.
Calvert, N.
Campbell, Gen.
Campbell, Hon. J.
Carew, R. S.
Carter, John.
Cavendish, Lord G.
Cavendish, Hon. C.
Caulfield, Hon. H.
Coke, Thomas.
Duncannon, Visc.
Dundas, C.
Douglas, Hon. F.
Elliot, Right Hon. W.
Fazakerley, Nic.
Fergusson, Sir R.
Folkestone, Visc.
Finlay, Kirkman.
Grattan, Right Hon. H.
Gaskell, Benj.
Gordon, Robert.
Grant, J. P.
Heron, Sir Robt.
Howorth, H.
Hornby, E.
Hill, Lord A.
Knox, Thos
Latouche, Robt.
Lamb, Hon. W.
Lambton, J. G.
Lefevre, C. S.
Lemon, Sir W.
Lewis, F
Lloyd, Sir E.
Lloyd, J. M.
Lyttelton, Hon. W.
Macdonald, Jes.
Maberley, J.
Marryat, Jos.
Macintosh, Sir J.
Madocks, W. A.
Martin, John
Monck, Sir C.
Morland, S. B.
Morpeth, Visc.
Newport, Rt. Hon. Sir J.
North, Dudley
Neville, Hon. R.
Ord, W.
Osborne, Lord F.
Ossulston, Lord.
Plunkett, Rt. Hon. W.
Palmer, C.
Parnell, Sir H.
Parnell, W.
Pelham, Hon. C.
Power, R.
Powlett, Hon. W.
Phillimore, Dr.
Ridley, Sir M. W.
Romilly, Sir S.
Rowley, Sir W.
Spencer, Lord R.
Scudamore, R.
Shelley, Sir J.
Sharp, Richard.
Sebright, Sir J.
Smith, Robt.
Smith, Wm.
Smyth, J. H.
Stanley, Lord.
Tavistock, Marquis.
Taylor, C.
Tremayne, J. H.
Tierney, Rt. Hon. G.
Walpole, Hon. G.
Waldegrave, Hon. Capt.
Warre, J. A.
Wilkins, Walter.
Wynn, C. W.
Williams, Owen.
Wood, Alderman.

TELLERS.

Althorp, Visc.
Grenfell, Pascoe.

PAIRED OFF.

Cavendish, H.
Sefton, Lord.
Taylor, M. A.
Webb, E.

VII. List of the Minority on the Bank Restriction Continuance Act. (*May* 18.)

Babington, T.
Bankes, H.
Baring, Sir Thos.
Barnett, James.
Bolland, J.
Carter, R.
Folkestone, Visc.
Gaskell, B.
Gordon, R.
Jervoise, G. P.
Lamb, Hon. W.
Lyttelton, Hon. W.
Lewis, F.
Macintosh, Sir J.
Newman, A.
Newport, Sir J.
Onslow, Serjeant.
Parnell, Sir H.
Phillimore, Dr.
Ridley, Sir M. W.
Sharp, Richard.
Smith, R.
Smith, Wm.
Smyth, J. H.
Tierney, Rt. Hon. G.
Warre, J. A.
Wynn, C. W.

TELLERS.

Grant, J. P.
Monck, Sir C.

VIII. INDEX OF SPEAKERS—HOUSE OF LORDS.

IX. INDEX OF SPEAKERS—HOUSE OF COMMONS.

X. INDEX TO THE DEBATES IN THE HOUSE OF LORDS.

XI. INDEX TO THE DEBATES IN THE HOUSE OF COMMONS.

ERRATA IN THE FIRST VOLUME.

In the Title-page, and in page 1, for the "56th" year, *read* "57th."

ERRATA IN THIS VOLUME.

In the Table of Contents, p. xviii. for "Sir Robert Herne," *read* "Sir Robert Heron."
Page 557, for "Mr. D. Giddy," *read* "Mr. D. Gilbert."
—— 558, for "a Member said," *read* "Dr. Phillimore said."
—— 1828, *Dele* the name of Mr. Dowdeswell from the List of the Minority.

G. WOODFALL, PRINTER, ANGEL COURT, SKINNER STREET, LONDON.